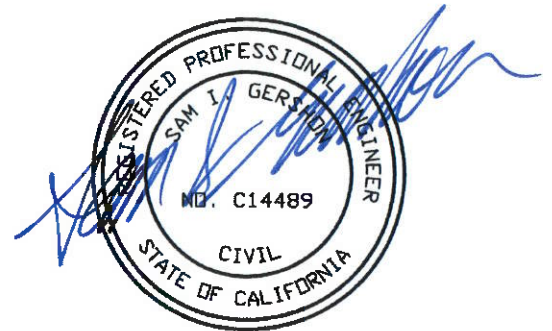


WATER SUPPLY ASSESSMENT

BEAUMONT SUMMIT STATION SPECIFIC PLAN PROJECT

Prepared for:



Approved April 13, 2022



W.O.: 2021-0044

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March 29, 2022

Mark Swanson, P.E., QSD
Director of Engineering
BEAUMONT-CHERRY VALLEY WATER DISTRICT
560 Magnolia Avenue
Beaumont, CA 92223

Re: Water Supply Assessment for Beaumont Summit Station Specific
Plan Project

Dear Mr. Swanson,

Pursuant to your concurrence received on July 7, 2021, transmitted
herewith is the Water Supply Assessment (WSA) for the subject project
pursuant to Senate Bill 610.

Sincerely,

ALBERT A. WEBB ASSOCIATES

A handwritten signature in blue ink, appearing to read "Autumn DeWoody".

Autumn DeWoody
Senior Environmental Analyst

A handwritten signature in blue ink, appearing to read "Sam I. Gershon".

Sam I. Gershon, RCE
Senior Vice President



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- A. Beaumont Cherry Valley Water District. *2020 Urban Water Management Plan*. Adopted August 26, 2021.
- B. San Gorgonio Pass Water Agency. *2020 Urban Water Management Plan*, prepared by Tully & Young. Adopted June 21, 2021.
- C. San Gorgonio Pass Water Agency Law, Chapter 101 (1961).
- D. San Gorgonio Pass Water Agency Contract with the Department of Water Resources (1962) and subsequent amendments thereto.
- E. San Gorgonio Pass Water Agency Resolution No. 2015-05 (July 27, 2015).
- F. Statements of Water Diversion and Use (No. S014351 and No. S014352).
- G. Project Description for Beaumont MDP Line 16 Recharge Basin Feeder.
- H. Draft Memorandum of Understanding between BCVWD and City of Beaumont (2019).
- I. Beaumont Cherry Valley Water District Resolution No. 2014-05 (October 8, 2014).
- J. Beaumont Basin Stipulation, Judgment and exhibits (2004).
- K. 2006 Well Acquisition Agreement

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SECTION 1 - INTRODUCTION

Senate Bill 610 (SB 610) was signed into California state law with an effective date of January 1, 2002. SB 610 amended existing legal requirements for confirmation of water supply sufficiency as a condition of approval for development projects. The confirmation of water supply sufficiency is achieved through an assessment of the water supplier's existing and future water sources, and existing and projected water demand in relation to a "project" as defined by California Water Code (CWC or Water Code) section 10912, resulting in the production of a project-specific Water Supply Assessment ("WSA" or "Assessment"). Additional analysis is required in the WSA if any portion of the water supply includes groundwater. The WSA is prepared and adopted by the water supplier and included in the California Environmental Quality Act (CEQA) analysis for the project. The CEQA Lead Agency must then independently determine, based on the entire record, whether water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses (CWC section 10911).

Law

CWC section 10910:

(a) Any city or county that determines that a project, as defined in Section 10912, is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) under Section 21080 of the Public Resources Code shall comply with this part.

CWC section 10912:

For the purpose of this part, the following terms have the following meanings:

(a) "Project" means any of the following:

(1) A proposed residential development of more than 500 dwelling units.

(2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.*
- (4) A proposed hotel or motel, or both, having more than 500 rooms.*
- (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.*
- (6) A mixed-use project that includes one or more of the projects specified in this subdivision.*
- (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.*

1.1 Purpose

The purpose of the WSA is to answer the following key question pursuant to SB 610: whether the projected supply for the next 20 years, based on normal, single dry and multiple dry years, will meet the demand projected for the project plus existing and planned future uses, including agricultural and manufacturing uses.

The Exeter Property Group commissioned Albert A. Webb Associates (WEBB) to prepare this WSA for the Project on behalf of Beaumont-Cherry Valley Water District (BCVWD). The City of Beaumont did not make a formal request to BCVWD for the WSA. On July 7, 2021, BCVWD indicated to WEBB that it had no objection to WEBB preparing the WSA on the behalf of BCVWD for their review and approval.

1.2 Background

The Project area is comprised of the former Sunny-Cal Egg and Poultry Ranch, which operated from 1964 to 2005 (**Figure 1-1 – Vicinity Map** located at the end of this section). Upon closure of the poultry ranch, the owners desired to transition the property to residential uses under a proposed specific plan: Sunny-Cal Specific Plan. The Sunny-Cal Specific Plan and accompanying EIR were approved/certified in 2007 by the Beaumont City Council; however, the development was never implemented. The 2007

Sunny-Cal Specific Plan planned for up to 560 low-density residential units with open space and park areas. In 2017, the majority of the Sunny-Cal property was annexed into the City and BCVWD service area. The annexed portions constitute the entire Project area. (Kimley-Horn, pp. 1-5, 1-6)

The EIR was challenged in 2007 and was upheld by the California Court of Appeals in 2010. The Court upheld the certified EIR and found that Sunny-Cal was entitled to the water supply entitlements identified in the EIR (based upon the 2004 stipulated judgment for the Beaumont Basin) (*Cherry Valley Pass Acres & Neighbors v. City of Beaumont*, Nov. 22, 2010).

As explained further in Chapter 3 – Water Supply Analysis and Chapter 4 – Groundwater Analysis, the Sunny-Cal Specific Plan properties were assigned overlying water rights to the Beaumont Groundwater Basin pursuant to the 2004 adjudication of the Beaumont Basin (Judgment). The adjudication created the Beaumont Basin Watermaster (BBW) to manage and enforce the provisions of the Judgment. The original Safe Yield¹ of the Beaumont Basin in the 2004 Judgment was 8,650 acre-feet per year (AFY). The current Safe Yield is 6,700 AFY (BBW(c), pp. 1-2). The 2004 Judgment assigned the original Sunny-Cal properties a total of 1,784 AF of overlying water rights. Subsequent actions removed six parcels totaling 138.14 acres, thus decreasing the Sunny-Cal water right to 1,439.5 AF (BBW(b) Resolutions 2006-02, -04, -05, -06, -07, and -08). Based on the current Safe Yield, the current water right attributable to the Project parcels is 1,114.99 AF (BBW(a), Table 3-6).

1.3 Proposed Project

The Exeter Property Group is processing an application with the City of Beaumont to adopt the *Beaumont Summit Station Specific Plan* (“Project”), which is a comprehensive

¹ Safe Yield is defined in the 2004 Judgment as, “The maximum quantity of water which can be produced annually from a groundwater basin under a given set of conditions without causing a gradual lowering of the groundwater level leading eventually to depletion of the supply in storage.” Pursuant to the Judgment, the Safe Yield is reevaluated every 10 years.

amendment to, and restatement of, the 2007 Sunny-Cal Specific Plan (Kimley-Horn, p. 1-1). The Project Specific Plan will be accompanied by an Environmental Impact Report (EIR) that has been prepared pursuant to CEQA. The City of Beaumont is the lead agency responsible for certification of the Project EIR and therefore, this Project is considered to be “subject to CEQA” pursuant to CWC section 10910. The Project site is located within the service area of BCVWD, which provides potable and non-potable water service to the City of Beaumont and potable water service to the unincorporated community of Cherry Valley. Based on the proposed conceptual land use plan described below, the Project is considered a “project” that warrants a WSA pursuant to the following Water Code definition (CWC section 10912(a)):

(5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

The Project encompasses 181.3 net acres (188.03 gross acres) of the former Sunny-Cal Specific Plan, which is located in the northwest portion of the City of Beaumont. The Project is located south of Cherry Valley Blvd., north of Brookside Ave., and east of Interstate 10. The following Assessor Parcel Numbers (APNs) are associated with the Project site: 407-230-22, -23, -24, -25, -26, -27, -28, 407-190-016, and -017. The entire Project site is currently designated by the City General Plan land use plan as Single-Family Residential with a zoning designation of Specific Plan. The Project includes a City of Beaumont General Plan Amendment, Specific Plan Amendment, Tentative Parcel Map, Plot Plan Approval, and a Development Agreement.

The Project would allow for up to a maximum of 2,707,465 square feet (SF) of mixed commercial, warehouse/e-commerce, and office uses and approximately 30.6 net acres of passive open space (Kimley-Horn, p. 2-1) (**Figure 1-2 – Conceptual Site Plan**).

The Project site is divided into five parcels that are grouped into three Planning Areas (PA's) (Kimley-Horn, p. 2-4; NOP):

- PA 1 - E-Commerce
 - PA 1 includes Parcels 1, 2, and 3 that are proposed to be developed with three separate e-commerce buildings, as follows: Building 1 (985,860 SF), Building 2 (1,213,235 SF), and Building 3 (358,370 SF). The total warehouse floorspace is 2,507,465 SF and the total office space is 50,000 SF for a total of 2,557,465 SF in PA 1.
 - E-commerce uses may include light industrial buildings, research and development, warehousing and distribution, fulfillment, and showroom space. The e-commerce planning area comprises approximately 139.7 net acres, or approximately 77 percent of the site.
 - The Project proposes to amend the existing City of Beaumont General Plan land use designation from Single-Family Residential to Industrial for Parcels 1, 2, and 3.
- PA 2 – Commercial
 - PA 2 includes Parcel 4 that is proposed to be developed with up to 150,000 SF of commercial uses, as follows: four-story hotel (100,000 SF and 220 hotel rooms), restaurant (25,000 SF), and retail (25,000 SF).
 - The commercial component may contain a variety of commercial uses, including an assumption of hotel, general retail, and food service uses. This PA comprises approximately 10.9 net acres, or approximately 6 percent of the site.
 - The Project proposes to amend the existing City of Beaumont General Plan land use designation from Single-Family Residential to General Commercial for Parcel 4.
- PA 3 - Open Space
 - PA 3 includes Parcel 5 and would remain as open space including slopes and a natural drainage feature with 30.6 net acres or approximately 17 percent of the site.
 - The Project proposes to amend the City General Plan land use designation from Single-Family Residential to Open Space for Parcel 5.

The Conceptual Site Plan is not a firm site plan and might be subject to change; however any changes are limited to the design standards of the Project Specific Plan and shall not exceed the square footages described herein (Kimley-Horn, p. 2-1).

BCVWD owns and operates existing potable and non-potable water lines in neighboring streets to the Project site; specifically, a 24-inch diameter water line in Cherry Valley Blvd. and a 24-inch diameter water line in Brookside Avenue. The Project site also contains one active BCVWD well (Well 29) (Figure 1-2; see Well Acquisition Agreement in Appendix K). Included in BCVWD's Master Plan are additional potable and non-potable facilities in and around the Project site. A fire flow of 4,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for four hours will be required for the Project. The water system will be looped and there will be a tie-out to Brookside Avenue to serve the Project, the details of which will be clearly defined in a Plan of Service to be prepared after approval of this WSA. If approved by the Board of Directors for service, BCVWD will provide the Project proponent a Plan of Service with Development Conditions stipulating what improvements will be required as part of the Project.

As of 2014, the nine APNs associated with the Project site have 1,114.99 AF in overlying water rights (BBW(a), Table 3-6).²

1.4 Prior Water Supply Assessment

Several different development projects have been proposed on the Sunny-Cal parcels over the years. In 2005, BCVWD prepared a WSA for the Sunny-Cal Specific Plan project as it was then-proposed prior to certification of the 2007 EIR with approximately 324 acres and 907 residential units, two parks, and 10 acres of commercial use (BCVWD(a), p. 1). This WSA determined that plan of development would require up to 706 AFY of water, including 588 AFY of potable water and 118 AFY of irrigation or recycled water, and concluded that sufficient supplies of water were available to meet the demands of the project for 20 years. This conclusion was based on the property owner's overlying

² Exhibit D of the 2004 adjudication includes a 10th APN (406-080-013) which is no longer existing.

water right entitlement being more than sufficient to meet the needs of the project over 20 years.

Subsequent to the 2005 WSA, the 2007 Sunny-Cal Specific Plan was approved with an estimated 560 dwelling units and a projected water demand of 531 AFY (Stantec, p. 1.6).

In 2015, BCVWD approved an updated “Will-Serve Letter” and annexation of Sunny-Cal Specific Plan Project Tentative Tract Map 36583 (TTM 36583, p. 107 of 115). TTM 36583 proposed 497 dwelling units and BCVWD estimated a project water demand of approximately 472 AFY.

Water Code section 10910 allows a project to depend on a prior WSA unless one of three conditions exist, as provided below. Because the Project area and land uses are substantially different than that which was described in the 2005 WSA and the overlying water right has been adjusted since the 2004 adjudication was issued, this WSA has been prepared instead of relying on the previous BCVWD-approved 2005 WSA.

Law

CWC Section 10910:

(h) Notwithstanding any other provision of this part, if a project has been the subject of a water supply assessment that complies with the requirements of this part, no additional water supply assessment shall be required for subsequent projects that were part of a larger project for which a water supply assessment was completed and that has complied with the requirements of this part and for which the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has concluded that its water supplies are sufficient to meet the projected water demand associated with the proposed project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses, unless one or more of the following changes occurs:

(1) Changes in the project that result in a substantial increase in water demand for the project.

(2) Changes in the circumstances or conditions substantially affecting the ability of the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), to provide a sufficient supply of water for the project.

(3) Significant new information becomes available which was not known and could not have been known at the time when the assessment was prepared.

1.5 Project Relation to the Urban Water Management Plan

BCVWD is the water supplier for the Project and has prepared a 2020 Urban Water Management Plan (UWMP), a copy of which is provided in Appendix A. The 2020 UWMP was adopted by the BCVWD Board of Directors on August 26, 2021. The BCVWD 2020 UWMP took a project-based approach to estimating future water demands. Table 3-7 of the 2020 UWMP lists “Sunny Cal Egg Ranch” as a future development project with 529 probable equivalent dwelling units (EDUs) and an estimated build-out year of 2040 (UWMP, p. 3-19). An EDU is typically defined as one single-family residential household. BCVWD Regulations for Water Service,³ Section 5 defines an EDU as 580 gallons per day (GPD), which is equivalent to 0.65 AFY/EDU. The 2020 UWMP uses a unit demand of 0.65 AFY/EDU for all EDUs constructed prior to 2018 and 0.546 AFY/EDU for all EDUs constructed after 2018 (UWMP, p. 4-10). The water demand associated with the future EDUs in Table 3-7 of the 2020 UWMP, including 529 EDUs for Sunny Cal Egg Ranch, are accounted for in the District’s water demand projections in the UWMP (p. 4-12).

Pursuant to Water Code, if a project’s water demand has been accounted for in the water supplier’s most recent UWMP, then the WSA may use the UWMP as the source of the information required in the WSA. The determination as to whether the Project’s water demand has been accounted for in the most recent UWMP is located in Section 2 – Water Demand Analysis.

³ Beaumont-Cherry Valley Water District Regulations Governing Water Service, February 2000.

Law

CWC Section 10910:

(c) (1) The city or county, at the time it makes the determination required under Section 21080.1 of the Public Resources Code [CEQA], shall request each public water system identified pursuant to subdivision (b) to determine whether the projected water demand associated with a proposed project was included as part of the most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610).

(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g).

(3) If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.

(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated

with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

1.6 Statewide and Local Water Conservation Efforts

Governor Brown proclaimed a statewide State of Emergency due to ongoing drought conditions on January 17, 2014. Since then, at least six Executive Orders and other Proclamations have been issued in response to impacts from extended statewide drought conditions. Executive Order B-37-16 issued on May 9, 2016, established a new water use efficiency framework for California. The order established longer-term water conservation measures that include permanent monthly water use reporting, new urban water use targets, reducing system leaks and eliminating wasteful practices, strengthening urban drought contingency plans and improving agricultural water management and drought plans. On April 7, 2017, Governor Brown issued Executive Order B-40-17 that ended the drought State of Emergency in most of California including Riverside County. The Executive Order maintains the mandatory water reporting requirements and prohibitions on wasteful practices contained in Executive Order B-37-16, as described previously. In a related action, State agencies released a plan to implement Executive Order B-37-16 entitled, “Making Water Conservation a California Way of Life.”

The City of Beaumont and Riverside County have been continually updating their landscape ordinances in response to directives from DWR. The most recent DWR Model Water Efficient Landscape Ordinance version was July 2015. The Beaumont City Council adopted Ordinance No. 1069 on January 1, 2016 to establish minimum landscape standards. It is codified in Chapter 17.06 (Landscaping) of the Beaumont Municipal Code. “Turf irrigation, even with non-potable water, may not be allowed unless there is a recreational purpose for the turf. The City of Beaumont’s Ordinance effectively prohibits new, natural turfgrass lawns in the front yard of new residential subdivisions and medians and parkways along roads” (UWMP, p. 4-10).

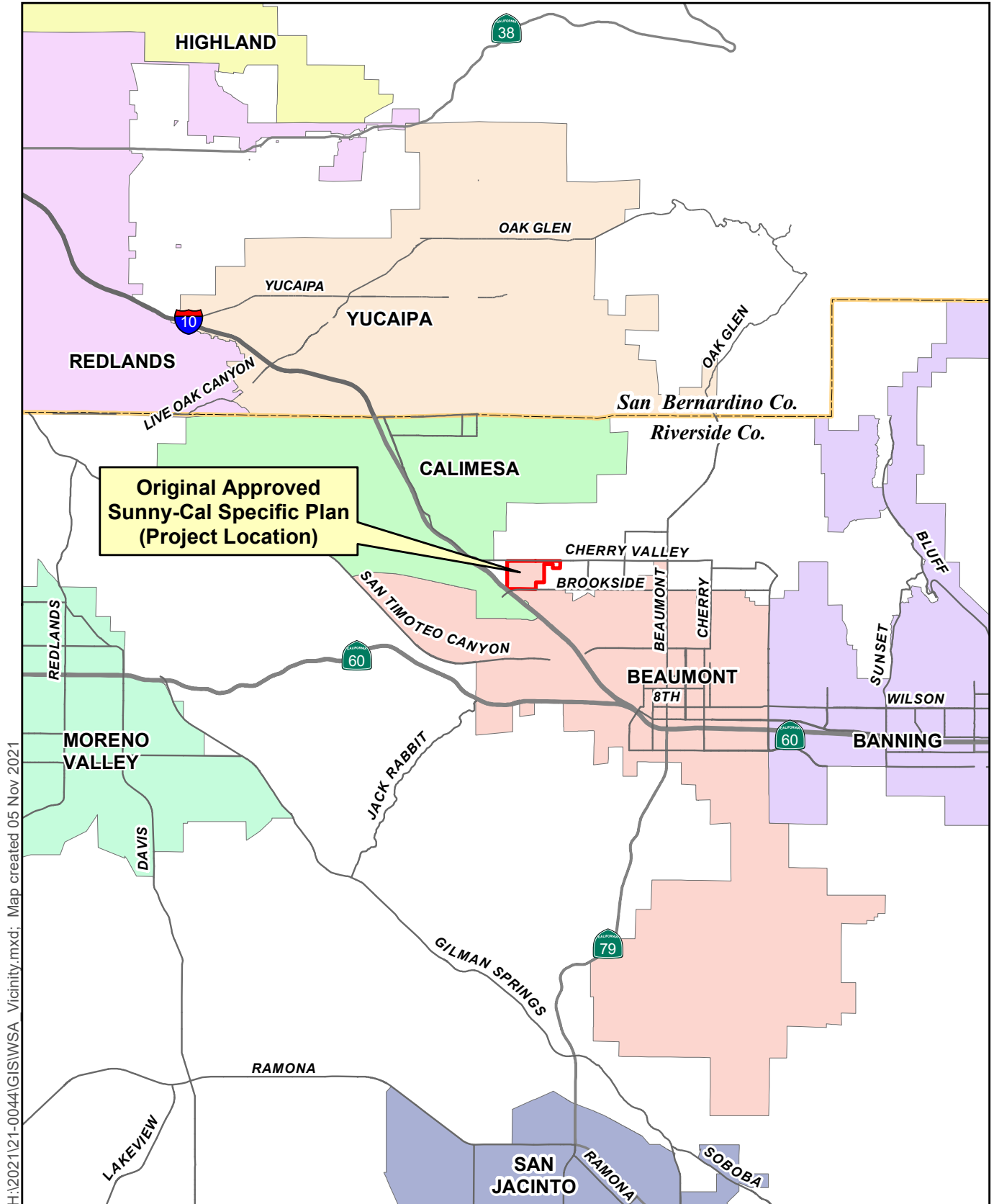
In October 2014, the BCVWD Board adopted Resolution No. 2014-05 which suspends the issuance of will serve letters during statewide drought conditions, while there are mandatory conservation measures applicable to the District's ratepayers, or when BCVWD's supplies are less than the projected demands for five years (UWMP, p. 4-11).

The BCVWD Board of Directors adopted Resolution No. 2015-05 which implemented, among other things, a limit on landscape watering to twice per week. BCVWD Resolution No. 2016-05 rescinded the landscape watering restrictions of Resolution No. 2015-05 but did maintain the other conservation measures from the State Water Board May 18, 2016, Drought Emergency Water Conservation Regulations, which was designed to prevent waste and unreasonable use of water and promote water conservation (UWMP, p. 4-11). Resolution No. 2016-05 is currently implemented and has not been rescinded to date (UWMP, p. 9-3).

1.7 Methodology of Analysis

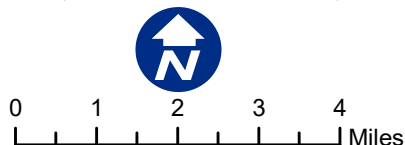
This Assessment follows the DWR *Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001* (DWR 2003). Section 1 of this Assessment describes the existing and proposed land use designations of the Project site, the proposed Project's relation to a previous WSA and the water supplier's most recent UWMP. Section 2 provides the water demand analysis of the Project; Section 3 reviews the projected water supplies for the Project; Section 4 contains the required discussion of the water supplier's groundwater supplies; and Section 5 concludes the Assessment by answering the primary question at hand: whether the projected supply for the next 20 years, based on normal, single dry and multiple dry years, will meet the demand projected for the project plus existing and planned future uses, including agricultural and manufacturing uses.

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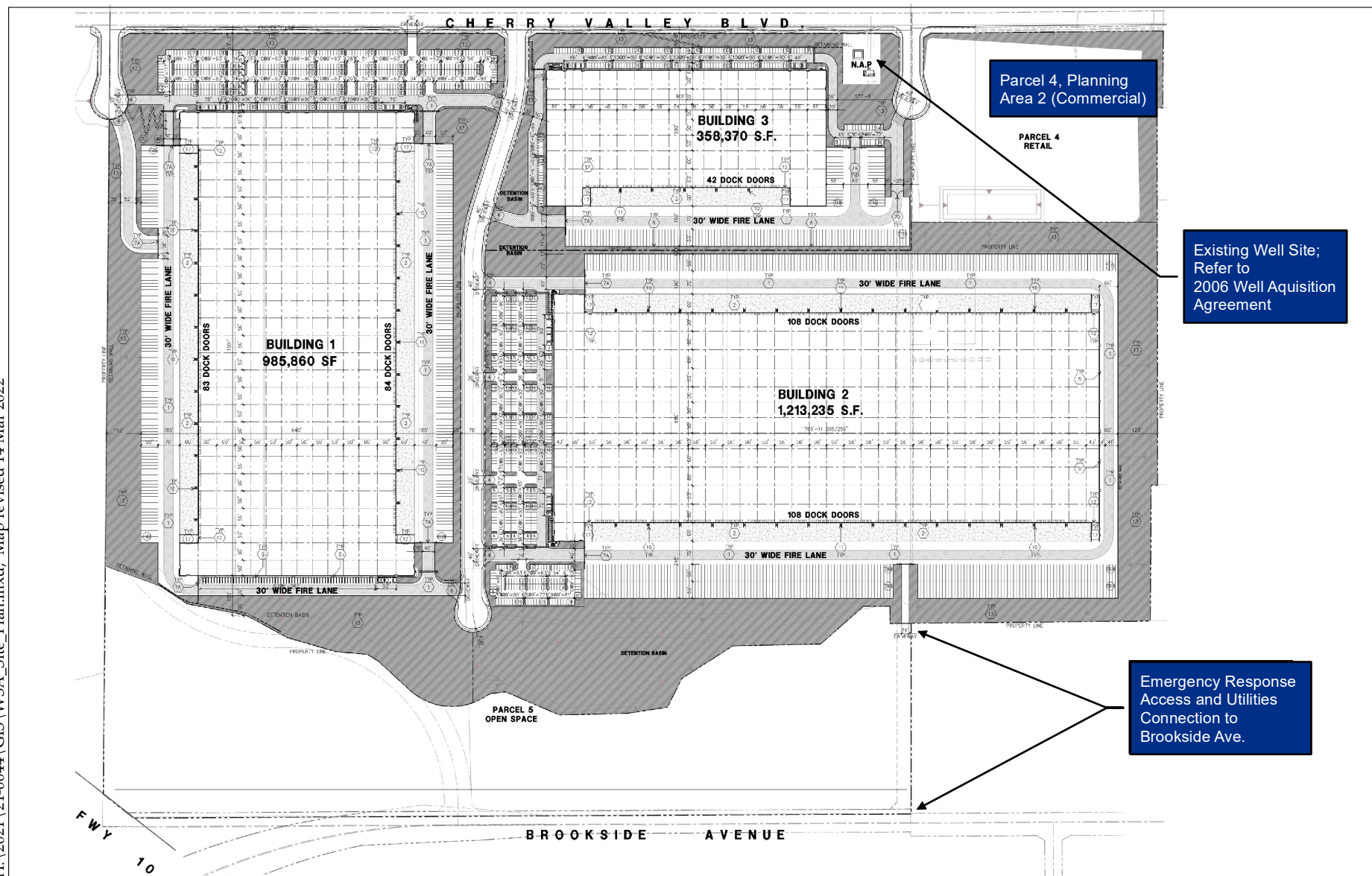


Sources: Stantec 2007; Riverside County GIS; 2021; San Bernardino Co. GIS, 2021

Figure 1-1 – Vicinity Map
Beaumont Summit Station



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Source: HPA Architecture, Master Site Plan, August 02, 2021
 Note: This conceptual site plan is shown for illustration purposes as one potential layout. Final site planning will be provided as part of implementing project site plan review submittals.

Figure 1-2 - Conceptual Site Plan

Beaumont Summit Station



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SECTION 2 - WATER DEMAND ANALYSIS

The purpose of this section is to evaluate whether the proposed Project was considered in the water supplier's planning for water demand. This section will: 1) identify the various water use sectors, 2) identify water demand by those sectors for the next twenty years, and 3) compare the calculated water demand of the proposed Project to the water demand assumed in the most recent UWMP for the same property.

2.1 Estimated Project Water Demand

The proposed Project land use summary is shown in **Table 2-1** and in Figure 1-2 (located in Section 1).

Table 2-1 Project Land Use Summary

	Planning Area 1			Planning Area 2	Planning Area 3	TOTAL	
	Parcel 1 BLDG. 1	Parcel 2 BLDG. 2	Parcel 3 BLDG. 3	Parcel 4	Parcel 5		
<u>SITE AREA</u>							
Net Area (ac) ⁽¹⁾	52.39	66.71	20.72	10.89	30.59	181.30	ac
Gross Area (ac)	55.19	67.86	22.37	11.44	31.17	188.03	ac
<u>BUILDING AREA</u>							
Office	20,000	20,000	10,000	-	-	50,000	s.f.
Warehouse	965,860	1,193,235	348,370	-	-	2,507,465	s.f.
Hotel (220 keys)	-	-	-	100,000	-	100,000	s.f.
Retail	-	-	-	25,000	-	25,000	s.f.
Restaurant	-	-	-	25,000	-	25,000	s.f.
TOTAL	985,860	1,213,235	358,370	150,000	-	2,707,465	s.f.
<u>MAXIMUM FLOOR AREA RATIO</u>							
- FAR - 1.0							

From HPA, Inc., July 26, 2021. Parcel 4 square footages from Kimley-Horn, p. 1-5.

ac = acre; s.f. = square feet; FAR = floor-to-area ratio.

(1) Road dedication is 6.73 acres.

The unit water demand factors used to calculate the Project's estimated water demand are described below and calculations are shown in **Spreadsheet 1**, below.

- **Planning Area 1:** The potable water demand factor is 15 GPD/employee, with the number of employees sourced from the Project 's traffic study (2,011 in Planning Area 1). This is slightly higher than an estimate using the oft-cited 2010 National Association of Industrial and Office Properties (NAIOP) study.¹ Potable water demand in PA 1 is measured over 365 operating days per year, which is more than the 260 days used in certain other BCVWD WSA's and a 2010 U.S. Department of Energy Study (USDE, 2010). The non-potable (landscaping) water demand factor is 1,835.6 GPD/acre (or 670,000 gallons per year per acre) and 365 days per year.²
- **Planning Area 2:** Potable water demand factors used are 100 GPD/hotel room assuming 220 rooms, 1 GPD/SF (or 1,000 GPD/kSF) for "general retail" and "food uses." These unit water demand factors are consistent with those used in the 2021 BCVWD Beaumont Pointe WSA which states they are "based on typical water usage used by water agencies throughout southern California" (p. 12). The landscaped area for Planning Area 2 is estimated as 15 percent of the net area. The non-potable water demand factor used for Planning Area 1 was also used for Planning Area 2 (i.e., 1,835.6 GPD/acre). Both potable and non-potable water demand in this planning area is assumed to be in use 365 days per year.
- **Planning Area 3:** Planning Area 3 is planned as passive open space. According to the Office of the Fire Marshal who was consulted during preparation of this Assessment, the Project site does not fall within the Very High Fire Hazard Severity Zone; therefore, no fuel modification zone will be required by the fire

¹ Hidden Canyon Industrial Park (2019, p. 112) and Beaumont Pointe Water Supply Assessments (Mar. 2021, p. 12), based their employee counts on a 2010 NAIOP Research Foundation study (NAIOP), which is 1 employee per 1,500 SF of warehouse and office space.

² This is the same factor used for the Beaumont Pointe Water Supply Assessment (2021, p. 12).

department. Because it is planned as passive open space and no fuel modification zone will be required, the water demand was assumed to be zero.

In future detailed site plans, the Project will need to demonstrate consistency with the City of Beaumont Landscaping Standards located in City Municipal Code Chapter 17.06, which require efficient systems and plants with low-water-demands.

As shown in Spreadsheet 1 and based on the Project information provided to-date, the potable water demand is estimated at 115 AFY and non-potable water demand is 68 AFY for a total estimated water demand of 183 AFY. The potable water demand is equivalent to 211 EDU's using the District's factor of 0.546 AFY per EDU.

The District's 2020 UWMP plans for development of the Project site according to the existing land use designation and approved Specific Plan, which is Single-Family Residential and 529 EDUs with build-out of the property occurring by 2040 (UWMP, p. 3-19). According to the City of Beaumont Zoning Map, the Project site is currently zoned Specific Plan (GP, 2020). BCVWD approved a 2015 Will Serve letter for a project of 497 units and an estimated water demand of 472 AFY, which is more than double the estimated potable and non-potable water demand of the Project (i.e., 183 AFY).

Beaumont Summit Station Specific Plan Project Water Demand													
Proposed Land Use Designation						Water Demand							
Planning Areas	Project Land Use	Project Gross Acres (AC) ⁽¹⁾	Project Net Acres (AC) ⁽¹⁾	Project Building Maximum Square Footage (SF) ⁽¹⁰⁾	Employee Count ⁽⁵⁾	Potable Indoor Unit Water Demand Factor ⁽⁶⁾	Potable Indoor Unit Water Demand Units ⁽⁶⁾	Non-Potable Irrigation Unit Water Demand Factor (GPD/AC) ⁽⁸⁾	Daily Potable Indoor Water Demand (GPD)	Yearly Potable Indoor Water Demand (AFY) ⁽⁷⁾	Daily Non-Potable Irrigation Water Demand (GPD) ⁽⁹⁾	Yearly Non-Potable Irrigation Water Demand (AFY)	Yearly Potable and Non-Potable Water Demand (AFY)
PA 1 (Parcels 1, 2, 3) (Bldgs 1, 2, 3)	E-Commerce Center Total ⁽²⁾	145.42	139.7	-	-	-	-	-	-	-	-	-	-
	Parcel 1, Bldg. 1	55.19	52.3	-	-	-	-	-	-	-	-	-	-
	Bldg. 1 Landscaping	-	11.9	-	-	-	-	1,835.6	-	-	21,801	24.4	24.42
	Parcel 2, Bldg. 2	67.86	66.7	-	-	-	-	-	-	-	-	-	-
	Bldg. 2 Landscaping	-	15.7	-	-	-	-	1,835.6	-	-	28,897	32.4	32.36
	Parcel 3, Bldg. 3	22.37	20.7	-	-	-	-	-	-	-	-	-	-
	Bldg. 3 Landscaping	-	4.1	-	-	-	-	1,835.6	-	-	7,600	8.5	8.51
	Warehouse (Total)	-	-	2,507,465	2,011	15	GPD/employee	-	30,165	33.80	-	-	33.80
	Office (Total)	-	-	50,000									
PA 1 Subtotal									30,165	34	58,298	65	99
PA 2 (Parcel 4)	Commercial ⁽³⁾	11.44	10.9	-	-	-	-	-	-	-	-	-	-
	Landscaping (15% of net)	-	1.63	-	-	-	-	1,835.6	-	-	2,998	3.4	3.36
	Hotel (220 keys)	-	-	100,000	-	100	GPD/key	-	22,000	24.65	-	-	24.65
	General Retail (Total)	-	-	25,000	-	1,000	GPD/kSF	-	25,000	28.01	-	-	28.01
	Food Uses (Total)	-	-	25,000	-	1,000	GPD/kSF	-	25,000	28.01	-	-	28.01
PA 2 Subtotal									72,000	81	2,998	3	84
PA 3 (Parcel 5)	Open Space (passive) ⁽⁴⁾	31.17	30.59	-	-	-	-	-	-	-	-	-	0
Total		188.03	181.18	2,707,465	-	-	-	-	102,165	115	61,296	68	183
Equivalent Dwelling Units (EDU) (based on 0.546 AFY/EDU and potable water demand):				211									

¹. Acreages from Albert A. Webb Associates, Beaumont Summit Station Property Acreage (7/13/2021). As stated in the Draft Beaumont Summit Station Specific Plan (07/02/2021), *The final site plan presented for entitlement approval by the City may differ based on final design; however, the square footages outlined in Table 2-1 shall not be exceeded (p. 2-1).*

². *Planning Area 1...may include light industrial buildings, research and development, warehousing and distribution, fulfillment, and showroom space* (Draft Beaumont Summit Station Specific Plan, p. 2.4). Landscape area per building from Kimley-Horn (email, 07/23/21).

³. *Planning Area 2 - commercial uses within the Specific Plan area will be flexible depending on market conditions and may contain a variety of commercial uses, including an assumption of hotel, general retail, and food service uses.* (Draft Beaumont Summit Station Specific Plan, p. 2-4). Landscape area is currently unknown and therefore assumed to be 15% of net area, consistent with the Landscape Standards of the Specific Plan (p. 4-22). Potable and non-potable use is 365 days per year.

⁴. *Planning Area 3...contains slopes and a natural drainage feature...the drainage has been avoided by the land use plan.* (Draft Beaumont Summit Station Specific Plan, p. 2-4) We have assumed no water demand.

⁵. From Project Vehicle Miles Traveled (VMT) analysis (Kimley-Horn, personal communication, Nov. 9, 2021). This is greater than an alternative method from a NAIOP National Research Foundation 2010 study that estimated 1 employee per 1,500 SF of warehouse/office space. (NAIOP Research Foundation, Logistics Trends and Specific Industries that Will Drive Warehouse and Distribution Growth and Demand for Space, L. Nicolas Ronderos, Director, Urban Development Programs Regional Plan Association, March 2010)

⁶. Based on Hidden Canyon Industrial Park WSA, which says the project developer estimated 15 gallons per day per employee and then the District validated the estimate using District records (Draft Hidden Canyon Industrial Park WSA (02-13-2019), p. 112 of 183)

⁷. Total potable water demand for PA 1 is based on 365 days in a year. From 2010 U.S. Dept. of Energy (USDE) study, *Commercial buildings energy consumption survey water consumption in large buildings summary.* (as referenced in Potrero Logistics WSA, 2020, p. 222 of 308). Potable water demand for other PA's is based on 365 days in a year.

⁸. Same as 670,000 gallons per acre per year (365 days) outdoor water demand factor used for Amazon Distribution Center (*Water Supply Assessment for Beaumont Pointe Comercial and Industrial Project* , p. 12)

⁹. The landscaped area is currently unknown and therefore estimated at 15% of the net planning area. This is consistent with the *Water Supply Assessment for Beaumont Pointe (2021), p. 12).*

¹⁰. From HPA, Inc. (email, 07/26/2021)

2.2 Districtwide Demographic Factors

A variety of demographic factors may affect water use. The UWMP Act lists several demographic factors to be detailed in UWMP's including climate, current and projected population, density, and the mix of customer types (CWC sections 10631(e)(1)-(2)). As suggested by DWR, these data are summarized below from BCVWD's 2020 UWMP (Appendix A).

Climate

According to the Koppen Climate Classification System, the Beaumont and Cherry Valley area has a Cold Semi-Arid to Hot-Summer Mediterranean Climate, which is characterized by warm, dry summers and cold winters with limited rainfall. Temperatures below freezing are common in winter in the upper elevations of the service area. Temperatures over 100°F are also common in the summer. Virtually all the precipitation occurs during the months of November through April; most of the precipitation is in the form of rain, but snow is common in higher elevations of the service area during the winter. Some rainfall occurs in summer from thunderstorms that are associated with monsoonal moisture. Annual precipitation in Beaumont (2680 MSL) averages approximately 17.8 inches, with increasing amounts of precipitation with increasing elevation. (UWMP, pp. 3-4, 3-5)

Population

The current (2020) estimated population served by the District is 59,258, as shown in **Table 2-2**. The City of Beaumont is currently experiencing rapid growth and is expected to nearly double in population by 2045. Future water demand estimates are based on the assumptions that the City's (and Cherry Valley) population and housing units will increase at a consistent rate with the total water demand per capita remaining relatively stable (UWMP, p. ES-4). The build out population within the District's Sphere of Influence (SOI) is estimated to be about 147,620 based on BCVWD estimates of current and proposed land use in the area (UWMP, p. 3-2).

Table 2-2 BCVWD Service Area Population Estimates, 2020-2045

Population Served	2020	2025	2030	2035	2040	2045
	59,258	66,149	73,739	81,906	88,532	94,556

Notes: From BCVWD 2020 UWMP, p. 3-2.

Approximately 12,400 EDUs for known projects that have yet to be constructed are in-progress or planned for the future. This includes projects within the BCVWD service area and within the BCVWD SOI. BCVWD used an average of 470 additional EDUs per year from 2020 through 2045 to estimate population and water demand growth rates in the 2020 UWMP (pp. 3-19, 3-20).

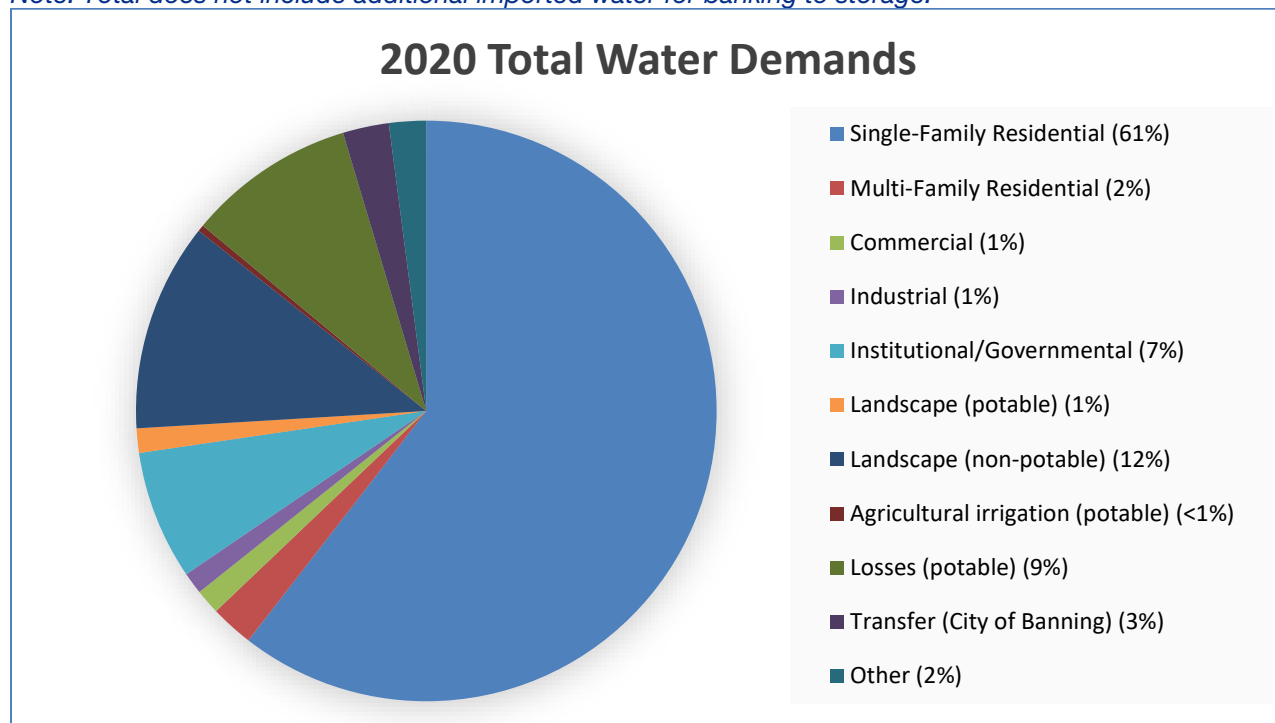
2.3 BCVWD's Current and Future Water Demand

At the end of 2020, BCVWD provides potable and non-potable water service to about 19,215 active accounts (19,659 connections) (UWMP, p. 3-1). Further, the potable water demand was 10,845 acre-feet (AF) and the non-potable water demand (including supplemental potable water) was 1,647 AF for a total of 12,492 AF (not including system losses of 1,326 AF) in calendar year 2020 (UWMP, p. 4-6). The proportions of BCVWD's individual water demand for CY 2020 are illustrated in **Chart 2-1**, below.

Chart 2-1 - BCVWD 2020 Total Water Demands

Source: BCVWD 2020 UWMP, p. 4-8.

Note: Total does not include additional imported water for banking to storage.



The recorded water demands by customer type for BCVWD service area are provided in **Table 2-3**.

Table 2-3 Recorded BCVWD Water Demands (AFY)

	1990	2000	2005	2010	2015	2020
Potable Water	5,572	6,308	8,268	9,201	9,278	10,845
Non-Potable Water ⁽³⁾	-	-	1,038	1,822	514	1,647 ⁽¹⁾
Total Water Demand	5,572	6,308	9,306	11,023	9,792	12,492⁽²⁾

Notes: From BCVWD 2020 UWMP, p. 4-6.

(1) Includes supplemental potable water.

(2) Does not include potable system losses of 1,326 AF (UWMP, p. 4-8).

(3) Currently supplied by Beaumont Basin potable and non-potable groundwater and therefore subject to the replenishment obligations of the Judgment (imported water). Most of this non-potable demand will be met with recycled water when it becomes available, and imported water replenishment of the Beaumont Basin will be reduced (UWMP, p. 4-6).

“The drought from 2013–2015 or so resulted in significant water conservation measures imposed which caused a great reduction in water use around 2015. There has since been an increase in the potable and non-potable water demand as the water conservation measures have since been relaxed and as development continues to occur in the District’s service area. However, a reduction in BCVWD’s potable and non-potable water demand is anticipated in the future with the enforcement of more stringent landscaping ordinances, reduction in indoor per capita water use and outdoor water budgets, an increase in use of “water efficient” fixtures in homes and commercial/industrial businesses, and conversion of turfed street medians to low-water using plant materials (even if irrigated with recycled water) (UWMP, pp. 4-6, 4-7).”

The projected Districtwide water demands from 2025 to 2045 are shown in **Table 2-4** (next page).

Table 2-4 Projected Future BCVWD Water Demand (AFY)

Customer Type	2025	2030	2035	2040	2045
Single Family Residential	9,302	10,047	10,849	11,479	12,041
Multifamily Residential	367	397	429	454	476
Commercial	214	231	249	264	276
Industrial	186	201	217	230	241
Institutional/Governmental	1,106	1,194	1,290	1,365	1,431
Agricultural Irrigation	55	60	64	68	72
Landscape (potable)	209	226	244	258	271
Other (potable) ⁽¹⁾	318	343	370	392	411
Other (non-potable) ⁽²⁾	276	246	228	278	328
Groundwater Recharge ⁽³⁾	1,500	1,200	1,000	1,000	1,000
Losses (estimated)	1,499	1,614	1,738	1,835	1,922
Subtotal	15,032	15,759	16,678	17,623	18,469
Recycled Water ⁽⁴⁾	2,233	2,421	2,706	2,840	2,906
Total	17,265	18,180	19,384	20,463	21,375

Notes: From BCVWD 2020 UWMP, p. 4-12. Projected water use by sector based off of water demand distribution by sector for 2020. Groundwater recharge quantities are planned quantities to build and maintain 5-year supply per BCVWD Resolution No. 2014-05; landscape demand will be met with recycled water and supplemented with other non-potable water as needed.

(1) Metered construction and street sweeping water, etc.

(2) Raw water to supplement non-potable water system (used for irrigation)

(3) Imported raw water banked for future extractions during dry periods. Does not include imported water to meet adjudication replacement obligations.

(4) From UWMP, p. 6-50. "The recycled water demand includes the forecast amount used on landscaping irrigated by the non-potable water system. Source of recycled water is the City of Beaumont. Also includes a portion of the golf course irrigation demands of 268 and 203 AFY for Tukwet Canyon and Oak Valley Greens, respectively (UWMP, p. 4-14)."

Water use patterns change during dry years. The expected changes to water demand and water supply during dry years are provided in Section 3 – Water Supply Analysis.

Conclusion

The estimated potable water demand for the proposed Project is 115 AFY and the non-potable water demand is 68 AFY. The estimated potable water demand is equivalent to serving 211 EDUs (Spreadsheet 1). The estimated total water demand for the most recently approved Will Serve letter dated 2015 472 AFY for 497 units. The number of EDUs that the District assumed for buildout of the property and its water demand projections in the 2020 UWMP was 529 EDUs. When compared to the prior project of 497 units and an estimated 472 AFY for which a 2015 Will Serve letter was approved by BCVWD, the development proposed by the Project is a reduction in projected total water use of approximately 289 AFY. Because the water supplier's water demand projections assumed a higher development density based on a previously approved project, than that which is proposed by the Project for the same property, it can be deduced that the water demand for the Project was accounted for in the most recently adopted 2020 UWMP.

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SECTION 3 - WATER SUPPLY ANALYSIS

This section identifies the sources of potable water utilized and available to the water supplier of the proposed Project. The purpose of this section is to evaluate the water supplies that could be utilized by the proposed Project during normal, single-dry, and multiple-dry water years during a 20-year projection.

BCVWD is the water supplier to the City which includes the proposed Project. BCVWD has two sources of potable water supply: District wells in Edgar Canyon (Little San Gorgonio Creek) and the Beaumont Groundwater Basin (Beaumont Basin). The Beaumont Basin is an adjudicated basin. BCVWD also produces non-potable water from a District well in the Beaumont Basin. Recycled water is not yet available for distribution to BCVWD customers from the City of Beaumont Wastewater Treatment Plant. BCVWD purchases imported State Water Project (SWP) water from San Gorgonio Pass Water Agency (SGPWA) for the purpose of recharging the Beaumont Basin; SWP water is not currently distributed directly to BCVWD customers. A copy of SGPWA's 2020 UWMP is located in Appendix B.

Law

CWC Section 10910(d)(1):

The assessment required by this section shall include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts.

(2) An identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, or the city or county if either is

required to comply with this part pursuant to subdivision (b), shall be demonstrated by providing information related to all of the following:

(A) Written contracts or other proof of entitlement to an identified water supply.

(B) Copies of a capital outlay program for financing the delivery of a water supply that has been adopted by the public water system.

(C) Federal, state, and local permits for construction of necessary infrastructure associated with delivering the water supply.

(D) Any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply.

3.1. Documenting Wholesale Water Supplies

Many retail water suppliers in California, including BCVWD, receive supplies from one or more water wholesalers. SB 610 requires the WSA to document wholesale supplies received by: 1) describing the quantities of water received from each wholesaler in prior years; 2) identifying existing entitlements, water rights, and/or water service contracts held by the District for the wholesale supply; 3) provide proof of entitlements, water rights, service contracts, relevant capital outlay programs, and construction permits for necessary infrastructure to deliver wholesale supplies, if any; and 4) regulatory approvals required to convey or deliver the wholesale supply.

Wholesale Supplies Received

BCVWD receives wholesale water supplies from the SGPWA for the purpose of groundwater recharge in the Beaumont Basin at the District's Noble Creek Recharge Facility and long-term banking in the Beaumont Basin to improve overall supply reliability. SGPWA is a SWP Contractor, acting as a wholesale water purveyor of SWP water from the Sacramento/San Joaquin Delta via the SWP facilities to retail water suppliers and other water users in its service area. The SGPWA Law states that SGPWA was created, in part, to eliminate groundwater overdraft conditions in the SGPWA service area (SGPWA 2021, p. ES-2). As a retailer in SGPWA's service area, BCVWD can

receive imported water that becomes available from SGPWA, and submits a water order each year to SGPWA; however, no contract exists between the agencies to specify a delivery amount (a copy of SGPWA Law is located in Appendix C). Pursuant to the contract with the California Department of Water Resources (DWR), SGPWA has a Table A (maximum) allocation of 17,300 AFY (a copy of said contract and amendments thereto are located in Appendix D). In addition to BCVWD, the other major water retailers in the SGPWA service area include the City of Banning, Yucaipa Valley Water District (YVWD), Banning Heights Mutual Water Company, High Valley Water District, South Mesa Mutual Water Company, and Cabazon Water District. As of 2020, just BCVWD, YVWD, and the City of Banning have taken imported water and BCVWD receives the majority of the SWP delivered to SGPWA (UWMP, p. 6-5).

SGPWA imports water delivered by the East Branch Extension (EBX) of the State Water Project; which flows by gravity from the EBX directly to the SGPWA's recharge basins or by gravity to retail water suppliers (SGPWA 2021, p. 2-10). SGPWA owns capacity rights in varying amounts to the various facilities that bring water to BCVWD's point of connection. BCVWD takes the raw SWP water from a 20-inch diameter turnout and metering station at the "Noble Creek Turnout" located at the current end of the EBX at Orchard Ave. and Noble Creek in Cherry Valley. The turnout has a capacity of 34 cubic feet per second (cfs) as of 2019. BCVWD's system conveys the import water to the District's Noble Creek Recharge Facility. The recharge facility consists of 14 ponds within approximately 27 acres (UWMP, p. 6-13; SGPWA, p. 3-5).

SWP water is available as stipulated by DWR in response to the hydrology and environmental regulations that can change available supply.¹ Therefore, imported water supplies to southern California can be highly variable; for a 6-month period in 2014 for example, the allocation of State Water Project water to all contractors located south of the Delta was reduced to 0 percent due to persistent drought conditions. The allocation was subsequently increased to 5 percent in the same year. Table 6-2 in BCVWD's 2020

¹ DWR, *State Water Project Delivery Capability Report*, published every 2 years, as well as "Notice to State Water Project Contractors" issued as often as needed.

UWMP illustrates the variability in the amount SGPWA receives each year and the proportion available to BCVWD (refer to Appendix A, p. 6-5). Shown on said page are SGPWA SWP deliveries which varied from 3,930 AF in 2015 up to 15,843 AF in 2017. Further, BCVWD's proportionate share of SGPWA's SWP deliveries has ranged from a low of 41.4% in 2009 to a high of 96.4% in 2019.

SGPWA has projected in its 2020 UWMP to have "reliable water supplies through the 2045 planning horizon" to "meet SGPWA's current and 2045 future water demands in its service area" during normal or average rainfall years, during a five-year drought from 2021 to 2025, as well as a five-consecutive year drought between 2025 and 2045 (SGPWA, pp. ES-3-ES-5, p. 5-6). SGPWA's water reliability assessment for a drought lasting five consecutive years shows sufficient available supplies assuming "the retail agencies in SGPWA service area use stored water and regionally managed supplies to offset fluctuations in its SWP supplies" (SGPWA, p. ES-4).

SGPWA Resolution No. 2015-05 established "an obligation to meet the future water supply needs of the region, including BCVWD" (UWMP, p. 7-10). A copy of SGPWA Resolution No. 2015-05 is located in Appendix E. Further, "BCVWD can rely on the SGPWA to secure and deliver the imported water needed to meet BCVWD's current and future demands as set forth in this 2020 UWMP and subsequent UWMP updates in concert with DWR's Delivery Capability Reports" (UWMP, p. 7-10)

As stated in BCVWD's 2020 UWMP, "Recharge of imported water [from SGPWA] has occurred since September 2006. As of December 2020, 108,892 AF (35.5 billion gallons) of water have been recharged to BCVWD's account. Since 2006, annual recharge has averaged 7,259 AFY with a maximum of nearly 13,700 AFY" (UWMP, p. 6-13). BCVWD conservatively estimates the percolation capacity of its Noble Creek recharge facilities would be 150 AF per day and potentially 40,000 AFY (*ibid*). BCVWD monitoring well data suggest the time required for the recharge water to increase the groundwater surface elevation, including deep aquifers, is short and on the order of 60 days under saturated conditions (UWMP, p. 6-14).

The actual and projected wholesale water supplies that have been used in the past and are expected to be available in the future from SGPWA for the supply required for BCVWD through 2045 is shown in **Table 3-1**. Of the 11,005 AF recharged in the Beaumont Basin in 2020, approximately 427 AF was banked in BCVWD's groundwater storage account with the remainder to meet replacement water obligations (UWMP, p. 4-2). Table 3-1 shows the projected water supplies that will be used in the SGPWA service area from sources coordinated by SGPWA as well as BCVWD's projected imported water needs.

Table 3-1 Wholesale Water Supplies Available to SGPWA and BCVWD (AFY)

Imported Water	2010	2015	2020	2025	2030	2035	2040	2045
	Actual ^(a)			Projected				
SGPWA	8,403	3,930	11,469	16,234 ^(b)	17,234 ^(b)	27,734 ^(b)	28,234 ^(b)	28,734 ^(b)
BCVWD	5,727	2,773	11,005	10,644 ^(c)	10,746 ^(c)	10,966 ^(c)	11,717 ^(c)	12,281 ^(c)

Note: SGPWA – San Geronio Pass Water Agency; BCVWD = Beaumont-Cherry Valley Water District; AFY = acre feet per year.

(a) Data for 2010-2020 from BCVWD 2020 UWMP, p. 6-5 (Table 6-2 – Historical Deliveries of SPW to SGPWA and BCVWD).

(b) From SGPWA 2020 UWMP, pp. 3-31 to 3-34. Projections are the sum of SWP (10,034 AFY), SWP carryover (3,000 AFY), Yuba Accord (400 AFY), Nickle Agreement (1,700 AFY), SGPWA transfers varies from 1,100 to 3,600 AFY and Sites Reservoir (10,000 AFY beginning in 2035).

(c) Data for 2025-2045 from BCVWD 2020 UWMP, p. 6-59. Represents total imported water required by BCVWD.

3.2. Documenting Water Supplies

The recorded water supplies available to BCVWD in CY 2020 are provided in **Table 3-2** (next page) and the projected water supplies available to BCVWD from 2025-2045 are provided in the proceeding page in **Table 3-3**. In each table the water supply source is identified as a water supply entitlement, water right, or water service contract per SB 610 guidance. Descriptions of all water supplies are located in Section 3.3. Rights to groundwater are discussed in Chapter 4 – Groundwater Analysis.

Table 3-2 Recorded BCVWD Water Supplies (AFY)

Source	2015 ^(a)	2020 ^(b)	Form of Right	Amount of Right
Water from Wells				
Edgar Canyon	1,418	1,279	Pre-1914 appropriative	~43,440 AFY (Safe yield is 2,200) ^(c)
Beaumont Basin	2,300	1,962	Appropriative Party to adjudicated basin.	Only the amount in storage or credited to BCVWD.
Water Purchased from SGPWA for Recharge of Beaumont Basin				
<i>Replacement Water</i>	2,090	11,005	Retail Agency within SGPWA	That which is available from SGPWA.
<i>Banked storage</i>	3,984	-427	Retail Agency within SGPWA	That which is available from SGPWA.
Total Supply (AFY)	9,792	13,819	--	--

Notes:

(a) From BCVWD 2015 UWMP, p. 6-61.

(b) From BCVWD 2020 UWMP, p. 6-58.

(c) See discussion in section 3.3, below. Although BCVWD has stream diversion permits for up to approximately 43,440 AFY, BCVWD assumes in the 2015 and 2020 UWMPs a safe yield of 2,200 AFY based on the results of studies by others (refer to WEI, 2005 and Hahn, 2010). Copies of the stream diversion statements are located in Appendix F.

The BCVWD Board of Directors adopted the “FY 2021 Operating and 2021-2025 Capital Improvement Budget” on December 14, 2020 (Resolution No. 2020-26). The Capital Improvement Plan (CIP) budget is a fiscal planning tool used to identify the future capital needs of the District, including when and how the projects will be financed. The CIP budget includes future water supply projects such as “Investment in Sites Reservoir Project”, “2750 Zone Well in Noble Creek Regional Park”, “New Beaumont Basin Well on Pardee Sundance Site”, “Grand Avenue Storm Drain” and “San Timoteo Creek Non-Potable Extraction Wells” (BCVWD(e), pp. 85-87).

Table 3-3 Projected BCVWD Water Supplies (AFY)

Source	2025	2030	2035	2040	2045	Form of Right	Amount of Right
Water from Wells							
Edgar Canyon Potable Wells	2,070	2,070	2,070	2,070	2,070	Pre-1914 appropriative	~43,440 AFY (Safe yield is 2,200 AFY)
Beaumont Basin							Only the amount in storage or credited to BCVWD.
Reallocated Unused Overlier Rights	1,322	1,286	1,165	1,099	1,099	Appropriative	
Forebearance Water	471	547	1,387	1,542	1,542	Appropriative	
Return Flows	280	514	868	922	1,155	Appropriative	
Water Purchased from SGPWA for Recharge of Beaumont Basin							
Replacement Water	8,868	9,300	9,966	10,717	11,281	Retail Agency within SGPWA.	That which is available from SGPWA.
Banked storage	1,500	1,200	1,000	1,000	1,000		
Additional that may be available	1,572	396	2,389	2,994	3,769		
Infiltrated Stormwater							
Beaumont MDP Line 16	185	185	185	185	185	Appropriative	That which is available.
Misc. Stormwater	0	350	350	350	350		
Subtotal Potable	16,268	15,818	19,380	19,317	22,451	--	--
Edgar Canyon Non-Potable Wells	0	0	300	300	300	Pre-1914 appropriative	~43,440 AFY (Safe yield is 2,200 AFY)
San Timoteo Creek Non-Potable Wells	0	0	600	600	600	Appropriative	To be determined
Recycled Water	2,017	2,381	2,892	2,955	2,915	MOU	To be determined
Supplemental Imported Water to Replenish Beaumont Basin for Non-Potable Supply	276	246	0	0	0	Retail Agency within SGPWA.	That which is available from SGPWA.
Subtotal Non-Potable	2,293	2,657	3,792	3,855	3,815	--	--
Total Supply	18,561	18,475	23,172	24,734	26,266	--	--

Note: AFY = acre feet per year; MDP = Master Drainage Plan; MOU = Memorandum of Understanding.
 Source: BCVWD 2020 UWMP, p. 6-59.

BCVWD anticipates increasing its total water supply by pursuing: 1) Beaumont Basin recharge with diverted stormwater and non-stormwater runoff at Noble Creek Recharge Facility; 2) distribution of recycled water from City of Beaumont's Wastewater Treatment Plant within the next few years; 3) utilizing non-potable groundwater in Edgar Canyon for non-potable uses; and 4) utilizing groundwater from San Timoteo Creek for non-potable purposes (UWMP, p. 6-58).

Water Supply Capacities

BCVWD relies on wells with varying pumping capacities from 100 gpm to more than 3,000 gpm. To be reliable, the well supply system must be able to provide the maximum day demand (usually, a peak summer day) with the largest source (well) out of service for maintenance or repairs (UWMP(a), p. 2). The total well capacity for wells pumping 24 hours per day in Edgar Canyon and Beaumont Basin is about 27.3 million gallons per day (mgd). With the largest well out of service, the pumping capacity for 24-hour operation is 21.5 mgd (UWMP, p. 6-32). Because of the range of topographic elevations, the District service area has 11 pressure zones and 14 reservoirs (tanks) ranging in size from 0.5 million gallons (MG) to 5 MG. Total storage is approximately 22 MG – slightly more than two average days or one maximum day (UWMP, pp. 3-25, 3-26). The required fire flow for the Project will be 4,000 gpm at 20 psi for four hours.

3.3. Descriptions of All Water Supply Projects

As shown in Table 3-2, groundwater and percolated imported water are BCVWD's only current water source (UWMP, p. 6-2). Future water sources as shown in Table 3-3 will include recycled water for landscape irrigation and could include stormwater capture and recharge from Edgar, Noble, Marshall, and other canyons, captured and recharged urban runoff, and San Timoteo Groundwater Basin to supplement the non-potable system (UWMP, p. 6-4). Potential future sources include recharging groundwater with recycled water, capturing nitrate-contaminated underflow from Edgar Canyon to supplement the non-potable system, groundwater from the Singleton Groundwater

Basin, joint projects with other agencies and exchanges, and the Sites Reservoir² (UWMP, p. 6-4). BCVWD is considering introducing filtered imported water directly into the non-potable water distribution system (UWMP, p. 6-2). Descriptions of all District water supply projects are provided below.

District Well Production

As described in the 2020 UWMP, BCVWD currently owns and operates 24 groundwater wells of which 20 are used regularly. Three wells have their capacity shared with the City of Banning. Thirteen of the wells are in Edgar Canyon and 11 of the wells are in the Beaumont Basin (pp. 6-17, 6-18).

Edgar Canyon wells currently (2020) provide about 10% of the District's potable water supply. The groundwater aquifer in Edgar Canyon is limited and storage is small; however considerably more water can be pumped during wet years than dry years, and BCVWD prefers to use these wells because they are the least expensive to operate and distribution is by gravity that does not require additional pumping energy. (UWMP, p. 6-18) This groundwater supply is not adjudicated; however, BCVWD assumes in the 2015 and 2020 UWMPs a safe yield of 2,200 AFY based on the results of studies prepared by the San Timoteo Watershed Management Authority³ and San Gorgonio Pass Water Agency.⁴

Beaumont Basin wells provide the remaining 90% of the District's potable water supply. The total pumping capacity of BCVWD wells in this basin is 17,425 gpm, assuming 24-hour operation. With the largest well out of service, 24-hour capacity is 13,425 gpm (19.3 mgd); however, District wells do not typically operate from 4 PM to 9PM so the pumping rate for a 19-hour day is 19.9 mgd (or 15.3 mgd with the largest well out of service)

² This project is still early in the planning process; however, the District's Board of Directors has authorized a participation level of 4,000 AFY of supply in conjunction with the SGPWA's participation level of 10,000 AFY (BCVWD(e), p. 2).

³ Wildermuth Environmental, Inc. (WEI, 2005). *Integrated Regional Water Management Program for the San Timoteo Watershed, Final Draft*, prepared for the San Timoteo Watershed Management Authority, June 2005. The authority was dissolved around 2011.

⁴ San Gorgonio Pass Water Agency (Hahn, 2010). *Report on the Sustainability of the Beaumont Basin and Beaumont Management Zone*, prepared for the SGPWA by Hahn Water Resources, LLC, Evergreen, CO, November.

(UWMP, p. 6-32). Beaumont Basin wells are large-capacity and pump from deep aquifers (e.g., 1500 feet below ground surface [bgs]) (UWMP, p. 3-25). As described in further detail in Section 4 – Groundwater Analysis, the Beaumont Basin is adjudicated. It covers 27 square miles with at least 1.1 million acre-feet of water in storage and about 200,000 to 400,000 acre-feet of unused groundwater storage capacity (UWMP, p. 6-18). Since the adjudication in 2004, groundwater levels in the Beaumont Basin have stabilized (UWMP, p. 6-26). The safe yield for this basin is currently 6,700 AFY. As of CY 2020, BCVWD had 39,750 AF in storage in the Beaumont Basin and BCVWD can store up to 80,000 AF (BBW(a), Figure 3-5).

In CY 2020, BCVWD pumped 14,183 AF (UWMP, p. 6-30). BCVWD's existing maximum pumping capacity is approximately 27.3 mgd (or 30,580 AFY). The recorded extractions from District wells between 2016 and 2020 are shown in **Table 3-4**.

Table 3-4 Recorded Groundwater Production, 2016-2020 (AFY)

Supply	2016	2017	2018	2019	2020
District wells in Edgar Canyon	1,493	1,271	1,436	1,308	1,279
District wells in Beaumont Basin	9,123	10,183	12,329	11,202	12,904
Total	10,616	11,454	13,765	12,510	14,183

Note: AFY = acre feet per year

From BCVWD 2020 UWMP, p. 6-30 (Appendix A).

BCVWD plans to maximize local water supplies and minimize the need for imported water from other regions (UWMP, p. 6-2). A thorough description of the District's groundwater rights pursuant to SB 610 guidance is provided in Section 4 – Groundwater Analysis.

Surface Water

BCVWD does not use local surface water directly but does have two active surface water diversions in Edgar Canyon, which are on file with the State of California Division of Water Rights. Copies of said diversion permits are located in Appendix F. These diversions direct flows to percolation ponds in Edgar Canyon to recharge the shallow aquifers for wells in the upper and middle Edgar Canyon. BCVWD has been doing this since the late 1800's and has a pre-1914 appropriative water right to divert up to 3,000 miner's inches (MIH) or approximately 43,440 AFY for domestic and irrigation uses. However, the District has never required such a large quantity of water and the watersheds may not be capable of supplying such quantities in an average year. Further, the District does not include the diversion right in water supply calculations. (UWMP, pp. 6-34, 6-35)

BCVWD retains the right to capture the occasional very high flood flows that are captured in basins located at the mouth of Edgar Canyon. During those times, SGPWA would be precluded from percolating imported water there and instead use other SGPWA facilities. (UWMP, p. 6-35)

Stormwater

BCVWD is pursuing and quantifying supplies from other stormwater capture projects in addition to the Edgar Canyon basins noted above. This includes the Starlight, Eighth Street, and Cherry Basins located in the Sundance Development (completed and functioning) and the Beaumont MDP Line 16 project (aka Recharge Basin Feeder), which will be under construction by Riverside County Flood Control District in 2021-2022. BCVWD estimates approximately 730 AFY of "new water" may result from these projects (UWMP, p. 6-39). "New water" is water which is developed over and above what would have occurred naturally, in an undeveloped condition (UWMP, p. 6-39). The amount of new water potentially credited to BCVWD would be determined by the Watermaster. Refer to Appendix G for plans related to the forthcoming Beaumont MDP Line 16 project.

BCVWD has also identified three conceptual storm water capture projects in the 2020 UWMP (i.e., Edgar Canyon, Noble Creek, and Marshall Creek) with an estimated yield of 1,050 AFY (p. 6-36).

Recycled Water and Non-Potable Water

Currently, BCVWD does not produce or distribute recycled water. The City of Beaumont's Wastewater Treatment Plant is located within BCVWD's service area and has been recently upgraded and expanded to include the ability to produce recycled water for distribution. BCVWD and the City of Beaumont entered into a Memorandum of Understanding (MOU) on July 10, 2019, which defined the general terms, roles, and responsibilities of both agencies as they related to the delivery of recycled water from the City's upgraded and expanded treatment facility to BCVWD (a copy of the MOU is located in Appendix H). Efforts are currently underway by both agencies to develop an agreement to set the specific terms and responsibilities. Studies and plans have been completed for a recycled water transfer pumping station. (UWMP, p. 6-40)

The volume of wastewater collected from BCVWD's service area in 2020 was 4,032 AF; because approximately 2,020 AFY (1.8 mgd) must be discharged by the City's treatment plant to Cooper's Creek to meet certain environmental habitat mitigation requirements, the remaining 2,012 AFY would hypothetically be available for recycled water use by BCVWD (UWMP, p. 6-46). Projected future recycled water supplies available to the District are in **Table 3-5**.

BCVWD has an extensive network of more than 40 miles of non-potable water transmission pipelines already built that can convey untreated imported water, groundwater, and recycled water. In addition, there is a network of smaller distribution mains, a 2 MG non-potable water reservoir, and about 300 existing landscape connections to the non-potable system receiving 1,620 AF of water (CY 2020). The non-potable system is pressurized currently with groundwater from Well 26. This is supplemented with potable water during periods of high demand. (UWMP, p. 6-40)

Table 3-5 Projected Future Recycled Water Supply (AFY)

	2020 ^(b)	2025	2030	2035	2040	2045
Estimated amount which can distributed (AFY) ^(a)	1,630	2,017	2,381	2,892	2,955	2,915

Note: AFY = acre feet per year

Source: From BCVWD 2020 UWMP, p. 6-44, which notes that this data is from a draft BCVWD Non-Potable Master Plan that is in-progress.

(a) Accounts for a 10% loss between the wastewater influent and recycled water produced by the treatment plant, as well as an effluent discharge commitment by the treatment plant of 1.8 MGD to Cooper's Creek.

(b) As of December 2021, recycled water from the City of Beaumont is unavailable.

3.4 Documenting Normal Year Water Supply and Demand

BCVWD estimates in its 2020 UWMP that customer water demand and available water supply from 2025 to 2045 are at least equal during “normal” precipitation years and there will be water available for banking in the Beaumont Basin (p. 7-13). This is consistent with what occurred in 2020; supply met demand with 427 AF going to banked groundwater storage (UWMP, p. 6-58).

A summary from the 2020 UWMP of the normal year water supplies projected to be available to BCVWD, as well as the normal year water demand projections are compared in **Table 3-6**.

Table 3-6 BCVWD Projected Normal Year Supply and Demand (AFY)

	2025	2030	2035	2040	2045
Supply	18,565	18,478	23,175	24,738	26,270
Demand	16,929	17,873	18,869	19,846	20,660
To Beaumont Basin Storage ^(a)	1,636	605	4,306	4,892	5,610

Note: AFY = acre feet per year

Source: BCVWD 2020 UWMP, p. 7-13. (Appendix A).

(a) Positive difference indicates amount banked in Beaumont Basin storage account.

As shown in Table 3-6, BCVWD has estimated that sufficient supply will be available during any normal year occurring between 2020 and 2040.

3.5 Documenting Single Dry Year Water Supply and Demand

The following assumptions are made in BCVWD's 2020 UWMP to estimate future water supplies and demands during a single dry year (UWMP, p. 7-5):

- A single-dry year for BCVWD corresponds to the conditions observed in 1991, which is when the minimum amount was extracted from Edgar Canyon groundwater, which was 1,117 AF (UWMP, p. 7-8).
- A reduction of 15% is assumed for average annual forbearance water and reallocated unused Overlying Party rights (i.e., water used for replenishment of Beaumont Basin account) will be available in a dry year (i.e., 85% of normal). (UWMP, p. 7-8)
- Future return flow credits were not reduced by 15% for a single-dry year.
- A reduction of 15% is assumed for recycled forbearance water due to a potential reduction in treated wastewater due to water conservation (i.e., 85% of normal). (UWMP, p. 7-8)
- 5% of Table A water will be available to SGPWA for BCVWD's estimated available imported water supplies.
- 90% of the expected normal, average recycled water will be available (UWMP, p. 7-11).
- 36% of average rainfall will be available as new water from stormwater capture projects (UWMP, p. 7-12).
- No reduction in water demand was assumed (UWMP, p. 7-15).

BCVWD has determined with these assumptions that sufficient water supplies will be available during a single dry year occurring anytime from 2025 to 2045, as shown in **Table 3-7**.

Table 3-7 BCVWD Projected Single Dry Year Supply and Demand (AFY)

	2025	2030	2035	2040	2045
Supply	7,349	7,878	8,944	9,195	9,792
Demand	15,429	16,673	18,097	19,124	19,988
From Banked Beaumont Basin Storage ^(a)	(8,080)	(8,795)	(9,153)	(9,929)	(10,196)

Note: AFY = acre feet per year

Source: BCVWD 2020 UWMP, p. 7-16 (Appendix A).

(a) A negative difference indicates the amount of water banked in the Beaumont Basin storage account that would be needed to meet demands.

3.6 Documenting Multiple Dry Year Supply and Demand

BCVWD has made the following assumptions in its UWMP to estimate future water supplies and demands during a multiple (five-consecutive) year drought (UWMP, p. 7-22):

- A five-dry year period for BCVWD corresponds to the conditions observed from 1988 to 1992.
- The average amount available from Edgar Canyon groundwater for 5 consecutive dry years is 1,305 AF (UWMP, p. 7-9).
- 85% of average annual forbearance water and reallocated unused Overlying Party rights (i.e., water used for replenishment of Beaumont Basin account) will be available in a dry year (a reduction of 15%). (UWMP, p. 7-8)
- Future return flow credits were not reduced by 15% for a dry year.
- 85% of recycled forbearance water will be available for a potential reduction in treated wastewater due to water conservation (a 15% reduction). (UWMP, p. 7-8)
- 24% of Table A water will be available to SGPWA for BCVWD's estimated available imported water supplies.

- 85% of the expected normal, average recycled water will be available (UWMP, p. 7-11).
- 61% of average rainfall will be available as new water from stormwater capture projects (UWMP, p. 7-12).
- Total water demand will be reduced 30%.

BCVWD has projected based on the assumptions above that sufficient water supplies will be available with the use of banked groundwater supplies during each year of a five-year drought that could occur anytime from 2025 to 2045, as shown in **Table 3-8**.

Table 3-8 BCVWD Projected Multiple Dry Year Supply and Demand (AFY)

		2025	2030	2035	2040	2045
Five Consecutive Dry Years	Supply	10,639	10,697	11,456	11,331	11,642
	Demand	10,800	11,671	12,668	13,387	13,992
	From Banked Beaumont Basin Storage ^(a)	(162)	(974)	(1,212)	(2,056)	(2,350)

Note: AFY = acre-feet per year

Source: BCVWD 2020 UWMP, p. 7-20 (Appendix A).

(a) A negative difference indicates the amount of water banked in the Beaumont Basin storage account that would be needed to meet demands.

3.7 Comparison of Available Water Supply and Demand

CWC section 10910 (c)(3) states: *If the projected water demand associated with the proposed project was not accounted for in the most recently adopted UWMP...the water assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.*

BCVWD projected in the 2020 UWMP that water would be needed from the Beaumont Basin storage account to meet projected dry year demands in all drought year scenarios ranging from a single-dry year to a six-consecutive dry year period (UWMP, p. 7-21). BCVWD also projected banking around 28,500 AF of water in the Beaumont Basin over the next 25 years, which would bring the storage account to about 68,250 AF and would be enough to meet year 2045 demands for more than 3.5 years without imported water deliveries (UWMP, p. 7-4).

SGPWA determined in its 2020 UWMP that supplies would meet retailer's demands during drought years assuming retailers use stored water and regionally managed supplies to offset fluctuations in imported water supplies (SGPWA, p. ES-4). BCVWD's projected amounts of stored water that would be needed to meet projected demands would be greater if conservation measures and other restrictions are ineffective. Thus, the importance of maintaining a substantial amount in storage and having effective demand reduction measures cannot be understated. BCVWD Resolution No. 2014-05 states the various conditions under which BCVWD shall not issue a will-serve letter (aka Availability Letter) to new developments including when "the quantity of the District's ready to deliver water supplies is less than a projected demand of five years based on the District's then current annual demand" (a copy of BCVWD Resolution No. 2014-05 is located in Appendix I). The results of the District's 2020 Drought Risk Assessment suggest about 12,000 AF should be kept in the Beaumont Basin storage account to maintain a five-year supply at the ready (UWMP, p. 7-21). If no conservation occurs during a dry period, then BCVWD will need to maintain about 52,000 AF in the storage account to meet the demands during a five-consecutive dry year period (UWMP, pp. 7-21, 7-22). Currently, BCVWD has 39,750 AF stored in the Beaumont Basin storage account (UWMP, p. 6-26).

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SECTION 4 - GROUNDWATER ANALYSIS

SB 610 requires specific groundwater information to be included in the WSA if groundwater will be a source of water for the proposed project. As discussed in Section 3, groundwater is the source of supply for BCVWD and therefore part of the water supply for the proposed Project.

Law

CWC Section 10910 (f):

If a water supply for a proposed project includes groundwater, the following additional information shall be included in the water supply assessment:

(1) A review of any information contained in the urban water management plan relevant to the identified water supply for the proposed project.

(2)(A) A description of any groundwater basin or basins from which the proposed project will be supplied. (B) For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has the legal right to pump under the order or decree. (C) For a basin that has not been adjudicated that is a basin designated as high- or medium- priority pursuant to Section 10722.4, information regarding the following: (i) Whether the department has identified the basin as being subject to critical conditions of overdraft pursuant to Section 12924. (ii) If a groundwater sustainability agency has adopted a groundwater sustainability plan or has an approved alternative, a copy of that alternative or plan. (D) For a basin that has not been adjudicated that is a basin designated as low- or very low priority pursuant to Section 10722.4, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current

bulletin of the department that characterizes the condition of the groundwater basin, and a detailed description by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the amount and location of groundwater pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), for the past five years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), from any basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(5) An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project. A water supply assessment shall not be required to include the information required by this paragraph if the public water system determines, as part of the review required by paragraph (1), that the sufficiency of groundwater necessary to meet the initial and projected water demand associated with the project was addressed in the description and analysis required by paragraph (4) of subdivision (b) of Section 10631.

4.1 Review of Urban Water Management Plan (CWC Section 10910(f)(1))

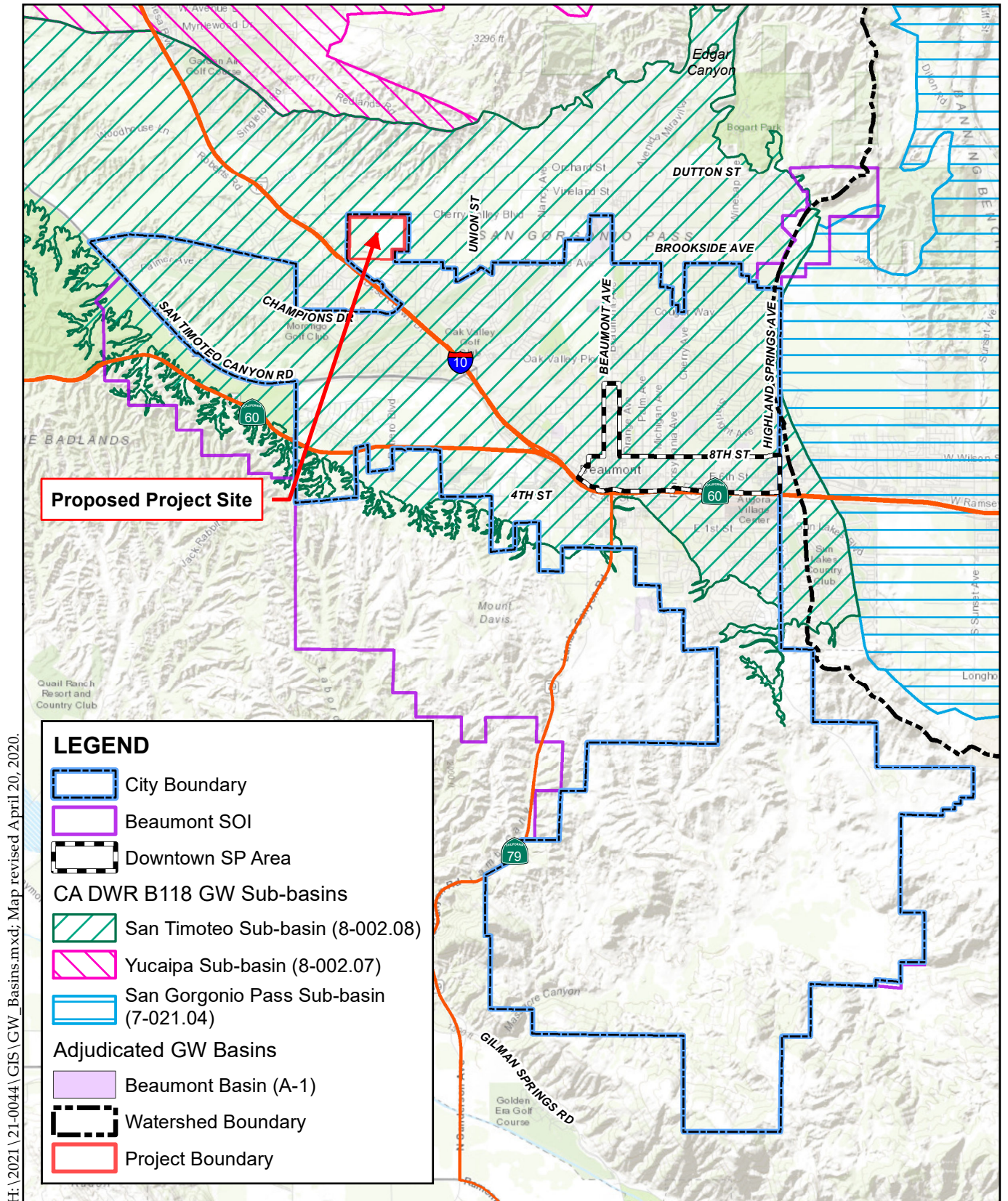
BCVWD's 2020 UWMP, prepared by BCVWD staff was adopted by BCVWD Resolution No. 2021-13 on August 26, 2021 (located in Appendix A). The UWMP includes information relevant to the identified water supply for the proposed Project and is incorporated herein. Relevant information includes: 1) current and projected water demands through year 2045; 2) a description of the groundwater basins; 3) the reliability of the water supply, projected supply and demand comparisons, and water shortage plans; and 4) demand management efforts.

The 2020 UWMP contains a description of known development projects that are under construction or planned for construction in the District's service area, including the estimated number of EDUs per project. The EDUs were used to perform the water demand projections in the UWMP and determine whether the proposed Project was accounted for in the UWMP.

4.2 Groundwater Basin Descriptions (CWC Section 10910(f)(2))

The District produces water from two groundwater sources: Beaumont Basin and Edgar Canyon (**Figure 4-1 – Beaumont Basin**). The Beaumont Basin is an adjudicated basin and the primary source of water supplies for BCVWD. Edgar Canyon is not within an adjudicated basin.

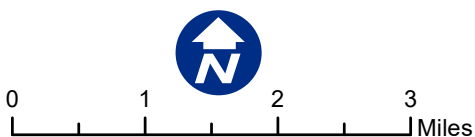
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Sources: Albert A. Webb Associates, Draft Program Environmental Impact Report for Beaumont General Plan" September 8, 2020.

Figure 4-1 – Groundwater Basins
Beaumont Summit Station



Beaumont Basin Description

BCVWD has 11 wells in the Beaumont Basin. According to California Department of Water Resources Bulletin 118, the Beaumont Basin is located partially within the San Timoteo Subbasin (No. 8-002.08) and San Gorgonio Pass Subbasin (No. 7-021.04). The following basin description is from the BCVWD 2020 UWMP (pp. 6-18, 6-19):

“The Beaumont Basin, or Beaumont Storage Unit (BSU) as it is also known, is one of the largest groundwater units in the San Gorgonio Pass area covering an area of about 27 sq. mi. with at least 1.1 million acre-feet of water in storage and about 200,000 to 400,000 acre-feet of unused groundwater storage capacity. The San Timoteo Watershed Management Authority (STWMA) estimated the amount of water in the Beaumont Basin could be as much as 2.4 million acre-ft based on usable groundwater extending down to 1,500 ft below ground surface (bgs).¹ This is 500 ft deeper than previously assumed and is based on several wells drilled by BCVWD and others.

The boundaries of the BSU are defined on all sides by postulated faults including the Banning and Cherry Valley Faults to the north and unnamed faults to the south, east, and west. The Cherry Valley Fault is the dividing line between the BSU and the Singleton storage unit.

Groundwater within the BSU primarily occurs in the older alluvium and the San Timoteo Formation. Groundwater elevations in the BSU range from approximately 160 ft bgs to 600 ft bgs. Underlying the BSU are nearly impermeable granitic/metamorphic basement rocks.

Since startup of the BCVWD recharge facility and the recharge of SPW, groundwater in the BSU flows from the recharge site (at Beaumont and

¹ “Integrated Regional Water Management Program for the San Timoteo Watershed,” Final Draft, prepared for the San Timoteo Watershed Management Authority, Wildermuth Environmental, Inc. (WEI), p 2-15, June 2005.

Brookside Avenues) in a southeasterly direction toward Banning and a southwesterly direction to San Timoteo Creek.”

Prior to the Adjudication in 2004, progressive drawdown of water levels in the Beaumont Basin occurred from the 1920s. Since the Adjudication, groundwater levels have stabilized, albeit at elevations 75 to 120 feet below the 1920 levels and about 10 to 40 feet below the 1980 level. “However, in spite of the drop in water levels, there were no water quality impacts or known subsidence. At the present time, with the Adjudication, the Beaumont Basin is operated on a long-term safe yield basis without further overdraft” (UWMP, p. 6-26).

Legal Right to Pump from the Beaumont Basin

The following description of groundwater management is from the BCVWD 2020 UWMP (pp. 6-23 - 6-25):

“The Beaumont Basin was adjudicated in February 2004, in Superior Court, Riverside County, Case RIC 389197, San Timoteo Watershed Management Authority vs. City of Banning et al (Adjudication or Judgment). The Judgment established the Beaumont Basin Watermaster (Watermaster) to administer the Judgment. It established the rights of the Overlying Parties and the Appropriator Parties, e.g., BCVWD and others. Some of the essential elements of the Judgment are as follows:

- *The “Safe Yield” of the Basin was established at 8,650 AFY. This was to be reevaluated every 10 years. §I 3.X and §VI 5.Y. It was re-evaluated in 2013 -2015 and on April 2015, through Resolution 2015-01, the safe yield was reduced to 6,700 AFY.*
- *A controlled overdraft of the basin was allowed for the first ten years to create more usable storage capacity in the Basin for Conjunctive Use. In the Judgment, this was termed “Temporary Surplus.” This was established at 160,000 acre-ft.*

- *After ten years (February 2014), the controlled overdraft ceased. This provided a ten-year time frame for the appropriators to develop facilities to use or bank imported SPW and develop other water sources. § I3.BB and Exhibit C, Column (5).*
- *The Overlying Parties can extract, in total, a maximum of 8,650 acre-ft/yr, which was reduced to 6,700 AF in the safe yield adjustment of 2015. (All of the initial safe yield was dedicated to the Overlying Parties.) The Overlying Parties and their rights are shown in column (4) of Exhibit B. If an Overlying Party pumps more than five times its share of the operating safe yield (as shown in column (4) of Exhibit B) in any five consecutive year period, the overlying producer shall provide Watermaster with sufficient funds to replace the overproduction (typically with imported water). Exhibit B, Column (4) and §II 1.A*
- *An Overlying Party can request water service from an Appropriator Party. For example, an Overlying Party can subdivide its property and then request an Appropriator, such as BCVWD, to supply the new subdivision with water. When this happens, the Overlying must forgo extracting that volume of water provided by the Appropriating Party and the Appropriating Party shall have the right to produce the equivalent volume of water which the Overlying Party did not pump. §III 3. (This is sometimes called “forbearance” water.)*
- *If an Appropriating Party serves recycled water to an Overlying Party, the Overlying Party’s water right is not diminished, but the Appropriator Party shall have the right to use that portion of the Overlying Water Right offset by the recycled water. In other words, serving recycled water to an Overlying Party allows the Appropriator to pump the equivalent amount of groundwater. §III 3 E.*
- *There is a provision which requires the BCVWD to set aside 2,400 AFY of projected water demand in the 2005 Urban Water*

Management Plan update specifically for Oak Valley Partners, LP. For the 2010 UWMP update, the Judgment states this figure should be revised to reflect the projected water demands. Oak Valley Partners, LP has an overlying pumping right per column (4) of Exhibit B equal to 1,806 AFY. However, it is unclear how this 1,806 AFY is to split between YVWD and BCVWD. BCVWD started to provide potable water service to Oak Valley Partners, LP land in 2005; in 2010, BCVWD provided a total of 1,307 acre-ft to them. BCVWD continues to provide water to the land from its potable and non-potable water distribution system §III.3.G.

- If any Overlying Party produces less than five times the share of the safe yield assigned to the Overlying Party during any 5 year period (per Column (4) of Exhibit B), the unused portion shall be apportioned to the Appropriator Parties per Column (2) of Exhibit C: BCVWD 42.51%, Yucaipa Valley Water District 13.58%, South Mesa Water Company 12.48%, and the City of Banning 31.43%. (Watermaster Rules and Regulations §7.3.)*
- Any Appropriator may transfer all or any portion of its Appropriator's Production Right or Operating Yield that is surplus to its needs to another Appropriator. (Watermaster Rules and Regulations §7.2.)*
- Watermaster has the authority to enter into Groundwater Storage Agreements with producers for the storage of supplemental water, wellhead protection and recharge, well abandonment, well construction, monitoring, replenishment, mitigation of overdraft, and collection of assessments. §VI.5.*
- Supplemental replenishment water can be recycled water, State Project Water, or other imported water. Replenishment can be accomplished by spreading and percolation, injection, or directly using treated surface water or raw or treated imported water. §VI 7.*

- *A minimum 200,000 acre-ft of groundwater storage capacity shall be reserved for conjunctive use. Any person, party or not a party to the Judgment, can make reasonable beneficial use of the groundwater storage capacity for storage of supplemental water provided that it is in accordance with a storage agreement with Watermaster. §I.3.S and §V.5.B*
- *Minimal producers (10 or less acre-ft/yr) are exempt from the Adjudication. §III.4.and §I.3.K*

Watermaster is responsible for providing the legal and practical means of ensuring the waters of the Beaumont Basin are put to maximum beneficial use and include:

- *Administer the Judgment; approve Producer activities;*
- *Maintain and improve water supply; maintain and improve water quality; monitor and understand the Basin; and*
- *Develop and administer a well policy; develop contracts for beneficial programs and services; provide cooperative leadership.*

To simplify the Judgment, an appropriator, like BCVWD, after February 2014, can only extract water within the appropriator's storage account as determined by Watermaster. Water in the storage account can include:

- *Imported water recharged by the Appropriator.*
- *Water transferred from one Appropriator's storage account to the Appropriator.*
- *Recycled water recharged to the Beaumont Basin which meets Regional Board and SWRCB Division of Drinking Water groundwater water recharge regulations.*
- *"New" captured storm water or urban runoff recharged by the Appropriator.*

- *Unused Overlying Party pumping rights allocated back to the Appropriator.*
- *Return flows from imported water or recycled water applied to land overlying the Beaumont Basin by the Appropriator.*
- *Forbearance water allocated to the Appropriator for providing potable or recycled water to the Overlying Party's land.*

Watermaster performs an annual accounting of these sources and produces an annual report identifying the water in storage for each appropriator.

According to Watermaster, BCVWD had 39,750 acre-ft in storage in the Beaumont Basin at the end of 2020. BCVWD's storage account has a maximum capacity of 80,000 acre-ft."

Edgar Canyon Description

BCVWD has 13 wells in Edgar Canyon, which is located within the San Timoteo Subbasin (No, 8-002.08) but outside of the adjudication limits of the Beaumont Basin. The following description is from the BCVWD 2020 UWMP (pp. 6-17 - 6-18):

"Well No. 13 is a standby for Well No. 12; Well No. 9A has limited use and Well RR-1 is being evaluated. Total capacity of the wells, not including RR-1, 9A and 12 is 1,510 gpm or 2.17 mgd. Individual well capacities range from 50 gpm to 300 gpm. Well capacities in Edgar Canyon vary from year to year throughout any given year depending on hydrologic conditions, i.e., wet year vs dry year.

Groundwater in Edgar Canyon primarily occurs in the shallower, younger and older alluvial valleys and within the rock fractures beneath the alluvium. Numerous faults cross the canyon generally in a southeast-northwest direction. These act as barriers to groundwater movement and subdivide

the canyon into several sub basins. Over the years, BCVWD has drilled numerous wells, pilot holes and test wells in Edgar Canyon; but, because of the faulting, many of these wells have proven to be of limited use or value. Many “dry holes” are noted on some of the old BCVWD system maps.

The groundwater aquifer in Edgar Canyon is limited and storage is small. Groundwater levels vary from just a few feet bgs to about 200 feet bgs. The groundwater levels and groundwater production respond quickly to stream flow. During wet years, considerably more water can be pumped than during dry years.

BCVWD prefers to use the wells in Edgar Canyon since they are the least expensive to operate and the water can be conveyed to the District customers by gravity with no additional pumping. The wells in Edgar Canyon currently provide about 10% of the District’s potable water supply. The District has arbitrarily subdivided Edgar Canyon into three production areas:

- Upper Edgar Canyon -- in San Bernardino County from the District’s northern boundary, where Oak Glen Road crosses over Little San Gorgonio Creek, to a point about the center of Section 2, T1S/R1W approximately 1.5 miles north of the Riverside/San Bernardino County Line. The Upper Canyon wells include all wells except Wells 6, 4A, 5 and RR-1.*
- Middle Edgar Canyon -- in San Bernardino County from the Riverside/San Bernardino County Line to a point about 0.5 mile north of the County line. Well 6 is in the Middle Edgar Canyon.*
- Lower Edgar Canyon -- in Riverside County from the mouth of the Canyon at Orchard St. to about 1 mile north (upstream) where Well No. 5 is located. Well No. 4A is located about 1/4 mile below Well*

No. 5. Well RR-1 is about ½ mile north of Orchard St., downstream of Well 4A.”

Legal Right to Pump from Edgar Canyon

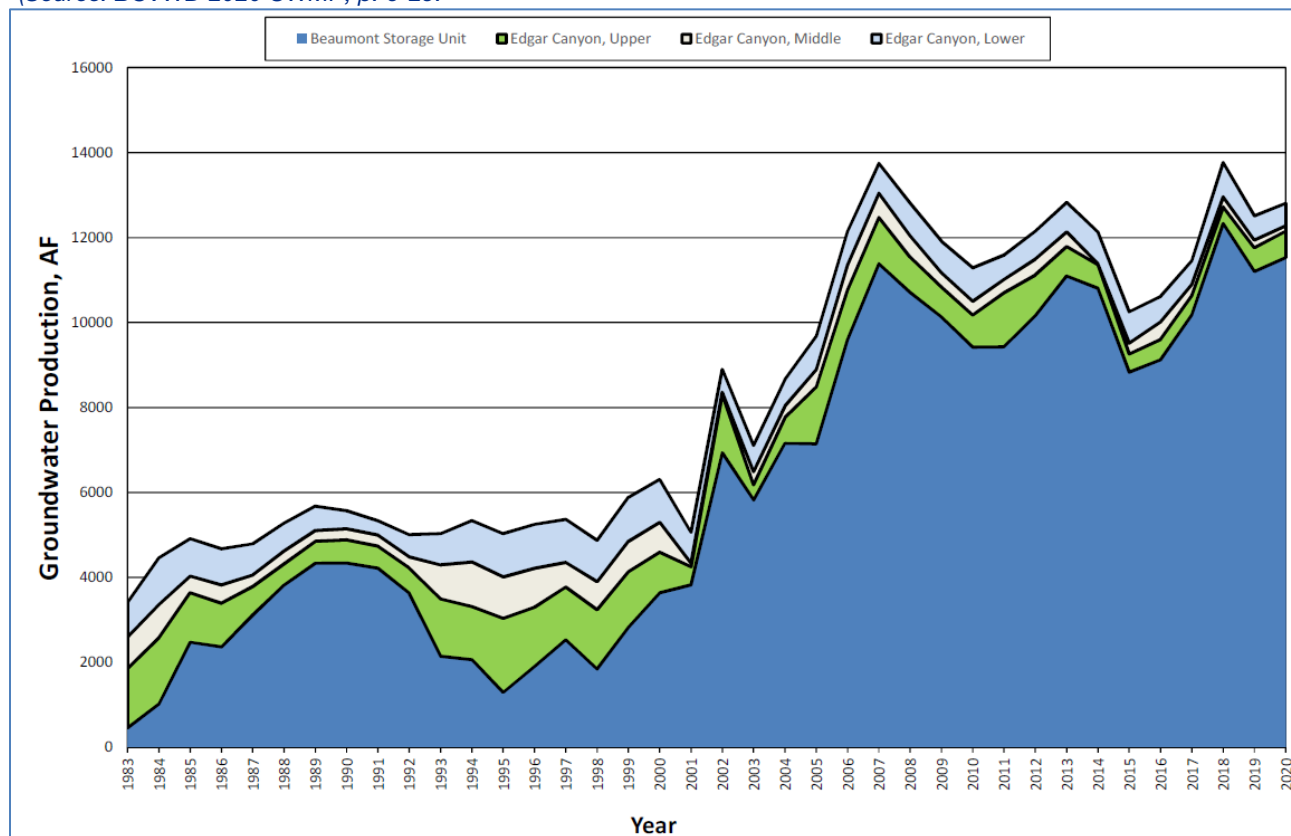
BCVWD has been extracting groundwater from Edgar Canyon for nearly 100 years. Surface water in Little San Geronio Creek (Edgar Canyon) is diverted into a series of percolation ponds in Edgar Canyon, which then recharge the shallow aquifers to help supply the existing wells in Upper and Middle Edgar Canyon. The surface water diversion permits are located Appendix F. BCVWD has been doing this since the late 1800s and has a pre-1914 appropriative water right to divert up to 3,000 MIH or approximately 43,440 AFY for domestic and irrigation uses.² However, BCVWD has never had a demand that requires such large quantities of water supply; and the watersheds may not be capable of supplying such quantities during an average year. The diversion right is not included in BCVWD's water supply calculations but is needed to ensure adequate supply from the Edgar Canyon wells. (UWMP, pp. 6-33, 6-34)

4.3. Recorded Use of Groundwater (CWC Section 10910 (f)(3))

BCVWD's groundwater supply currently comes from up to 24 groundwater wells located throughout the service area within the Beaumont Basin and Edgar Canyon. As of CY 2020, BCVWD produced 14,183 AF from the basins (UWMP, p. 6-30). BCVWD's groundwater production history from 1983 to 2020 from the 2020 UWMP is shown in **Chart 4-1**.

² One Southern California Miners Inch = 0.02 cubic feet per second (cfs).

Chart 4-1 - BCVWD Groundwater Production History Since 1983 (AF)
 (Source: BCVWD 2020 UWMP, p. 6-29.)



BCVWD has long-term records on pumping. From 1957 to 2020, the average production from the Edgar Canyon Wells is 1,881 AFY. With the addition of a transmission main in 1983, average production since 1983 to 2020 is 2,073 AFY. “This is far more indicative of Edgar Canyon’s ability to produce water” (UWMP, p. 6-29). Minimum yield is 1,117 AFY, which is about 54% of the average yield (UWMP, p. 6-31). A 2005 study prepared for the San Timoteo Watershed Management Authority (now dissolved) indicated a safe yield for Edgar Canyon of about 2,600 AFY (WEI, 2005); however, a separate 2010 study by SGPWA estimated the safe yield between 2,000 and 2,800 AFY (Hahn, 2010) (UWMP, p. 6-26). The District has assumed a safe yield of 2,200 AFY in the 2015 and 2020 UWMPs.

Table 3-4 in Section 3 provides BCVWD’s pumping from the Beaumont Basin for 2016-2020. The water pumped includes imported water recharged and extracted the same

year. Water that was recharged and not extracted the same year went into the BCVWD's storage account.

4.4. Projected Use of Groundwater (CWC Section 10910(f)(4))

The proposed Project will receive water from local groundwater sources, some of which is supplemented with imported recharged water and diverted surface water. Specifically, Well 29 is expected to be the primary source of water for the Project site. Well 29 is located on the Project site and produces from the Beaumont Basin.

Table 4-1 summarizes the projected amount of extractable groundwater from the Beaumont Basin, which does not include stored water, recharged imported water, or captured stormwater.

Table 4-1 Summary of BCVWD Extractable Groundwater From Beaumont Basin

	2025	2030	2035	2040	2045
BCVWD's Share of Reallocated Unused Overlier Pumping Rights (AFY) ^(a)	1,322	1,285	1,165	1,099	1,099
Potable Forbearance Water (AFY)	0	67	263	384	384
Non-Potable Forbearance Water (AFY) ^(b)	471	479	523	557	557
Return Flow Credits above Baseline (AFY)	280	514	868	922	1,155
Total (AFY)	2,073	2,346	2,820	2,963	3,196

AFY = acre-feet per year

Source: BCVWD 2020 UWMP, p. 6-33. A detailed analysis is provided in BCVWD's 2016 Potable Water Master Plan.

(a) Includes proportionate reduction in the reallocation of unused Overlying Party pumping rights to account for the reduction in Basin Safe Yield from 8,650 to 6,700 AFY.

(b) Does not include non-potable (recycled) water planned to be supplied to Tukwet Canyon and Oak Valley Golf Courses since this is not currently occurring.

Explanations of reallocated overlier pumping rights, forbearance water, and return flows are provided below (UWMP, p. 4-2):

- **Reallocation of Overlier Pumping Rights.** The Judgment allows the amount of groundwater not produced by an overlying party to be available for allocation to

appropriators in accordance with their percentage shares of unused safe yield stated in the Adjudication Exhibit C3. BCVWD's share is 42.51% of the unused overlier pumping rights. The Beaumont Basin Watermaster administers this reallocation and transfers the appropriate amounts into the appropriators' storage accounts on an annual basis.

- **Forbearance Water.** The Judgment stipulates that when an appropriator, such as BCVWD, provides potable or non-potable (e.g., recycled) water service to an overlying party or their successors in interest, such as would occur if the overlying party developed the parcel, the equivalent volume of water provided to the overlier shall be earmarked by the appropriator providing the water. The overlying party shall forbear the use of that volume of water earmarked by the appropriator. The appropriator, then, has the right to pump the volume of water forgone by the overlier. This is done through the Beaumont Basin Watermaster who transfers forgone water to the appropriator's groundwater storage account on an annual basis.
- **Return Flow Credits.** The Judgment allows the Watermaster to credit appropriators for the amount of imported water and recycled water that is applied to land overlying the Beaumont Basin. The methodology for assigning credits is under-development by the Watermaster.

Projected use of groundwater in the Edgar Canyon area by BCVWD is 2,070 AFY beginning in 2025 to 2045 (UWMP, p. 6-59).

4.5. Sufficiency of the Groundwater Basin (CWC Section 10910(f)(5))

An adjudicated water right has perhaps the most substantial indicia of reliability of any water right that currently exists in California. An adjudicated right is based upon long-term studies whose purpose it is to protect the long-term functionality of the water source. These rights are coordinated in an established and binding manner with all the other users of the Beaumont Basin and are overseen by the Watermaster which has the

authority to mandate and proscribe activities whose purpose is to protect the water source and maximize its long-term beneficial use.

All Watermaster processes are governed by Rules and Regulations and receive active oversight from the Court which, as noted above, retains continuing jurisdiction over the administration of the Judgment. Consequently, the sufficiency of the groundwater is not only directed by rigorous Watermaster management processes but validated and ensured by continuing Court oversight.

The sufficiency of the vast majority of the groundwater supply that is available to BCVWD is assured by SGPWA Resolution No. 2015-05, which established an obligation to meet the future water supply needs of the region, including BCVWD (UWMP, p. 7-10). BCVWD's water supply projects described in Section 3 would expand local water supplies – both potable and non-potable – and increase the volume of local water recharged into the Beaumont Basin will also contribute to ongoing sustainability. Finally, the use of mandatory conservation measures and other restrictions as described in the 2020 UWMP (e.g., Water Shortage Contingency Plan in Chapter 8 and Demand Management Measures in Chapter 9 of the UWMP) will also conserve supplies.

California Water Code section 10631(j) provides that urban water suppliers that rely upon a wholesale agency for a source of water, such as SGPWA, may rely upon water supply information provided by the wholesale agency in fulfilling UWMP informational requirements.

SGPWA is a State Water Project Contractor with a Table A contract for 17,300 AFY. SGPWA has also reviewed in its 2020 UWMP the sufficiency of supplies for its service territory that includes the BCVWD service area and determined that imported water will be available and sufficient to meet the projected demands of BCVWD.

SGPWA's independent analysis of contemporary regional water conditions provide additional and reliable assurances concerning the sufficiency of imported water supplies

that comprise roughly half of BCVWD's projected future total supply especially during drought conditions.

In conclusion, the sufficiency of groundwater supplies available to BCVWD is assured because of the BCVWD projects to expand local supplies and programs to curb consumption, SGPWA projects to expand its water supply, and the Beaumont Basin Watermaster oversight conducted under the auspices of continuing Court jurisdiction that specifically direct and assure the long-term production of water pursuant to the District's legal rights to produce such water necessary to meet ultimate water demands.

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SECTION 5 - PRIMARY ISSUE FOR ASSESSMENT

The lead agency for a proposed project "...shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy demands of the project, in addition to existing and planned future uses" (CWC section 10911). The lead agency is expected to approve or disapprove the project based on several factors, including but not limited to the WSA.

Law

CWC Section 10910(g)(1)

Subject to paragraph (2), the governing body of each public water system shall submit the assessment to the city or county not later than 90 days from the date on which the request was received. The governing body of each public water system, or the city or county if either is required to comply with this act pursuant to subdivision (b), shall approve the assessment prepared pursuant to this section at a regular or special meeting.

CWC Section 10911(b)

The city or county shall include the water supply assessment provided pursuant to Section 10910, and any information provided pursuant to subdivision (a), in any environmental document prepared for the project pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

(c) The city or county may include in any environmental document an evaluation of any information included in that environmental document provided pursuant to subdivision (b). The city or county shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses. If the city or county determines that water supplies will not be sufficient, the city or county shall include that determination in its findings for the project.

The lead agency is expected to review the WSA and decide whether additional water supply information is needed for its consideration of the proposed Project.

5.1 Findings

Whereas:

1. The Beaumont-Cherry Valley Water District (BCVWD) has been identified as the water supplier for the proposed *Beaumont Summit Station Specific Plan* (Project). The City of Beaumont is the land use authority and lead agency for the Project.
2. The Project site is currently approved for a residential development with up to 560 dwelling units per the 2007 Sunny-Cal Specific Plan for which BCVWD approved a Will Serve letter (2012). The most recently approved Will Serve letter is dated 2015 for a project of 497 dwelling units and estimated total water demand of 472 AFY (Approved Will Serve – January 14, 2015).
3. The Project modifies the previously approved land use plan to construct a non-residential business park with three warehouses and a commercial parcel with potential retail and restaurant uses. The water demand for the Project is estimated at 115 AFY of potable water and 68 AFY of outdoor non-potable water, based on unit water demand factors used recently for similar projects in the BCVWD service area. The potable water demand is equivalent to approximately 211 EDUs.
4. The BCVWD 2020 Urban Water Management Plan (UWMP) projected future water demands assuming 529 EDUs on the Project site and found that there were sufficient supplies in a normal and the various dry years. Since the Project's water demand is less than that used in the UWMP, it can be concluded that the water demand of the Project as currently configured was accounted for in the most recent UWMP and will have adequate supplies for the next 20 years.
5. The Project parcels have overlying water rights assigned to them pursuant to the 2004 adjudication of the Beaumont Groundwater Basin (Judgment). They are identified in the Beaumont Basin Watermaster's reporting as an Overlying Party and as "Sunny-Cal Egg and Poultry Company," consisting of the following nine Assessor's Parcel Numbers: 407-190-016, -17, 407-230-022, -23, -24, -25, -26,

-27, and -28.¹ According to the Watermaster's 2020 Annual Report, the Project site has an overlying water right of 1,114.99 AFY.

6. The Safe Yield of the Beaumont Basin is 6,700 AFY. The Judgment defines Safe Yield as "the maximum quantity of water which can be produced annually from a groundwater basin under a given set of conditions without causing a gradual lowering of the groundwater level leading eventually to depletion of the supply in storage." The Safe Yield was determined using a "detailed water balance of the basin and vicinity with the aid of a calibrated numerical groundwater flow model" (Harder, p. 1). The Project's overlying water right is part of the Safe Yield.
7. The Project has requested water service by BCVWD, which is an Appropriator Party to the adjudication. Pursuant to the adjudication, an Overlying Party can request water service from an Appropriator Party. When this happens, the Overlying Party must forgo extracting that volume of water provided by the Appropriator and the Appropriator shall have the right to produce the equivalent volume of water which the Overlying Party did not pump.
8. If an Appropriating Party serves recycled water to an Overlying Party, then the Overlying Party's water right is not diminished, but the Appropriator Party shall have the right to use that portion of the Overlying Water Right offset by the recycled water. In other words, serving recycled water to an Overlying Party allows the Appropriator to pump the equivalent amount of groundwater.
9. In its 2020 UWMP, BCVWD has projected sufficient groundwater supplies to meet customer demands for the next 20 years (2020 – 2040), including the previously approved Project, during normal years. Customers include agricultural and industrial accounts, which are both projected to increase somewhat over the planning period. The 2020 UWMP found that sufficient groundwater during drought years is contingent on imported water supplies to recharge the Beaumont Basin, the effectiveness of demand reduction measures, converting to recycled

¹ Exhibit D of the 2004 adjudication includes a 10th APN (406-080-013) which is no longer existing.

water where possible when it becomes available, and increased local recharge projects.

10. The Project site has an adjudicated water right of 1,114.99 AFY, and an estimated potable and non-potable water demand of 183 AFY (115 AFY potable and 68 AFY non-potable). Because the Project's projected water demands are substantially less than the overlying water right, and the Project would forgo producing the volume that will be supplied to the Project by BCVWD, and BCVWD has accounted for development of the site in its 20-year water demand projections for normal and drought years in the 2020 UWMP and determined that water supplies will be sufficient to meet District demands, water supplies will therefore also be sufficient to meet the projected water demand associated with the proposed Project in addition to the water supplier's existing and planned future uses, including agricultural and manufacturing uses.

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SECTION 6 - REFERENCES

	<i>Cherry Valley Pass Acres & Neighbors v. City of Beaumont</i> . Court of Appeal of California, Fourth District, Division Two. No. E049651. 190 Cal.App.4 th 316 (Cal. Ct. App. 2010) Decided Nov. 22, 2010.
BBW(a)	Beaumont Basin Watermaster. <i>2020 Consolidated Annual Report and Engineering Report, Final</i> . June 22, 2021.
BBW(b)	Beaumont Basin Watermaster. <i>Resolution Nos. 2006-02, 2006-04, 2006-05, 2006-06, 2006-07, and 2006-08. A Resolution of the Beaumont Basin Watermaster Recognizing the Designation of a Specific Amount of Overlying Water Rights to Specific Parcels</i> . February 7, 2006, April 17, 2006, June 13, 2006, June 13, 2006, June 13, 2006, and June 13, 2006.
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BCVWD(a)	Beaumont-Cherry Valley Water District. <i>Water Supply Assessment for Sunny-Cal Specific Plan Project</i> . March 8, 2005.
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BCVWD(c)	Beaumont-Cherry Valley Water District. January 7, 2015 Board of Directors regular meeting. <i>Consideration of Request for Updated "Will Serve Letter" and Annexation for Sunny-Cal Specific Plan Project Tentative Tract Map 36583</i> .
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GP	City of Beaumont. <i>Beaumont General Plan</i> . December 1, 2020. (http://www.beaumontca.gov/DocumentCenter/View/36840/Beaumont-Zoning-Map-Final)
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Harder	Thomas Harder & Co. Groundwater Consulting in association with Alda, Inc. <i>Beaumont Basin Watermaster 2013 Reevaluation of the Beaumont Basin Safe Yield</i> . April 3, 2015.
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Kimley-Horn	Kimley-Horn. <i>Beaumont Summit Station Specific Plan, Draft July 2021</i> .
Kimley-Horn(b)	Kimley-Horn. <i>Beaumont-Cherry Valley Water District Draft Water Supply Assessment for Potrero Logistics Center</i> , December 2020. (Contained within BCVWD Engineer Workshop meeting packet for December 14, 2020, pp. 201 to 297.)

Marr	Charles Marr Consulting and PACE, Inc. <i>Water Supply Assessment for Beaumont Pointe</i> . Revised April 13, 2021.
NAIOP	NAIOP Research Foundation. <i>Logistics Trends and Specific Industries that Will Drive Warehouse and Distribution Growth and Demand for Space</i> . L. Nicolas Ronderos, Director, Urban Development Programs Regional Plan Association, March 2010. Available at https://www.naiop.org/en/Research-and-Publications/Reports/Logistics-Trends-and-Specific-Industries .
NOP	Draft Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Beaumont Summit Station project.
Ord. No. 1069	City of Beaumont. <i>An ordinance of the City Council of the City of Beaumont, California amending Chapter 17.06 "Landscape Standards" of the Beaumont Municipal Code</i> . January 19, 2016.
SGPWA 2021	Tully & Young. <i>San Geronio Pass Water Agency 2020 Urban Water Management Plan</i> . Adopted June 21, 2021.
Stantec	Stantec Consulting Inc. <i>Sunny-Cal Specific Plan</i> , August 2007.
TTM 36583	Beaumont-Cherry Valley Water District Board of Directors meeting. <i>Consideration of Request for Updated "Will Serve Letter" and Annexation for Sunny-Cal Specific Plan Project Tentative Tract Map 36583 (Located south of Cherry Valley Boulevard/North of Brookside Avenue/west of Hannon Road/east of Interstate 10 freeway</i> . January 7, 2015.
USDE	U.S. Department of Energy. <i>Guidelines for Estimating Unmetered Landscaping Water Use (PNNL-19498)</i> , KL McMordie Stoughton. July 2010. Available at https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-19498.pdf .
UWMP	Beaumont-Cherry Valley Water District. <i>2020 Urban Water Management Plan public review draft</i> . July 2021.
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WEI, 2005	Wildermuth Environmental, Inc. (2005). <i>Integrated Regional Water Management Program for the San Timoteo Watershed, Final Draft</i> , prepared for the San Timoteo Watershed Management Authority, June 2005.

APPENDIX A



2020 Urban Water Management Plan

Final

SEPTEMBER 2021

BEAUMONT-CHERRY VALLEY WATER DISTRICT
560 Magnolia Avenue, Beaumont, CA 92223



Message From The Board of Directors

For over 100 years, the Beaumont-Cherry Valley Water District (BCVWD) has dedicated itself to providing a cost-effective, safe, and reliable water supply to the City of Beaumont and Community of Cherry Valley. Through the years, BCVWD has strategically invested in projects and programs that have expanded and diversified its water supply portfolio to meet the rapidly-changing needs of the region's diverse water users. BCVWD continues to focus its efforts on meeting the region's ongoing water demands through close planning efforts with its State Water Contractor (San Geronio Pass Water Agency [SGPWA]). Additionally, BCVWD is continuing its efforts with the City of Beaumont to produce recycled water in the area and include it as part of BCVWD's water supply portfolio.

The BCVWD Board is pleased to submit this 2020 Urban Water Management Plan to the California Department of Water Resources. The Plan provides a detailed summary of all current and projected water supplies and demands within BCVWD's service area. The Plan further demonstrates the water reliability of BCVWD's water supplies for the next 25 years and provides a comprehensive overview of BCVWD's short- and long-term partnerships, programs, and priorities.

Beaumont-Cherry Valley Water District Board of Directors



Division 2 – Lona Williams (Vice President)



Division 4 – John Covington (Member)



Division 1 – Andy Ramirez (Secretary)



Division 3 – Daniel Slawson (President)



Division 5 – David Hoffman (Treasurer)

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Acknowledgements

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ABBREVIATIONS AND ACRONYMS

Abbreviation	Definition
Acre-ft or AF	Acre-feet (1 acre-ft = 325,800 gallons)
Acre-ft/yr	Acre-feet per year
ACS	American Community Survey
Act	California Urban Water Management Planning Act
AF	Acre-feet (1 acre-ft = 325,800 gallons)
AFY	Acre-feet per year
Alliance	San Geronio Pass Regional Water Alliance
AMI	Automatic Meter Infrastructure
AMR	Automatic Meter Reading
Annual Assessment	Annual Water Supply and Demand Assessment
AWWA	American Water Works Association
BCVWD	Beaumont Cherry Valley Water District
BGS	Below Ground Surface
BIA	Building Industry Association
BSU	Beaumont Storage Unit, Beaumont Basin
Board	BCVWD Board of Directors
CDP	Census Designated Place
CFD	Community Facilities District
CFS	Cubic feet per second
CIMIS	California Irrigation Management Information System
City	The City of Beaumont
Cr+3	Trivalent Chromium
Cr+6	Hexavalent Chromium
CVAN	Cherry Valley Acres and Neighbors
CVCOI	Cherry Valley Community of Interest
CVP	Central Valley Project
CWC	California Water Code
DCP	Delta Conveyance Project
DDW	State Water Resources Control Board, Division of Drinking Water
District	Beaumont Cherry Valley Water District
DMM	Demand Management Measure (water conservation)
DoF	State of California, Division of Finance

Abbreviation	Definition
DWR	Department of Water Resources
DWR Guidebook	2020 UWMP Guidebook for Urban Water Suppliers
EBX	East Branch Extension of the State Water Project
EBX II	East Branch Extension of the State Water Project Phase II
EDU	Equivalent Dwelling Unit
EMWD	Eastern Municipal Water District
ERP	Emergency Response Plan
Eto	Reference Evapotranspiration
ft	feet
GEIMS or GeoTracker	Regional Board's Geographic Environmental Information Management System
GIS	Geographic Information System
gpcd or GPCD	Gallons per capita per day
GPD	Gallons per day
GPM	Gallons per minute
Groundwater	Beaumont Basin Groundwater
HCF	hundred cubic feet (748 gallons) = 1 "unit"
HGL	Hydraulic Grade Line
HOA	Homeowners Association
IEBL	Inland Empire Brine Line (connects to SARI)
kWh	kilowatt-hours
LAFCO	Local Agency Formation Commission
MBR	Membrane Bioreactor
MCL	Maximum Contaminant Level
Metropolitan	Metropolitan Water District of Southern California
MG	Million gallons
Mgd	millions of gallons per day
MIH	miner's inch-hours, a volume of water, 0.020 cfs flowing for 1 hour in Southern California, (72 cubic feet or 538.6 gallons)
MOU	Memorandum of Understanding
MSL	Mean Sea Level
NAICS	North American Industry Classification System
NCRF	Noble Creek Recharge Facility
NMFS	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service

Abbreviation	Definition
Overliers	Overlying Parties
Pass	San Gorgonio Pass Water Agency
Pass Agency	San Gorgonio Pass Water Agency
PIER	Public Interest Energy Research
Plan	Urban Water Management Plan of 2020
PPCP	Pharmaceuticals and Personal Care Products
PSPS	Public Safety Power Shutoffs
RCFC&WCD	Riverside County Flood Control and Water Conservation District
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAWPA	Santa Ana Watershed Project Authority
SCAG	Southern California Association of Governments
SCE	Southern California Edison
SGPWA	San Gorgonio Pass Water Agency (Pass or Pass Agency)
SGPRWA	San Gorgonio Pass Regional Water Alliance
SMWC	South Mesa Water Company
SOI	Sphere of Influence
SPW	State Project Water (Imported water from Northern California)
sq mi	square mile
STWMA	San Timoteo Watershed Management Authority
SWE	Snow Water Equivalent
SWP	State Water Project
SWRCB	State Water Resources Control Board
TAF/year	Thousand acre-feet per year
TDS	Total Dissolved Solids
TIN	Total Inorganic Nitrogen (sum of ammonia-nitrogen + nitrite-nitrogen + nitrate-nitrogen)
TOU	Time of Use
Towers	Southern California Edison Power Line Easement
UCR	University of California, Riverside
USEPA	U.S. Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	U.S. Geological Survey
UWMP	Urban Water Management Plan

Abbreviation	Definition
Valley District	San Bernardino Valley Municipal Water District
VOC	Volatile Organic Chemical
Water Code	California Water Code
Watermaster	Beaumont Basin Watermaster
WRCOG	Western Riverside Council of Governments
WSCP	Water Shortage Contingency Plan
WUE	Water Use Efficiency
YVWD	Yucaipa Valley Water District

Executive Summary and Layperson's Description

CWC 10630.5

Each Plan shall include a simple lay description of how much water the agency has on a reliable basis, how much it needs for the foreseeable future, what the agency's strategy is for meeting its water needs, the challenges facing the agency, and any other information necessary to provide a general understanding of the agency's plan

Beaumont-Cherry Valley Water District (BCVWD or District) has prepared a 2020 Urban Water Management Plan (UWMP) as required by the California Department of Water Resources (DWR) for all urban water suppliers serving more than 3,000 customers or 3,000 acre-feet (acre-ft) of water annually within the State of California. The 2020 UWMP follows California state requirements as defined in the California Water Code and in the Urban Water Management Guidebook 2020 (DWR, 2021). The District's 2020 UWMP has been adopted by the Board of Directors on August 26, 2021 and submitted to DWR after adoption.

BCVWD's 2020 UWMP identifies shortfalls in supply due to single and multiple consecutive dry years and identifies the management strategies to ensure a reliable supply despite the shortfalls.

BCVWD's 2020 UWMP is based on these principles:

- The waters of the state are a limited but renewable resource. Conservation and efficient use of water is essential.
- A long-term, reliable supply of water is essential to preserve the quality of life and promote continued economic growth of San Geronio Pass Area.
- Imported water delivery capability is highly variable from year to year and is subject to reliability issues, climate change, and seismic activity.
- As part of its long-range water supply planning activities, BCVWD is making every effort to ensure an appropriate level of reliability in its water supply sufficient to meet the needs of its customers during normal, dry, and multiple dry water years through efficient management and planning.
- Water and energy are linked; using water efficiently through recycling and conservation saves energy and reduces greenhouse gas emissions resulting from power generation.
- Groundwater banking is essential to BCVWD's continued water reliability.

In the preparation of this UWMP Update, BCVWD used the following documents among others:

- 2015 BCVWD Potable Water Master Plan Update (January 2016)
- 2016 BCVWD Non-potable Water Master Plan (in process)
- Recycled Water Facilities Planning Report for Recycled Water Pipeline and Pump Station (June 2014)
- BCVWD White Papers No. 1-7 (Published dates vary, range September 2017 – September 2018)
- City of Beaumont, General Plan (December 2020)
- Pass Area Land Use Plan (December 6, 2016), part of Riverside County General Plan (December 8, 2015)
- 2020 Urban Water Management Plan for San Geronio Pass Water Agency (June 2021)

The District reports on a calendar year (CY) basis with FY 2020 spanning from January 1, 2020 through December 31, 2020. UWMP regulations require the District to report actual supply and demand for CY 2020 in addition to projected supply and demand in five-year increments through 2045. Projecting supply and demand through 2045 allows the District to assess the reliability and potential shortages that may come from population growth, climate change, and projected regional supply changes.

ES-1 Water Supplies

The District relies on local groundwater from Edgar Canyon, groundwater from the Beaumont Groundwater Basin, imported water supplies purchased from the San Geronio Pass Water Agency (SGPWA), and in near-term recycled water purchased from the City of Beaumont.

The District has a potable water system and a non-potable water system. The potable water system is supplied exclusively by groundwater wells; the non-potable water system is designed to convey non-potable groundwater, recycled water, untreated imported water, and potable water, as make-up, or a blend of all.

The District's primary source of water is groundwater which is extracted from the Beaumont Basin which is adjudicated and managed by the Beaumont Basin Watermaster. BCVWD augments its groundwater supply with imported State Project Water (and other imported sources of supply) from the SGPWA which is recharged at BCVWD's recharge facility located at the northeast corner of Brookside Avenue and Beaumont Avenue. The Beaumont Basin Adjudication requires that the extracted amount of water from the Basin must be replaced.

Supplies from Edgar Canyon have limited yield, but are inexpensive to operate and are the preferred source due to there being no replenishment requirement.

The District has a total of 24 wells (1 well is a standby). One of the wells, Well 26, can pump into either the potable water or the non-potable water system.

Table ES-1 provides a simplified summary of the current and future water sources available to BCVWD. Section 6 provides further information regarding the District's supplies.

Table ES-1 – Current and Future Water Sources Available to BCVWD

Water Supply Source	Year					
	2020	2025	2030	2035	2040	2045
Imported Water, AF	11,005	12,216	11,142	13,355	14,711	16,050
Groundwater, AF	3,241	4,143	4,417	6,390	6,533	6,766
Recycled Water, AF	0	2,017	2,381	2,892	2,955	2,915
Stormwater, AF	0	185	535	535	535	535
Total, AF	14,246	18,561	18,475	23,172	24,734	26,266

(1) Imported water supplies include additional water for groundwater recharge for drought proofing

ES-2 Water Demands

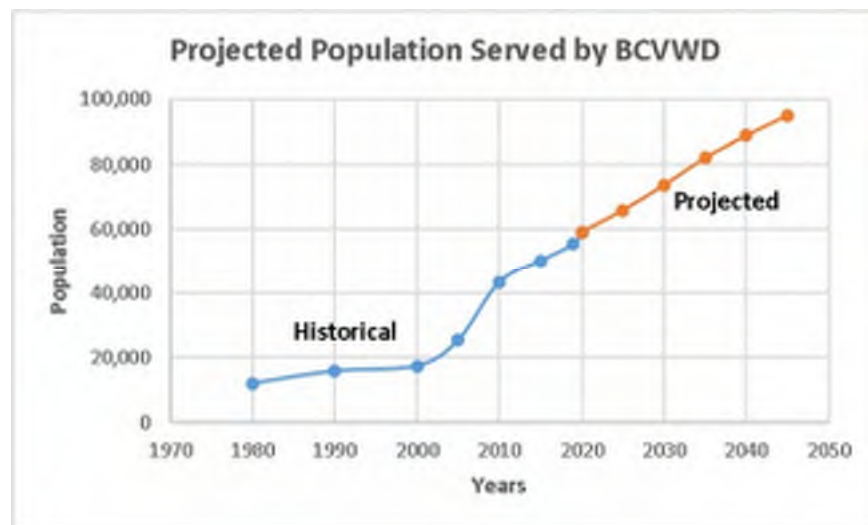
Water production is the volume of water measured at the source (groundwater wells, meters, etc.), and includes all water delivered to residential, commercial, industrial, government, irrigation, and institutional connections, as well as unaccounted-for water (i.e. water lost from leaking pipes). All of the District's water comes from groundwater wells; the imported water supply is recharged and subsequently re-extracted. The District distributes both potable and non-potable water through its system. The non-potable system is supplied by potable water through State Division of Drinking Water (DDW) approved inter-ties on the west side of the District's service area. Upon the availability of recycled water from the City, the non-potable system will be completely severed from the potable system. Recycled water will help the District offset its potable demands, and will be used for irrigation of parks, parkways, common areas, etc.

The District provides potable and non-potable water to a total of approximately 19,215 residential, commercial, industrial, institutional and agricultural accounts in the City of Beaumont and the unincorporated community of Cherry Valley in Riverside and San Bernardino Counties. The bulk of the District's total demand is residential demand (in 2020, single family residential water demand made up approximately 70% of the total demand). Approximately 11% of the District's demand for 2020 was from commercial, industrial, and institutional accounts (CII). Non-potable landscape irrigation demands made up approximately 12% of the District's total

demand. In 2020, the District's total water demand (potable and non-potable) was 13,818 AF. This demand includes metered data only and miscellaneous losses.

The current estimated population served by the District is 59,000. The City of Beaumont is currently experiencing rapid growth and is expected to nearly double in population by 2045. Cherry Valley, however, is not anticipated to be subject to substantial growth. Future water demand estimates are based on the assumptions that the City's (and Cherry Valley) population and housing units (see Figure ES-1) will increase at a consistent rate (see Figure ES-1) with the total water demand per capita remaining relatively stable. Based on the projected populations in the District's service area, it is estimated that the total (potable, non-potable and recycled) water demands will increase to about 20,660 AFY by 2045 (including estimated losses). This results in an increase in demand of about 50% over the next 25 years (shown in Table ES-2).

Figure ES-1 – Historic and Projected Population Served by BCVWD



**Table ES-2 – Projected Total Demands
(Including Recycled Water)**

	Year					
	2020	2025	2030	2035	2040	2045
Potable Water, Raw, Other Non-Potable, AF	13,818	14,972	15,698	16,391	17,285	18,082
Recycled Water Demand, AF	0	1,957	2,175	2,478	2,561	2,578
Total, AF	13,818	16,929	17,873	18,869	19,846	20,660

ES-3 Water Service Reliability and Drought Risk Assessment

As part of the District's 2020 UWMP update, an analysis was performed to assess the potential water supplies available over the next 25 years under normal conditions, as well as the supply conditions during single and multiple dry years. The single and five consecutive dry year analysis was based primarily on historical SPW deliveries to BCVWD, as imported water makes up the majority of the District's supply. The District also considered how single or five consecutive dry years would affect projected stormwater capture efforts, as well as the availability of recycled water.

During any normal year conditions (normal is synonymous with average long term supply conditions), the District can expect a surplus in supply, which is ultimately stored in the District's groundwater storage account for drought proofing. A comparison of the District's present and projected supplies and demands is shown below in Table ES-3.

Table ES-3 – Normal Year Supply and Demand Comparison

Normal Year Supply and Demand Comparison						
	2020	2025	2030	2035	2040	2045
Supply totals, AF	14,246	18,561	18,475	23,172	24,734	26,266
Demand total, AF	13,818	16,929	17,873	18,869	19,846	20,660
Surplus (shortfall), AF	428	1,632	602	4,303	4,888	5,606
NOTES: (1) Demand totals includes all potable and non-potable demand, plus any recycled water demand from golf courses. Totals also include imported water supplies (demands) for additional groundwater banking.						

During drought conditions, the District has the benefit of utilizing groundwater stored in the Beaumont Basin to augment any shortfalls in supply from the State Water Project. A summary of the District's projected supplies and demands during a single dry year period is indicated below in Table ES-4. A shortfall in supply during a single dry year as shown in Table ES-4 would be met with stored groundwater from the District's storage account in the Beaumont Basin. At the end of 2020, the District had 39,750 AF of banked water in its storage account for use during low supply conditions. Section 7 in this UWMP presents an in depth analysis of projected supplies and demands during normal conditions, as well as single and multiple consecutive dry years. Section 7 also discusses the reliability of other various sources which the District believes will be available for beneficial use in the future.

Table ES-4 – Single Dry Year Supply and Demand Comparison

Table 2: Single Dry Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045
Supply totals, AF	7,349	7,878	8,944	9,195	9,792
Demand totals, AF	15,429	16,673	18,097	19,124	19,988
Surplus (shortfall), AF	(8,080)	(8,795)	(9,153)	(9,929)	(10,196)

In the case of multiple consecutive dry years, the District has identified various response actions caused by a shortage in the long term average supply in its Water Shortage Contingency Plan (WSCP). The WSCP outlines the required demand reduction actions during various stages (the WSCP identifies 6 Water Shortage Levels), and discusses how the District will implement said actions to minimize shortfalls between available supplies and demands. The District anticipates demand reductions of up to 40% of normal demands during extreme water supply shortages.

As discussed previously, BCVWD relies on groundwater obtained from Edgar Canyon in Riverside and San Bernardino Counties and imported water from the State Water Project or other imported sources to meet the Adjudication obligations for groundwater pumped from the Beaumont Basin. Each year, the District will analyze its water supplies and projected demands, and a Water Supply and Demand Assessment will be prepared. This will aid the District in its continued commitment to providing reliable water to meet the needs of its customers.

Section 1 – Introduction and Overview

1.1 Overview

This document presents the Urban Water Management Plan 2020 (Plan) for the Beaumont Cherry Valley Water District (BCVWD or District) service area (Figure 3-1). This section describes the general purpose of the Plan, discusses Plan implementation, and provides general information about BCVWD and its service area characteristics.

As part of the California Urban Water Management Planning Act (Act) and resulting California Water Code (CWC or Water Code), an urban water supplier must prepare, adopt and submit an Urban Water Management Plan (UWMP) to the California Department of Water Resources (DWR) every five (5) years. An “urban water supplier” is defined as a supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (AF or acre-ft) of water annually (Water Code § 10617). The UWMP must describe the water supplier’s service area, water demands and supplies, water conservation activities, and assess the reliability of water sources over a 20-year planning time frame. Recent amendments to the Act changed the Water Code to require each urban supplier to update and submit its 2020 UWMP by July 1, 2021 and changed the update and submittal dates for subsequent UWMPs to July 1 in years ending in 6 and 1.

1.2 Purpose of 2020 Urban Water Management Plan

The UWMP is a foundational business support document for an urban water supplier. For BCVWD, this update to its 2015 UWMP emphasizes a cross-functional, systems approach that is intended to better guide and integrate any subsequent water resources studies, facilities master planning, and various regulatory reporting and assessment activities at the District, regional and state levels beyond a basic profiling of the District’s water system.

1.2.1 Changes in the Act Since 2015

There have been numerous changes made and new requirements added to the Act since the 2015 UWMP. Set forth below is a general overview of the key current and new requirements for urban wholesale suppliers. Detailed descriptions of these existing and new requirements are provided in the various sections of this 2020 UWMP.

- Detailed evaluation of the supplies necessary to meet demands over at least a 20-year period, in five-year increments, under a normal water year, single dry-year, and droughts lasting at least five consecutive water years;
- Instead of a water shortage contingency analysis, suppliers must adopt a water shortage contingency plan which includes 10 prescribed elements, such as the procedures used to conduct an annual water supply and demand assessment; six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent

shortages and greater than 50 percent shortage; and shortage response actions that align with the defined shortage levels;

- Drought risk assessment which includes: (i) the data, methodology, and basis for one or more supply shortage conditions necessary to conduct a drought risk assessment for a 5-year drought; (ii) a determination of the reliability of each supply source under a variety of water shortage conditions; (iii) a comparison of total available water supply sources to total projected water use for the drought period; and (iv) a consideration of historical drought hydrology, projected supplies and demands under climate change conditions, and anticipated regulatory changes;
- Water use projections, where available, must display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans;
- Simple lay description of information necessary to provide a general understanding of the UWMP;
- Description of supplier's service area must include current and projected land uses affecting supplier's water management planning;
- Seismic risk assessment and mitigation plan;
- Compliance with the Act is required in order for a supplier to be eligible for a water grant or loan;
- Energy information that a supplier can readily obtain; and
- Evaluation of reasonable and practical efficient water uses, recycling, and conservation activities.

1.2.2 Senate Bill 7 of the Seventh Extraordinary Session of 2009, Water Conservation in the Delta Legislative Package

In addition to changes to the Act, the State Legislature passed Senate Bill 7 as part of the Seventh Extraordinary Session, referred to as SB X7-7, on November 10, 2009, which became effective February 3, 2010. This law was the water conservation component to the historic Delta legislative package and seeks to achieve a 20 percent statewide reduction in urban per capita water use in California by December 31, 2020. This implements the Governor's similar 2008 water use reduction goals. The law requires each urban retail water supplier to develop urban water use targets to help meet the 20 percent goal by 2020, and an interim urban water reduction target by 2015.

The bill states that the legislative intent is to require all water suppliers to increase the efficiency of use of water resources and to establish a framework to meet the State targets for urban water conservation called for by the Governor. The bill establishes methods for urban retail water suppliers to determine targets to help achieve increased water use efficiency by the year 2020. The law is intended to promote urban water conservation standards consistent with the California Urban Water Conservation Council's adopted best management practices.

1.2.3 DWR Guidance

In March 2021, DWR issued the Final 2020 UWMP Guidebook for Urban Water Suppliers (DWR Guidebook). The 2020 DWR Guidebook was updated from the 2015 version to reflect new legislation and to group the Water Code requirements by topic. As part of the Guidebook, DWR updated the Standardized Submittal Tables for the reporting and submittal of UWMP data to DWR. As mentioned above, water suppliers are required to use these Standardized Submittal Tables for electronic submittal of their UWMPs to DWR to satisfy the legislative requirement (Water Code § 10644(a)(2)). For the 2020 UWMP, BCVWD will electronically submit the Standardized Submittal Tables to DWR through its Water Use Efficiency portal within thirty (30) days of adoption from the Board. In addition, BCVWD included the Standardized Submittal Tables in this plan as Appendix D.

The 2020 DWR Guidebook includes a voluntary checklist to show reporting of required elements to assist DWR with its review of the submitted UWMP. Included in Appendix C of this 2020 UWMP is a compliance checklist, organized by Water Code section, which summarizes BCVWD's response to the requirements of the Water Code and indicates where each required element can be found in the Plan.

1.2.4 Urban Water Management Plans in Relationship to Other Planning Efforts

In the preparation of this UWMP Update, BCVWD used the following documents among others:

- 2015 BCVWD Potable Water Master Plan Update (January 2017)
- 2016 BCVWD Non-potable Water Master Plan (In-process)
- Recycled Water Facilities Planning Report for Recycled Water Pipeline and Pump Station (June 2014)
- BCVWD White Papers No. 1-7 (Published dates range from September 2017 – September 2018)
- City of Beaumont, General Plan (December 2020)
- Pass Area Land Use Plan (December 6, 2016), part of Riverside County General Plan (December 8, 2015)
- 2015 Urban Water Management Plan for San Geronio Pass Water Agency (March 2017)
- 2020 Urban Water Management Plan for San Geronio Pass Water Agency (June 2021)
- Resolution 2015-05, Resolution of The Board of Directors of the San Geronio Pass Water Agency to Adopt Facility Capacity Fees for Facilities and Water (July 27, 2015)

1.2.5 UWMP and Grant or Loan Eligibility

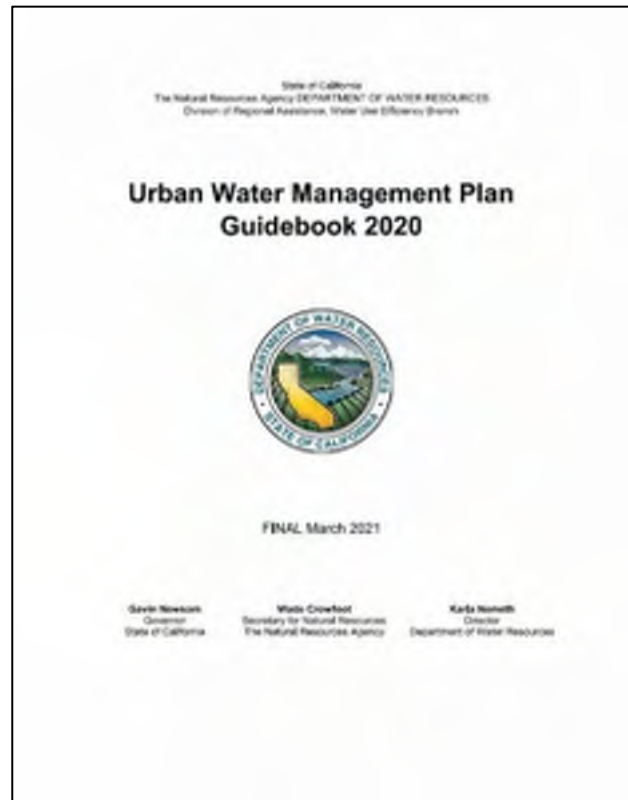
For an urban water supplier to be eligible for any water management grant or loan administered by DWR, the agency must have a current UWMP on file that has been determined by DWR to address the requirements of the CWC. A current UWMP must also be maintained by the water supplier throughout the term of any grant or loan administered by DWR. An UWMP may also be required to be eligible for other State funding, depending on the conditions that are specified in the funding guidelines.

1.3 Organization of this Document

Beaumont-Cherry Valley Water District's 2020 UWMP was prepared in compliance with CWC Sections 10610 through 10657 of the Act, which were added by Statute 1983, Chapter 1009 and became effective on January 1, 1984, and Section 10608.36 of SB X7-7, which was enacted in 2009. In addition to complying with the Act, this report details BCVWD's current situation and how it will meet the challenges of the future.

The plan is organized as follows:

- Section 1: Introduction
- Section 2: Plan Preparation
- Section 3: System Description
- Section 4: Water Use Characterization
- Section 5: SB X7-7 Baseline, Targets, and 2020 Compliance
- Section 6: Water Supply Characterization
- Section 7: Water Supply Reliability and Drought Risk Assessment
- Section 8: Water Shortage Contingency Plan
- Section 9: Demand Management Measures
- Section 10: Plan Adoption, Submittal and Implementation



The following Appendices are included to provide supporting information:

- Appendix A: California Water Code
- Appendix B: Adoption Resolution
- Appendix C: 2020 Urban Water Management Plan Checklist
- Appendix D: Department of Water Resources Standardized Data Submittal Tables
- Appendix E: 2020 Beaumont-Cherry Valley Water Shortage Contingency Plan
- Appendix F: Beaumont Basin Adjudication
- Appendix G: Public Notices
- Appendix H: Delta Reliance Tables
- Appendix I: Water Loss Audit
- Appendix J: Energy Reporting
- Appendix K: References

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Section 2 – Plan Preparation

2.1. Basis for Preparing a Plan

The basis for preparing a UWMP is identified in the California Water Code:

CWC 10617

“Urban water supplier” means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems.

CWC 10620

(b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

CWC 10621

(a) Each urban water supplier shall update its plan at least once every five years on or before July 1, in years ending in six and one, incorporating updated and new information from the five years preceding.

BCVWD is a retail, urban water supplier as the District currently (2020) has over 19,000 connections and delivers over 12,000 acre-ft per year (AFY) of potable water. BCVWD has a non-potable water system with an annual demand of approximately 1,500 AFY of which all is supplemented by the potable water system.

2.1.1. Public Water System

BCVWD is a retail, public water system regulated by the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW).

CWC 10644

(a)(2) The plan, or amendments to the plan, submitted to the department ... shall include any standardized forms, tables, or displays specified by the department.

California Health and Safety Code 116275

(h) “Public Water System” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

BCVWD has a single service area which includes the City of Beaumont, the unincorporated community of Cherry Valley in Riverside County, and a portion of San Bernardino County. Table 2-1 presents information on BCVWD.

Table 2-1 – Public Water System Information

DWR Table 2-1 Retail Only: Public Water Systems			
Public Water System Number	Public Water System Name	Number of Municipal Connections 2020	Volume of Water Supplied 2020 *
<i>Add additional rows as needed</i>			
3310002	Beaumont-Cherry Valley Water District	19,635	12,492
TOTAL		19,635	12,492
* Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.			
NOTES: Total Volume of Water Supplied includes both Potable and Non-Potable Water			

2.2. Regional Planning

BCVWD is one of thirteen regional water providers and local governments that are a part of the San Geronio Pass Regional Water Alliance (SGPRWA or Alliance) formed through a memorandum of understanding (MOU) in March 2014 (Table 2-2). The Alliance is not preparing a separate regional UMWP Update. The goals of the Alliance are:

- To improve coordination, collaboration and communication among local, state and federal governments and water purveyors and other water resource stakeholders in the San Geronio Pass region to achieve greater efficiency and effectiveness in delivering water supplies.
- To develop and promote common water strategies that will, when implemented, fulfill the water demands of the regional area for the future.

Table 2-2 – Plan Identification

DWR Table 2-2: Plan Identification		
Select Only One	Type of Plan	Name of RUWMP or Regional Alliance <i>if applicable</i> (select from drop down list)
<input checked="" type="checkbox"/>	Individual UWMP	
	<input type="checkbox"/> Water Supplier is also a member of a RUWMP	
	<input checked="" type="checkbox"/> Water Supplier is also a member of a Regional Alliance	
<input type="checkbox"/>	Regional Urban Water Management Plan (RUWMP)	

NOTES: BCVWD is a member of the San Geronio Pass Regional Water Alliance, which was formed in 2014; SGRPWA did not prepare a 2020 Integrated Regional Water Management

2.3. Fiscal or Calendar Year and Units of Measurement

BCVWD is on a calendar year basis. Units of measure are AF or AFY, unless clearly indicated otherwise. Individual customer meter reads and customers are billed in terms of hundreds of cubic feet (HCF). Daily volumes are generally reported in million gallons (MG) or million gallons per day (mgd). Data reported herein includes all of 2020. Units are clearly indicated on all tables.

Table 2-3 shows the Agency Identification information.

Table 2-3: Agency Identification	
Type of Agency (select one or both)	
<input type="checkbox"/>	Agency is a wholesaler
<input checked="" type="checkbox"/>	Agency is a retailer
Fiscal or Calendar Year (select one)	
<input checked="" type="checkbox"/>	UWMP Tables Are in Calendar Years
<input type="checkbox"/>	UWMP Tables Are in Fiscal Years
If Using Fiscal Years Provide Month and Date that the Fiscal Year Begins (mm/dd)	
Units of Measure Used in UWMP (select from Drop down)	
Unit	AF
NOTES:	

2.4. Coordination and Outreach

Retail suppliers that receive a water supply from one or more wholesalers are required to provide their wholesaler(s) with their projected water demand from each source, in five-year increments, for 20 years, or as far as data is available.

2.4.1. Wholesale and Retail Agency Coordination

The wholesale water provider in the San Gorgonio Pass area of Riverside County is the San Gorgonio Pass Water Agency (SGPWA). SGPWA has been informed of BCVWD's projected imported water needs, and BCVWD provided SGPWA with responses to their inquiries on the District's water demands, supplies and imported water needs. Several virtual meetings were held with BCVWD senior staff and SGPWA management and consultants between December 2020 and April 2021.

Table 2-4 – Water Supplier Information Exchange

The retail Supplier has informed the following wholesale supplier(s) of projected water use in accordance with Water Code Section 10631.
Wholesale Water Supplier Name
<i>Add additional rows as needed</i>
San Gorgonio Pass Water Agency
NOTES:

BCVWD provided comments on the SGPWA's Administrative Draft, dated May 2021.

2.4.2. Coordination with Other Agencies and the Community

On March 30, 2021, the 60-day notification was sent to the organizations indicated in Table 2-5. The notice stated that BCVWD was in the process of updating its UWMP. A formal notice of the date and time of the public hearing for adoption of the 2020 UWMP was sent to all of the Agencies in Table 2-5 on July 09, 2021, for a Public Hearing on July 22, 2021 in the Board Room, Beaumont Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, CA 92223. The meeting was noticed for two (2) consecutive weeks, as required, in the *Record Gazette* newspaper.

The Draft 2020 UWMP was posted on BCVWD's website on July 9, 2021.

**Table 2-5 – Agencies, Communities, and Organizations Having an Interest
BCVWD’s UWMP**

Agency	Sent Notice		Agency	Sent Notice
City of Beaumont	■		Eastern MWD	■
City of Banning	■		SGPWA	■
City of Yucaipa	■		Beaumont Basin Watermaster	■
City of Calimesa	■		Riverside County LAFCO	■
YVWD	■		San Bernardino County LAFCO	■
South Mesa Mutual WC	■		CVAN ⁽²⁾	■
Santa Ana Watershed Project Authority (SAWPA)	■		Riverside BIA ⁽³⁾	■
Beaumont Cherry Valley Parks and Recreation District	■		Riverside County Flood Control and Water Conservation District	■
HOAs ⁽¹⁾	■		Beaumont Unified School District	■
Riverside County Planning Department	■		San Bernardino County Land Use Services	
<p>(1) HOA’s include: Sundance North, Sundance, Fairway Canyon, Tournament Hills (Oak Valley I), Tournament Hills 2 (Oak Valley II), Solera, Olivewood, Four Seasons, Altis, and Highland Springs Country Club</p> <p>(2) Cherry Valley Acres and Neighbors; (3) Riverside Building Industry Association</p>				

The City of Beaumont (City) has a direct interest since the City is served by BCVWD; BCVWD is in the process of finalizing an agreement for purchase of recycled water from the City of Beaumont. A memorandum of understanding for recycled water use and purchase was signed by both parties in July 2019.

The City of Banning has agreements with BCVWD to recharge imported water on the City’s behalf; has an existing emergency potable water connection with BCVWD and stub outs across Highland Springs Avenue for potable and non-potable water connections and has financially participated with BCVWD in the construction of several production wells to facilitate the extraction and transfer of imported water. BCVWD has pipeline facilities within the City of Calimesa; however, the District does not currently serve the City. BCVWD does anticipate that a small portion of Calimesa adjacent to Desert Lawn Drive may be served by BCVWD in the future.

The County of Riverside Planning Department is involved with land use planning and building permit approval in the unincorporated community of Cherry Valley. The County of San Bernardino Land Use Services controls land use planning in the unincorporated portion of the District’s service in that county. Riverside County Flood Control and Water

Conservation District (RCFC&WCD) is involved with BCVWD on the Beaumont MDP Line 16 storm water capture project and control the flood control channels within BCVWD's service area. Some of these channels play a role in basin recharge.

The Beaumont Basin Watermaster manages the adjudicated groundwater basin which provides over 80% of the District's groundwater production.

The SGPWA is the State Water Contractor that imports water on behalf of the District and its other retail agencies through the East Branch Extension of the State Water Project. BCVWD has been purchasing water from SGPWA and percolating it at BCVWD's groundwater recharge facility since 2006. The SGPWA also has an agreement with BCVWD to use the recharge facilities at the mouth of Little San Geronio Canyon on BCVWD-owned land for the recharge of State Project Water. SGPWA has also constructed their own recharge facility.

The Cherry Valley Acres and Neighbors (CVAN) is a local organization which is very active on land use and water issues.

The Riverside Building Industry Association is included since they are also very active in the area and take an interest to ensure adequate water supply for developments. There are several Homeowner Associations (HOAs), which may have interest as well, as most of them are utilizing the non-potable water systems in their areas; the larger HOAs which have been notified are identified in Table 2-5. The Beaumont Cherry Valley Parks and Recreation District and the Beaumont Unified School District are major current users of BCVWD's potable and non-potable water.

The Santa Ana Watershed Planning Authority (SAWPA) is the major regional water resource planning organization in the Upper Santa Ana River and provides funding for projects in BCVWD's service area.

It should be pointed out that BCVWD does not serve any customers in San Bernardino County except its own residences.

2.5. Water Shortage Contingency Plan

There is a new requirement that a Water Shortage Contingency Plan (WSCP) be prepared with the UWMP and included with the UWMP for the July 1, 2021, submittal. The WSCP is an independent, stand-alone, document, that can be amended as necessary, independent of the UWMP, any time later, by going through a formal amendment process. The adoption of the WSCP can be done at the same time (same meeting) as the adoption of the UWMP, but must be done through a separate public hearing and adoption process. The process for both the UWMP and the WSCP, involves separate notification of agencies as described above, notification of the public through two newspaper publications, a public hearing, formal adoption, submittal to DWR, and

making the plan available on the agency's website. Again, separate notices, etc. for the UWMP and WSCP.

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Section 3 – System Description

3.1. General Description of District

CWC 10631

A plan shall be adopted in accordance with this chapter and shall do all of the following:

- (a) *Describe the service area of the supplier, including current and projected population, climate, and other social, economic, and demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available. The description shall include the current and projected land uses within the existing or anticipated service area affecting the supplier's water management planning. Urban water suppliers shall coordinate with local or regional land use authorities to determine the most appropriate land use information, including, where appropriate, land use information obtained from local or regional land use authorities, as developed pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code.*

The Beaumont-Cherry Valley Water District provides potable and non-potable water service to about 19,215 active accounts, (19,659 connections), as of September 2020¹, in the City of Beaumont and the unincorporated community of Cherry Valley in Riverside and San Bernardino Counties in Southern California. The District is located approximately 75 miles east of Los Angeles along Interstate 10. BCVWD's average day potable demand in 2020 was 10.8 mgd; maximum day was 21.6 mgd. This was an increase from 2015 when the average day and maximum day potable and non-potable demands were 9.2 mgd and 15.3 mgd, respectively.

The San Geronio Pass area started to develop in the late 1880s and in 1912, the community of Beaumont incorporated. BCVWD was formed in 1919 as the Beaumont Irrigation District under California Irrigation District Law, Water Code Section §20500 *et seq.* The name was changed to the Beaumont-Cherry Valley Water District in 1973. Beaumont and Cherry Valley remained small until about the mid-1980s.

The populations of Beaumont and Cherry Valley in 1980 were 6,818 and 5,012, respectively. The boom of the early 2000's, saw Beaumont's population to skyrocket to 36,837 by 2010; Cherry Valley showed only limited growth to 6,279 during that same time. Current (2020) population

served by the District is approximately 59,000. Meeting the water demands for this rapid growth in Beaumont was challenging. The projected growth rate for BCVWD is higher than for Riverside County as a whole through the next 25 years. Table 3-1 shows BCVWD's retail population, current and projected, consistent with the Department of Water Resources format.



BCVWD Office

¹ BCVWD (2020). Adopted FY 2021 Operating & 2021-2025 Capital Improvement Budget.

Table 3-1 – BCVWD Current and Project Population

DWR Table 3-1 Retail: Population - Current and Projected						
Population Served	2020	2025	2030	2035	2040	2045(opt)
	59,258	66,149	73,739	81,906	88,532	94,556
NOTES:						

The population served by the District is expected to increase 60% by 2045. The City of Beaumont's General Plan, adopted in 2020, identifies a potential projected build-out population of approximately 134,000². District staff met with the City of Beaumont to confirm the current and projected retail populations.³ The build out population within the District's Sphere of Influence (SOI) is estimated to be about 147,620 based on BCVWD estimates of current and proposed land use in the area. Potential population growth within the District's SOI is discussed further herein.

3.2. Service Area

The District's present service area covers approximately 28 square miles, virtually all of which is in Riverside County, and includes the City of Beaumont and the community of Cherry Valley. The District owns 1,524 acres of watershed land in Edgar Canyon (also called Little San Gorgonio Creek) in San Bernardino County located just north of the Riverside-San Bernardino County line where the District operates numerous wells and several reservoirs.

The District's SOI, or ultimate service planning area, encompasses an area of approximately 37.5 square miles (14.3 sq. mi. are in the City of Beaumont). The SOI, shown in Figure 3-1 (as a red boundary), was established by the Riverside and San Bernardino County Local Agency Formation Commissions (LAFCO's). SOIs are established as a planning tool and help establish agency boundaries and avoid problems in service, unnecessary duplication of costs, and inefficiencies associated with overlapping service.

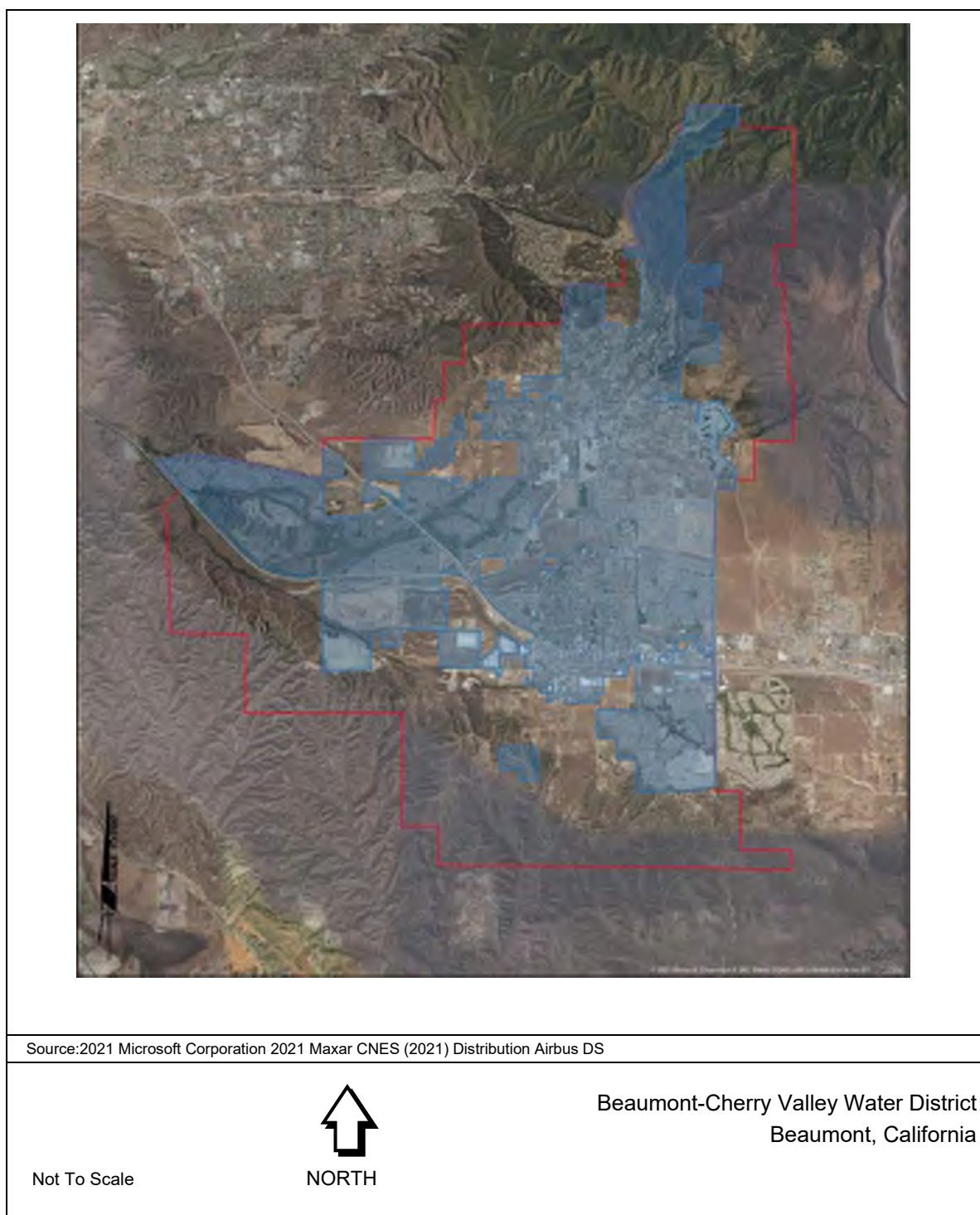
The District's SOI is bounded on the west and north by the Yucaipa Valley Water District (YVWD) and on the east by the City of Banning. The District is bounded on the south by Eastern Municipal Water District (EMWD), a member agency of the Metropolitan Water District of Southern California. Previously, the District's southern boundary and EMWD's northern boundary overlapped in several instances; this was adjusted by Riverside County LAFCO in October, 2020. The District's SOI in Little San Gorgonio Canyon follows Oak Glen Road. The

² Calculated based on City of Beaumont General Plan (2020), Table 3.2a, Page 45. Based on Riverside County average household size of 3.28 people/household.

³ Per meeting with BCVWD and City of Beaumont staff held on 06/09/2021.

area west of Oak Glen Road is within YVWD's SOI; east of Oak Glen Road is within the District's SOI.

Figure 3-1 – District Boundary and Sphere of Influence



In 1999, as part of an agreement to transfer the “Midway Area” to the City of Banning, the easterly limit of the District’s SOI was set at Highland Springs Road. Areas east of Highland Springs Road are now served by the City of Banning. (Note, the “Midway Area” was along 6th Street east of Highland Springs Road.)

West of I-10, between Oak Valley Parkway (formerly San Timoteo Canyon Road) and I-10, the District’s SOI matches that of the City of Beaumont and extends northerly and westerly to Southern California Edison Power Line Easement (Towers). This corresponds to the northerly boundary of the Fairway Canyon Community. North of the Power Line Easement there is an open space reserve that would limit any development westerly along Oak Valley Parkway (San Timoteo Canyon Rd.). This portion of the District’s SOI boundary abuts the City of Calimesa and Yucaipa Valley Water District.

About the year 2007, Riverside County LAFCO revised the District’s SOI Boundaries east of I-10 in the vicinity of Calimesa. The area north of Cherry Valley Blvd from I-10 eastward to a point about 1,000 ft west of Hannon Rd is now in the City of Calimesa and in YVWD’s SOI.

Though not in the District’s service area boundary at the present time, a future development (Jack Rabbit Trail Project [Beaumont Pointe]) southerly of Highway 60 is in the District’s SOI and ultimately would be served by the District.

The District’s service area ranges in elevation from 2,100 feet above mean sea level (MSL) in Fairway Canyon area of Beaumont on the western boundary, to 2,900 feet in Cherry Valley, and over 4,000 feet in the upper reaches of the SOI. The area serves primarily as a “bedroom” community for the Riverside/San Bernardino Area and the communities east of Los Angeles County along the I-10 corridor.

The District is governed by a 5-member Board of Directors, each representing a division within the existing service area. Members of the Board of Directors are elected at large.

3.3. Service Area Climate

According to the Koppen Climate Classification System, the Beaumont and Cherry Valley area has a Cold Semi-Arid to Hot-Summer Mediterranean Climate, which is characterized by warm, dry summers and cold winters with limited rainfall.

3.3.1. Temperature

Table 3-2 presents temperature data for the City of Beaumont obtained from the Western Regional Climate Center. The climate in Cherry Valley is similar, but temperatures are cooler in the upper elevations of the District’s SOI. Temperatures below freezing are common in winter in the upper elevations of the service area. Temperatures over 100°F are also common in the summer.

3.3.2. Precipitation

As shown in Table 3-2, virtually all the precipitation occurs during the months of November through April; most of the precipitation is in the form of rain, but snow is common in higher elevations of the service area during the winter. Some rainfall occurs in summer from thunderstorms that are associated with monsoonal moisture. Annual precipitation in Beaumont (2680 MSL) averages approximately 17.8 inches, with increasing amounts of precipitation with increasing elevation. Cherry Valley averaged 20.6 inches for the period 1911-2006; Oak Glen (4600 ft MSL) averaged 25.5 inches for the 61-year period 1946-2006.

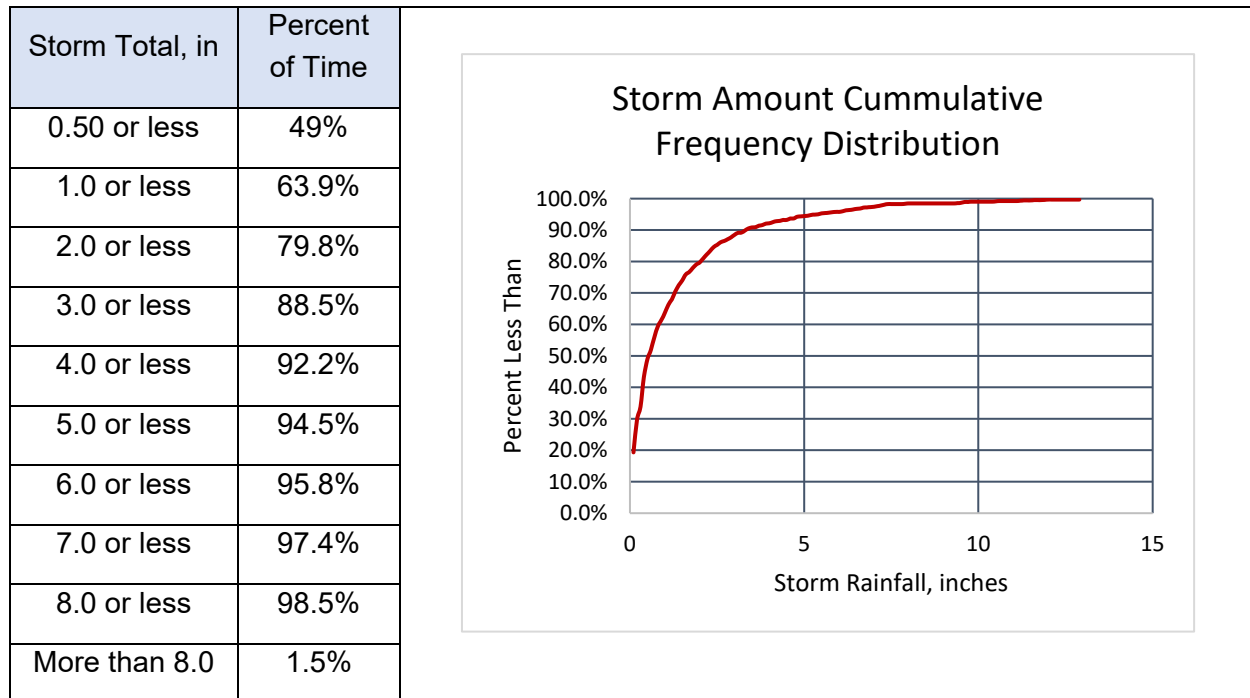
Table 3-2 – Water Supplier Information Exchange Climate in BCVWD Service Area¹

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F) ¹	60.3	63.1	65.8	71.9	78.6	87.5	95.6	95.5	90.5	80.1	69	61.7	76.6
Average Min. Temperature (F) ¹	38.4	38.8	39.9	42.7	47.5	52.2	58.2	58.8	55.5	49.1	42.9	39.2	46.9
Average Total Precipitation (in.) ¹	3.52	3.4	3.12	1.44	0.55	0.14	0.23	0.27	0.51	0.65	1.72	2.26	17.8
Average Total Snowfall (in.) ¹	1	0.4	0.2	0	0	0	0	0	0	0	0.1	0.2	1.8
Monthly Average Evapotranspiration, ETo (2021) ²	2.28	2.72	4.33	5.43	6.6	7.41	7.96	7.7	6.11	4.27	2.73	1.92	59.46

¹ Western Regional Climate Center, Beaumont Station #2 8/1/1939 – 6/10/2016

² CIMIS website – Winchester, CA

Table 3-3 shows the percentage of occurrence of storms of various total rainfall amounts in Beaumont. Rarely does a total storm rainfall exceed 3 inches. A “storm,” in the Table 3-3 analysis, is defined as a continuous period of measurable daily rainfall interrupted by not more than 3 consecutive days of no measurable rainfall.

Table 3-3 – Total Storm Rainfall Frequency in Beaumont (1918 – 2006)

3.3.3. Evapotranspiration

Table 3-2, presented above, shows the monthly reference average Evapotranspiration (ET_o) based on the California Irrigation Management Information System (CIMIS), Winchester, CA station. This station is located about 20 miles south of the BCVWD and is representative of the evapotranspiration in the District's service area. The reference ET_o represents the amount of water used and evaporated by a 4-in to 7-in tall stand of grass in an open field. Water use by other crops and landscape materials can be determined using the appropriate crop coefficient in conjunction with the ET_o.

The service area is in Reference ET_o Zone 9 – South Coast Marine to Desert Transition.⁴ Outdoor water consumption for corrals, orchards and lawns during the hot, dry summer months is high.

3.4. Climate Change

Climate change will result in reduced snowpack and more precipitation as rain. Although studies have shown that the average amount of precipitation may not change significantly under the different climate change (greenhouse gas scenarios) models, events will be more extreme. Wet

⁴ California Department of Water Resources and University of California Cooperative Extension, A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California, The Landscape Coefficient Method and WUCOLS III, August 2000.

periods will be wetter and drought periods drier. DWR (2008) predicted that the Sierra snowpack water storage will be reduced 25% to 40% by 2050.⁵ DWR projects that by the end of the current century the Sierra Nevada snowpack will experience a 48 to 65% loss from historical April 1 averages⁶. The timing of the runoff in the rivers will be accelerated. For example, the peak runoff period in the Sierra Nevada Mountains will occur earlier in the year and will be at a higher rate due to the warmer temperatures and rainfall, on a limited snowpack. Much of this runoff may not be able to be captured by existing reservoirs designed under historic hydrology and operating under “old” storage/outflow management rules. Existing conveyance systems will not be adequate to move this water to off stream storage reservoirs or to groundwater recharge facilities. This will result in more water lost to the ocean and unavailable to meet demands.

Chung, et al. (2009) estimated that climate change impacts will reduce Delta Exports through the State Water Project (SWP) and the Central Valley Project (CVP) by 7% to 10% by 2050 and by 21% to 25% by the end of the 21st century. (Note that DWR’s 2019 SWP Reliability Report, referenced later in this UWMP, included the effects of climate change.)

It is estimated that snowpack in the western states measured on April 1 has declined by about 10% since the 1950’s⁷. The snowpack in California provides for the storage for approximately 70% water which fills the state’s reservoirs. Pierce, et al. (2018) determined that the mean snow water equivalent (SWE) in the Sierra Nevada region will decline to less than two-thirds of its historical average by 2050, and to less than half of the historical average by 2100. Climate change resulting in warmer temperatures and reduced snowpack has already impacted hydroelectric power generation. The State Water Project is one of the largest single users of power and is a large producer of hydroelectric power. Reductions in water supply will affect generation and cause increased operating costs for the transport of water. This will result in higher costs which will be passed on to the District’s customers. A reduction in hydroelectric power will require generation from other renewable sources (wind and solar) to avoid using fossil fuels and the adverse effect of increased greenhouse gas emissions.

The Delta islands are already below sea level and sinking gradually. Sea level rise will increase water levels in the Delta, putting the already fragile levees at greater risk for failure and impact SWP deliveries and SWP water quality should a levee failure occur. There will also be a water quality impact as higher seawater elevations will cause greater saltwater intrusion into the Delta

⁵ DWR 2008. *Managing an Uncertain Future, Climate Change Adaptation Strategies for California’s Water*, State of California, The Resources Agency, Department of Water Resources, October.

⁶ California Department of Water Resources, website, “Climate Change and Water” <https://water.ca.gov/Programs/All-Programs/Climate-Change-Program/Climate-Change-and-Water> Accessed 05/27/2021.

⁷ California’s Fourth Climate Change Assessment, 2018. Coordinating Agencies: California Natural Resources Agency, California Energy Commission, California Governor’s Office of Planning and Research.

and require more fresh water to maintain Delta water quality. This would reduce the amount of water available for export to Southern California.

BCVWD conducted a climate change vulnerability assessment using the methodology in Appendix I of the UWMP Guidebook and the Climate Change Handbook for Regional Water Planning.⁸ It should be pointed out that there is considerable speculation and variability between the various greenhouse gas/climate models. The approach in this UWMP is to consider climate change generically, rather than specifically. The vulnerability assessment will address:

- Water Demand
- Water Supply
- Water Quality
- Flooding
- Ecosystem and Habitat Vulnerability
- Wildfires and Erosion

3.4.1. Water Demand

Since water use in BCVWD's service area varies by more than 50% during the year due to outdoor water use, increases in temperature due to climate change would be expected to increase summertime urban and agricultural water. However, this will be more than offset by the installation of water efficient and drought tolerant landscaping in new developments in response to tightening landscape ordinances. The City of Beaumont and Riverside County have been continually updating their landscape ordinances in response to directives from DWR. The most recent DWR Model Water Efficient Landscape Ordinance version was July 2015. Outdoor residential potable water consumption could also be reduced in the future with the implementation of water reducing alternatives such as greywater systems using laundry wastewater for subsurface irrigation of plants and trees. Water use on orchards in the District will decrease as these areas are converted into urban uses. In summary, BCVWD believes climate change impacts on demand will be more than offset by more efficient outdoor water use, reduced turf areas, and land use conversion from orchards to residential, as well as the City of Beaumont's and Riverside County's Landscape Ordinance prohibiting turf in residential front yards. After 2025, street medians and similar areas with turf may not be allowed to be irrigated unless the turf serves a "community purpose" per a SWRCB 2018 regulation to prohibit wasteful water use practices. Beginning in 2018, even installing recycled water irrigation of street median

⁸ USEPA Region 9 et al (2011). *Climate Change Handbook for Regional Water Planning*, prepared by CDM for US Environmental Protection Agency, Region 9, California Department of Water Resources, US Army Corps of Engineers South Pacific Division, and Resources Legacy Fund, November.

turf is not allowed. These ordinances and regulations will have a significant impact on outdoor water use. BCVWD has already noticed the impacts.

As an example, when BCVWD was under Stage 2 Water Conservation measures in 2015 and 2016, which limited outdoor water use and limited landscape sprinkling to two days per week, BCVWD was able to achieve a 23% reduction in water use from 2015-16 compared to the corresponding period in 2013.

3.4.2. Water Supply

Surface flow is not directly used for water supply by BCVWD. All streams in the area are ephemeral and dry up during the summer. Some only have flow during and shortly after rainfall events.

Other than imported SWP supply from the SGPWA, which will make up an increasing fraction of the District's water supply over time, very little of the District's direct supply comes from local snowmelt; so the direct impact of climate change on the local supply will be minimal. The impact on the SWP and Delta exports was discussed above in the introduction to this subsection.

BCVWD is very fortunate that the Beaumont Groundwater Basin has large storage capacity for banked water. At the end of 2020, there was over 117,000 acre-ft of water "banked" in the Beaumont Basin by all the appropriators. BCVWD has an 80,000 acre-ft storage account in the Basin. During wet years, BCVWD can bank SPW for dry years, as was successfully done from 2006 through 2014 when over 46,000 acre-ft were recharged. In 2014 and 2015, BCVWD did have to withdraw from its storage account due to decreased SWP supply available. However, since 2015 the District has been able to recharge over 59,600 acre-ft, of which over 14,000 acre-ft was banked to the storage account. The Beaumont Basin Watermaster maintains accounting of stored water. As of the end of 2020, BCVWD had 39,750 acre-ft of water "banked" in storage for use during dry years.

3.4.3. Water Quality

BCVWD's local water supply is groundwater, which is of excellent quality and minimal threat from contamination. Climate change will have minimal effect on water quality; however, as mentioned in the introduction to this climate change section, the SPW quality will be impacted by climate change. It is already impacted during dry periods when chloride levels in the SPW increase because there is not enough fresh water from the Sierra Nevada reservoirs to flush out the salt water that has intruded into the Delta. The water quality will continue to deteriorate until the Delta Conveyance Project (DCP) is constructed and operational. The DCP will not result in any significant amounts of "historical new" water but will return the SWP back to its 2015-2020 reliability thereby recovering water from lost reliability and will maintain or improve water quality. Importing water with elevated chloride levels will cause an increase in chloride levels in the groundwater from the recharged water but also from the increased concentrations in return flows from outdoor irrigation. Chloride levels in the recycled water will increase, but the City of

Beaumont has a reverse osmosis system to remove chlorides and other salts. The City provides desalting to a portion of the effluent to meet the discharge permit of 330 mg/L total dissolved solids limit on the effluent which is recycled. Increased salt concentration in the wastewater will mean additional operating costs as a larger fraction of the wastewater will require reverse osmosis desalting.

3.4.4. Flooding

BCVWD's has some well facilities that are likely within the 200-year flood plain in Little San Gorgonio Creek. Minor damage occurred on occasion; but nothing that could not be repaired within a reasonable period of time. During 100- and 200-year flood events, some damage may occur, but the District can still manage since there is adequate spare capacity in the Beaumont Basin wells. The Beaumont Basin wells are outside of the 100-year flood plain and most likely outside of the 200-year flood plain, though there are no 200-year flood plain maps to verify this. RCFC&WCD has an improved channel for Noble Creek. It is well-maintained.

There was significant flooding in 1969. Aerial photos from District files show extensive flooding west of Noble Creek. Noble Creek is a tributary to San Timoteo Canyon Creek. A U.S. Geological Survey (USGS) stream gauge on San Timoteo Creek near Loma Linda recorded a peak flow of 15,000 cubic feet per second (cfs⁹). This flow rate was over twice the 200-year recurrence interval flow for this site. The District's pipeline in Edgar Canyon washed out. Much of this pipeline has been replaced with new ductile iron pipe since 1983 and the remaining portion is master planned to be replaced in the next 5 years.

3.4.5. Ecosystem and Habitat Vulnerability

Principal ecosystem and habitat areas are Noble Canyon and Little San Gorgonio Canyon and tributaries above Cherry Valley. Black bear, bobcats and mountain lions are frequently seen in Little San Gorgonio Creek canyon areas. These areas are under the ownership of BCVWD for the most part and will remain open space. San Timoteo Canyon and its tributaries between Beaumont and Redlands provide a corridor for habitat movement. There are some undeveloped lands south of BCVWD's SOI which are designated as open space. There may be some threatened and endangered species in these areas. These areas provide natural corridors for wildlife movement.

San Timoteo Creek and Cooper's Creek, a tributary of San Timoteo Creek, immediately downstream of the YVWD's and the City of Beaumont's wastewater treatment effluent discharge respectively, have some continuous flow at least for some distance downstream of their respective discharges. A portion of the effluent discharge from the City of Beaumont is required to be maintained by their Regional Board and US Fish and Wildlife for threatened and endangered species habitat that have been supported by the historic wastewater discharges. As

⁹ nwis.waterdata.usgs.gov/nwis, USGS 11057500 San Timoteo C Nr Loma Linda Ca

a result, not all of the wastewater produced by the City of Beaumont's Treatment Facility can be recycled. It may be possible to capture some of the percolated discharge downstream of the sensitive habitat location using extraction wells. The District is looking into doing this to maximize local water resources.

3.4.6 Wildfires and Erosion

Wildfires are always a threat in the area, fortunately, CalFire and the local fire departments are very responsive. BCVWD, YVWD and the City of Banning have water distribution systems available for fire prevention which have been effective in controlling wildfires. Emergency response helicopters are able to take water from the ponds at the District's recharge facility when it's available. Erosion from burned areas is always a problem. The District has been effective at mitigating the effects of wildfire erosion by diverting streamflow to desilting ponds constructed in and at the mouth of Little San Gorgonio Creek and percolating the desilted flow. The California Public Interest Energy Research (PIER) Program predicted a 30% increase in burned area by 2085 due to potential climate change impacts. BCVWD believes that erosion from the increased burned area can be managed with the existing infrastructure.

In 2020, there were several significant fire events^{10,11} which occurred at the north end of the District's SOI. Due to increased risk of potential erosion which would occur due to rainfall, the District coordinated efforts with RCFC&WCD to ensure protection for homes in the area against any potential debris-laden storm flows in Little San Gorgonio Creek. Additionally, sediment from erosion of burned areas is controlled by desilting basins in and at the mouth of Little San Gorgonio Creek.

3.5. Service Area Population and Demographics

CWC Section 10631(a)

The description shall include the current and projected land uses within the existing or anticipated service area affecting the supplier's water management planning. Urban water suppliers shall coordinate with local or regional land use authorities to determine the most appropriate land use information, including, where appropriate, land use information obtained from local or regional land use authorities...

Historically, the principal industry in the Beaumont-Cherry Valley area was agriculture and agriculture-related services, particularly those associated with fruit production (cherries) and egg ranching. Over the years, the agricultural areas and other vacant lands were converted to housing tracts as new home buyers seek more affordable homes, particularly within the City of Beaumont. A major egg ranch, Sunny Cal, is no longer in business and most of the facilities have been removed in anticipation of development. A Specific Plan has been developed for that

¹⁰ Apple Fire, July 31, 2020 – November 16, 2020. Affected area was approximately 33,424 acres

¹¹ El Dorado Fire, September 5, 2020 – November 16, 2020. Affected area was approximately 22,744 acres.

project and both domestic and non-potable water improvement plans were approved by the District in 2017. To date, no construction activities have commenced for the project.

Several major commercial centers have been constructed since year 2015, most notably the extensive development along 1st and 2nd Streets in southeast Beaumont. Several major distribution centers have been constructed including the Amazon Warehouse and Fulfillment Center, and the Wolverine Distribution Center in southwest Beaumont.

Several large residential projects have been in construction since around 2014. These projects include Fairway Canyon, Pardee Sundance, and Olivewood (formerly known as Heartland). From 2017 – 2019 an average of 572 single family homes were constructed per year in Beaumont – about 1,900 people per year. In 2020, there were 275 single family home permits taken out; 335 single family homes were “finaled”.

A number of projects have been previously approved by the City of Beaumont, however have not yet started construction due to various reasons. These projects include Kirkwood Ranch, Potrero Creek Estates, and Noble Creek Meadows (formerly Noble Creek Vistas). These projects are expected to be into construction in the not-too-distant future. Additionally, the Jack Rabbit Trail project (Beaumont Pointe) recently completed its Water Supply Assessment with the District. This project was slated to be 2,000 single-family homes in the early 2000's; however it is now proposed to be commercial and industrial.

The Legacy Highlands Project is still in preliminary planning stages. Legacy Highlands includes a total of 2,868 dwelling units, consisting of single family residential, commercial/industrial, and active adult, low density residential.

In addition, there are a number of projects which have been under construction for a number of years and they are continuing. Sundance still has a few more small tracts to complete. Fairway Canyon and Tournament Hills 3 are underway with the grading of the final phases of these projects; but they are not expected to be complete for another five years or more.

Growth in Cherry Valley has been much slower, yet continues to grow, typically about five to ten single family homes per year. The area is mostly rural residential.

3.5.1. Service Area Population

Historic and current populations for the District's service area were extracted from the District's 2015 UWMP are presented in Table 3-4 as the District is still awaiting the results of the 2020 census. There were some adjustments to account for the latest census data. The data in Table 3-4 came from several sources:

- 1980 and 1990 populations and household information – U.S. Census Bureau, 2000 Census of Population and Housing, Population and Housing Unit Counts, PHC-3-6, California, Washington D.C., 2003. This data was used for the City of Beaumont. Data for Cherry Valley for this period was estimated.

- 2000, and 2010, 2015, and 2019 population and household information – U.S. Census Bureau American Fact Finder for Beaumont, CA and Cherry Valley CDP¹², CA.

Table 3-4 – Historical Population and Housing

	1980	1990	2000	2005	2010	2015	2020
City of Beaumont							
Population	6,818	9,685	11,384	19,105	36,877	43,370	51,647
Households	2,852	3,718	3,881	6,307	11,801	12,759	
People/Household	2.39	2.60	2.93	3.03	3.12	3.18	
Housing Units			4,258	6,949	12,908	13,563	
Occupied Housing Units			3,881	6,307	11,801	12,759	
Cherry Valley							
Population	5,012	5,945	5,891	6,126	6,362	6,595	7,610
Households	2,023	2,530	2,310	2,416	2,612	2,692	
People/Household	2.48	2.35	2.55	2.54	2.44	2.45	
Housing Units			2,627	2,750	2,874	2,903	
Occupied Housing Units			2,434	2,523	2,612	2,692	
Total							
Population	11,830	15,630	17,275	25,231	43,239	49,965	59,258
Households	4,875	6,248	6,191	8,723	14,413	15,451	
People/Household	2.43	2.5	2.79	2.89	3.00	3.23	
Housing Units			6,885	9,699	15,782	16,466	
Occupied Housing Units			6,315	8,830	14,413	15,451	

- 2020 population – Estimated for Cherry Valley based on historic growth from 2018. Estimate for the City of Beaumont based on housing completions from City Planning Department, Major Project Status for period 2010 through 2019¹³, and District staff discussion with various developers regarding construction progress for major projects in the District's service area (ongoing projects discussed herein).

The data in Table 3-4 are an approximation of all of the people living in the District's service area. Except for a relatively few number of people that are on private wells or local water systems, all are served by the District. The District's SOI extends beyond its service area; but the existing population between the service area and the sphere of influence boundary is small at this time.

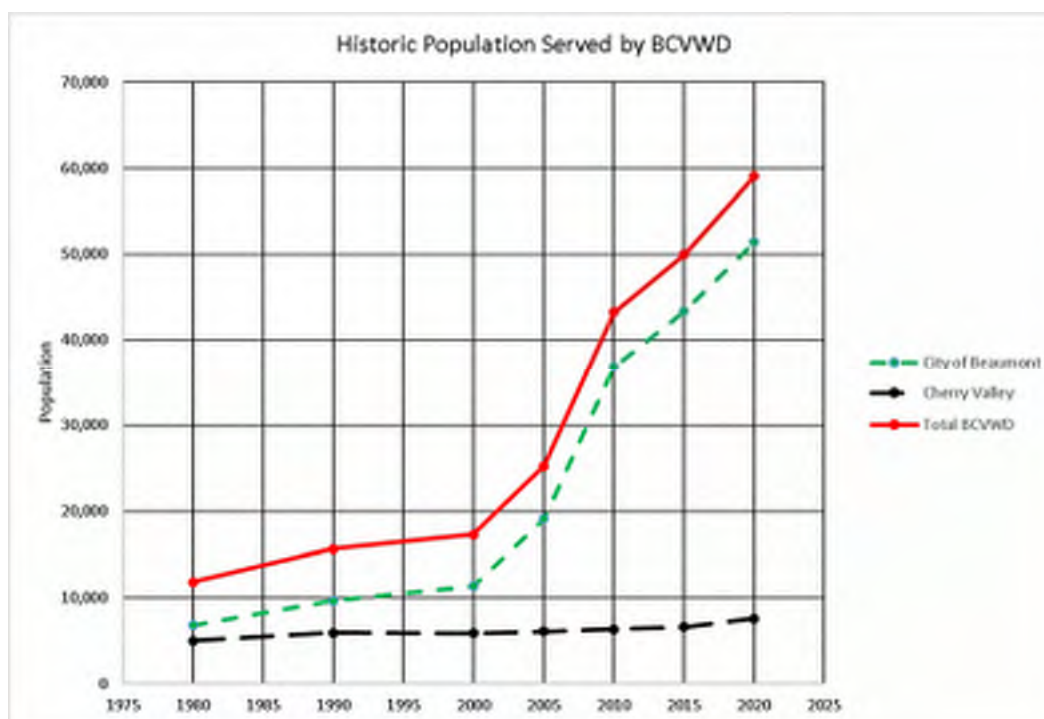
¹² CDP = Census-designated Place

¹³ City of Beaumont Major Project Status Table and Map, December 16, 2019.

Figure 3-2 shows the population growth in the City of Beaumont and Cherry Valley from 1980 to 2020. The population after 2015 was estimated as described for Table 3-4.

The data in Table 3-4 and Figure 3-2 show very rapid growth for the City of Beaumont between the years 2000 to 2020. Nearly 2/3 of this growth occurred between 2000 and 2010 based on building permits issued by the City of Beaumont. The high rate of growth decreased after 2010 following the economic turndown in the U.S. and California in 2008 which continued for several years. The rate of growth in the District's service area has increased again after 2015 after the start of the economic recovery. The population in Cherry Valley remained relatively constant since 1990. The community of Cherry Valley did not experience the same growth spurt that occurred in the City of Beaumont and other areas in Western Riverside County.

Figure 3-2 – Historical Population Growth in District



The U.S. Census Bureau, American Fact Finder, provided some information about the housing units in Beaumont and Cherry Valley. This information is presented in Table 3-5 and shows the housing stock in Beaumont is relatively new with over 70% constructed since 2000 and over 76% since 1990. To further illustrate the young housing stock, 7.5% of residences in Beaumont have been constructed since 2014. This means most of the housing units have relatively water efficient plumbing systems and appliances. Chery Valley, on the other hand, has much older housing stock.

Figure 3-3 shows the number of single-family home building permits issued in the City of Beaumont for the years 2010 through 2019 (February 2020). BCVWD projects that approximately 500 single family home building permits were issued in 2020. Although not shown

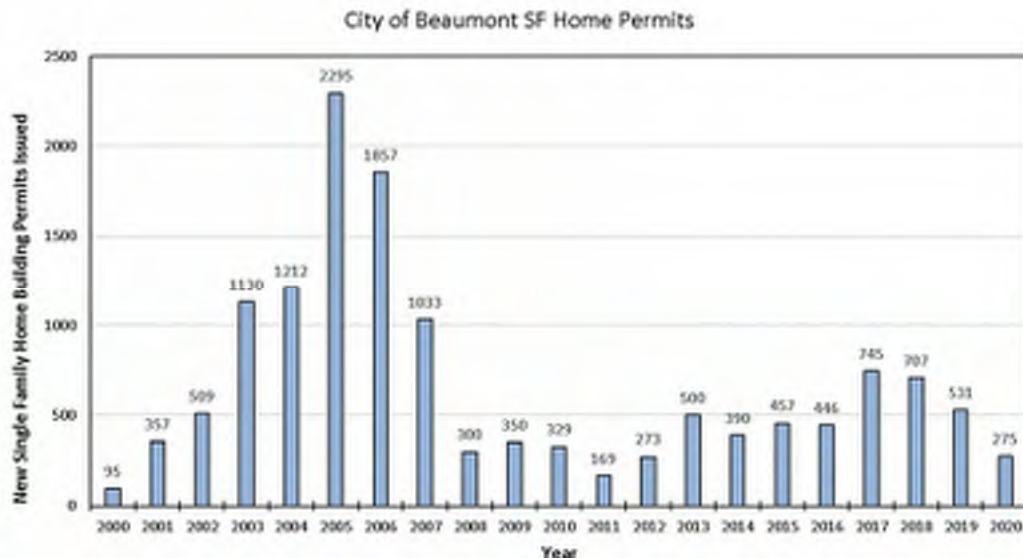
in Figure 3-3, the permits started picking up in 1999-2000 and reached their peak in 2005 with nearly 2,300 new home permits issued for that year. The number of permits for new homes declined to a low of 169 in 2011. Over the last 10 years (2011-2020), permits averaged 450 per year; over the last 5 years (2016-2020), permits averaged 541 per year. The 20-year average has been 693 per year. Future growth will likely be in the range of 350 to 650 permits per year, although some developers have projected slightly higher amounts in their build-out forecasts.

Table 3-5¹⁴ – Housing Characteristics

Housing Type	Percent of Total Housing Units (2019 data)	
	Beaumont	Cherry Valley
Single Family	86.8%	70.2%
Multi-family	10.7%	1.6%
Mobile Home	2.3%	27.5%
Age of Housing (Constructed Since)	7.9% Since 2014	1.8% since 2014
	70.5% since 2000	7.5% since 2000
	76.2% since 1990	75.6% since 1960

Figure 3-3 – Growth in Beaumont as Shown by Single Family Home Building Permits

*Note: 2020 Data for Single Family Home Permits issued includes data through the end of February 2020.



¹⁴ U.S. Census Bureau, 2019: American Community Survey Selected Housing Characteristics 5-Year Estimates Data Profiles

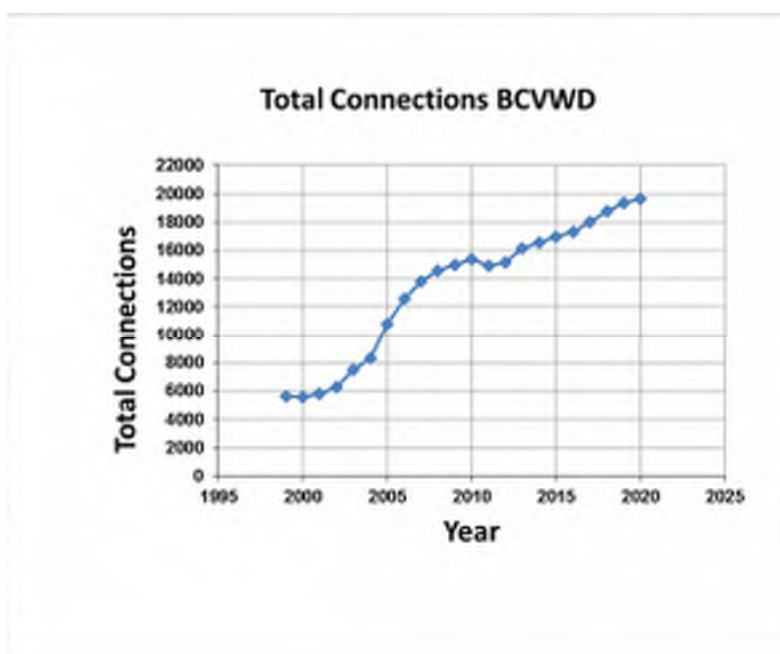
3.5.2. BCVWD Historic Connection Growth

Figure 3-4 shows the growth in total connections (services) within BCVWD's service area. Most of these occurred in the City of Beaumont. Total connections at the end of 2020 were 19,659 as stated in the 2021 BCVWD Operating Budget. Prior to the year 2000, the District had about 5,600 total connections. The number of connections increased steadily until about 2008 when the annual increase began to slow down and level off.

The peak year was 2005 when 2,433 connections were added. For 2009 and 2015, the increase was just under 350 connections per year. The average for the period 2001 through 2020 was 668 new connections per year. For 2019 and 2020, the District added 579 and 314 connections, respectively.

Figure 3-4 shows the number of connections since 2000. There was decline after 2010 that was probably due to the high number of foreclosures in the service area at the time.

Figure 3-4 – Connection Growth in BCVWD Since 1999



3.5.3. Projected Service Area Growth

BCVWD uses Equivalent Dwelling Units (EDUs) to project water demands, water supply needs, and estimated population growth in the service area. BCVWD developed a spreadsheet in 2017 as part of a series of “white papers” on regional imported water requirements and supply needs and sources. This spreadsheet is updated on a regular basis as information on planned projects becomes available and as on-going projects are completed. The spreadsheet has inputs for:

- Infill projects per year

- Commercial and Institutional EDUs per year expressed as a percent of new single-family EDUs with an adjustable minimum
- On-going or planned development projects, total EDUs and EDUs yet to constructed. An estimate is made of the number of units to be constructed per year until project completion based on discussions with the developers, the developers' past experience on the project, and drive-by surveys of completed construction.
- Potential EDUs in Cherry Valley

Review of the City of Beaumont's Major Project Status Report¹⁵ listed six projects that were currently under development (on-going construction). These are listed in Table 3-6. It appears there are about 3,155 EDUs in the current on-going projects yet to be constructed as of February 2021.

Table 3-7 presents a list of other projects in various stages of approval the City of Beaumont. The total number EDUs is estimated to about 9,200.

Table 3-6 – Projects within BCVWD Service Area Under Construction

Development Name	Total Anticipated EDU's	Estimated Housing Units Yet to be Constructed (Feb. 2021) ¹⁶	Estimated Build-out Year
Sundance	4,450	808	2027
Fairway Canyon SPCGA	3,300	1,650	2035
Olivewood (Heartland)	981	697	2030
Hidden Canyon Industrial Park (Beaumont Distribution Center)	Industrial	-	2021
Sundance Corporate Center	Commercial	-	2021
Totals	8,731	3,155	

The housing units yet to be constructed in Table 3-6 plus the EDUs in the other projects in Table 3-7 total about 12,400 EDUs in the City of Beaumont. This would result in an increase in population of about 35,000 people based on 3.28 people per EDU (average density for the City of Beaumont). This would bring the total Beaumont population to about 95,000. Based on the estimated build-out year for each project in Table 3-7, this population would not occur until after 2045.

¹⁵ City of Beaumont, Major Project Status Report, December 16, 2019.

¹⁶ District staff field survey on December 16, 2020, by E. Ward.

Table 3-7 – Other Projects in BCVWD’s Service Area or SOI

Development Name	Total Probable EDU’s	Estimated Build-out Year	Status (April 2021)
Beaumont Industrial Park (Industrial) ^{1,2}	70	2040	
Beaumont Downtown District	900	Unknown	
Beaumont Village (Mixed Use) ^{1,2}	2350	Unknown	
Beaumont Pointe (Jack Rabbit Trail – Commercial/Industrial) ¹	221	2027	
CJ Foods (Industrial)	225	2023	Incremental EDU increase per year, beginning 2018 and ending in 2023
Dowling Orchard (Industrial) ^{1,2}	50	Unknown	
Potrero Logistics (Hidden Canyon II) ^{1,2}	59	2031	
I-10 & Oak Valley Parkway (Commercial) ¹	200	2035	
Kirkwood Ranch	391	2040	Specific Plan (1991), Tent. Tract Map 27357 Approved
Loma Linda/BUSD (Commercial/Industrial) ^{1,2}	100	2040	
MCM Chicken Ranch (Industrial) ^{1,2}	50	2045	
Noble Creek Vistas (Tract 29522)	298	Unknown	
Noble Creek Meadows (Tract 29267)	274	2025	
Oak Creek Village*(Commercial) ^{1,2}	100	Unknown	
Oak Valley Parkway/Oak View Drive (Commercial) ^{1,2}	75	Unknown	
Olivewood (Commercial) ^{1,2}	40	2035	
Potrero Creek Estates ^{1,2}	700	Unknown	Specific Plan (1989)
Riedman Properties (Merlin Properties)	140	2035	

Table 3-7 Cont. – Other Projects in BCVWD’s Service Area or SOI

Development Name	Total Probable EDU’s	Estimated Build-out Year	Status (April 2021)
SDC Fairway Canyon Commercial ^{1,2}	75	Unknown	
Sunny Cal Egg Ranch	529	2040	
Taurek	244	Unknown	
Legacy Highlands (Residential, Commercial, Industrial) ²	2,542	Unknown	
Tournament Hills Phase 3, (TM 36307)	284	2028	Tract 36307, Amendment to Oak Valley Specific Plan Approved
Oak Valley Towncenter (NW Corner Beaumont Avenue & Oak Valley Parkway)	60	2030	
Manzanita (Tract 32850)	95	2035	
Xenia Apartments ³	100	2029	
Totals	9,272		

(1) Commercial/Industrial “EDUs” determined based on 0.546 AFY/EDU, or approximately 487 gal/EDU/day.

(2) District staff estimated EDUs due to project not fully entitled.

BCVWD’s 2020 UWMP projected EDU growth is based on discussions with the developers having on-going projects. The EDU growth is summarized in Table 3-8.

Table 3-8 – Summary of New EDUs in BCVWD Service Area

	Cumulative New EDUs					
	2020	2025	2030	2035	2040	2045
Beaumont	1947	4026	6293	8732	10693	12502
Cherry Valley	14	40	97	158	228	262
Total	1961	4066	6390	8889	10922	12764
Average New EDUs/year	654	421	465	500	406	368

Based on the past history of building permits in the City of Beaumont, presented previously in Figure 3-3, an average of 470 EDUs per year for the period 2020 through 2045 shown in Table 3-8 is believed to be a reasonable market assimilation rate for the area.

Table 3-9 shows the growth in population for Beaumont, Cherry Valley and BCVWD, as a whole, based on the anticipated EDU growth shown in Table 3-8.

Table 3-9 – Current and Projected Population in BCVWD Service Area

	Based on Expected EDU Growth in Table 3-8					
	2020	2025	2030	2035	2040	2045
Beaumont	51,647	58,467	65,901	73,901	80,335	86,266
Cherry Valley	7,610	7,682	7,838	8,005	8,197	8,290
Total	59,258	66,149	73,739	81,906	88,532	94,556

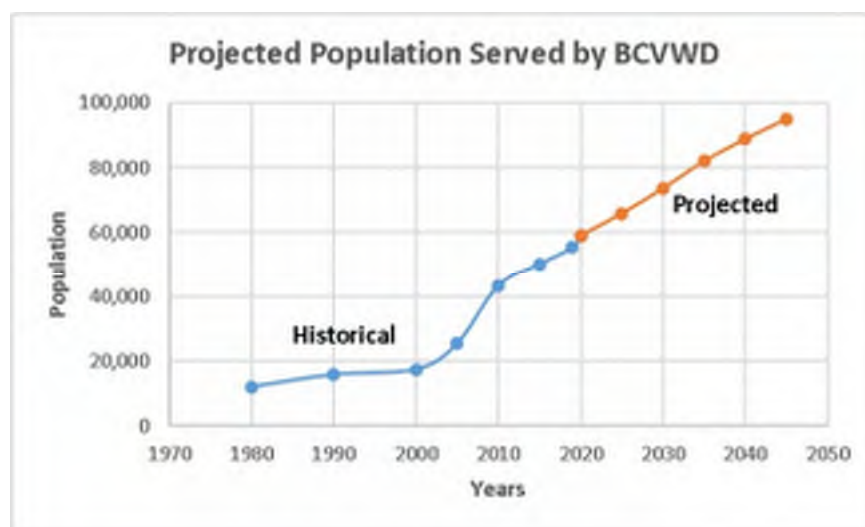
The growth in EDUs in Table 3-8 will be the basis for projecting the water demand in this 2020 UWMP presented in Section 4.

District staff met with City staff on June 09, 2021 to discuss population forecasts as described in the City's recent General Plan Update and how the population estimates identified by the City measure up with the forecasted estimates provided herein. The meeting with City staff was productive and populations provided herein appear to be reasonable.

Figure 3-5 shows the historic and projected population served by BCVWD taken from Tables 3-4 and 3-9 using the EDU growth in Table 3-8.

Figure 3-5 – Historic and Projected Population Served by BCVWD

(based on EDU growth rate in Table 3-7)



3.5.4. Comparison with Department of Finance Projections

Table 3-10 shows a comparison between State of California Division of Finance (DoF) population growth rate for Riverside County and the population growth rate shown in Table 3-9.

Table 3-10 – DoF Riverside County vs. BCVWD 2020 UWMP Population Growth Rates

	Population					
	2020	2025	2030	2035	2040	2045
CA Dept. of Finance Projection - Riverside County (x1,000 People)	2,449	2,594	2,728	2,841	2,933	3,005
5 Year % Change	-	5.90%	5.17%	4.13%	3.25%	2.45%
BCVWD	59,258	66,149	73,739	81,906	88,532	94,556
5 Year % Change	-	11.63%	11.47%	11.08%	8.09%	6.80%

The projected growth rate for BCVWD is higher than for Riverside County, as a whole, through the next 25 years.

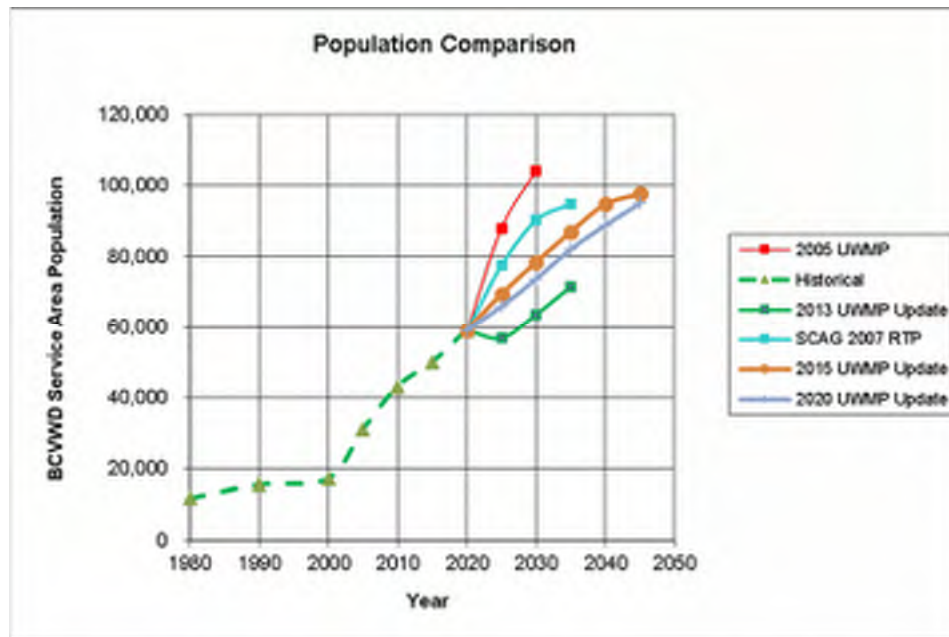
3.5.5. Comparison to Previous UWMPs

To provide a perspective on population growth estimates, Figure 3-6 shows the historic population through the 2020 census along with the population projections in the 2005, 2013, and 2015 UWMP updates. Also included for reference is the Southern California Association of Government's (SCAG's) 2020 Regional Transportation Plan (RTP) Population forecast¹⁷.

¹⁷ Note: SCAG 2020 RTP population only includes City of Beaumont projections

The 2020 UWMP shows more aggressive growth than the previous (2015) version, as well as SCAG. As indicated in Figure 3-6, this aggressive growth rate will decrease over time.

Figure 3-6 – Historical Population and Previous UWMP Population Projections



3.5.6. Other Demographic Information

Income and Home Values

Table 3-11 presents data on the household income and median home values in the service area.

Table 3-11 – Income and Housing Values for 2019¹⁸

	City of Beaumont	Cherry Valley	Riverside County
Median Household Income (2019 Dollars)	\$ 84,105	\$ 54,750	\$ 67,005
Per Capita income (2019 Dollars)	\$ 28,883	\$ 32,650	\$ 25,596
Owner Occupied Units Median Value	\$ 320,500	\$ 276,100	\$ 350,110

¹⁸ 2015-2019: American Community Survey (ACS) 5 Year Estimates

Population Age and Diversity

The median age in Beaumont is 34.5 years; Cherry Valley is 49.8 years. The median age in California is 37.0 years, the U.S. as a whole is 38.5 years. Beaumont is a young community, with many first-time home buyers; Cherry Valley is an older community.

The service area is ethnically diverse. Beaumont is primarily Caucasian and Hispanic with a small number of Asians; Cherry Valley is primarily Caucasian.

Employment

The latest data on employment in the service area is for the year 2019 from the U.S. Census Bureau American Community Survey (ACS) Estimates. This is summarized in Table 3-12.

Table 3-12 – 2019 Employment Data

	City of Beaumont	Cherry Valley	Total
Total Population 16 Years and Older	34,648	6,900	41,548
Total Population 16 Years and Older in Labor Force	21,274 (61.4%)	3,305 (47.9%)	24,578 (59.2%)

Principal industries for males in the City of Beaumont are construction, retail trade and manufacturing; for females, principal industries are retail sales, cashiers and office administration. In Cherry Valley, the principal industries for males are construction and retail trade; for females, education and healthcare/social services.

3.5.7. Build-out Population

The City of Beaumont has recently completed a General Plan Update¹⁹ which involved some modifications in the land use plan for the downtown area. As stated in the General Plan Update:

Downtown is a vital anchor of the community, housing many civic and historical buildings and a diverse mix of uses. The City understands the importance of coordinating investments and land use planning decisions to support the redevelopment of Downtown. The City will implement strategies to reduce existing vacancies and promote a mix of active uses and a variety of retail and housing. Downtown development will encourage human scale design that supports pedestrian activity, including an improved pedestrian experience, multi-modal streets, and adequate density to create a sense of place.

The downtown area proposes commercial/residential mixed use which is different from the previous General Plan. BCVWD is in the process of evaluating the impact of these land use changes on the build-out population. But before this is completed, BCVWD wants to evaluate it in concert with data from the 2020 census, which will not be available until later in 2021.

¹⁹ City of Beaumont General Plan, Adopted December 2020.

The BCVWD service area build-out or “saturation” population will be determined using the City of Beaumont’s Zoning Map and Table 3.2a from the City’s General Plan (2020) to determine the total areas of the various zoning categories in the District’s SOI. Actual GIS data was obtained from the City and integrated into the District’s GIS system to determine the land uses within the District’s SOI. The zoning designation includes a range of dwelling units/acre. Table 3.2 from the City’s General Plan Update includes the estimated number of residential units per land use category.

A similar approach will be used for Cherry Valley, only this time data from Riverside County General Plan, Pass Area Land Use Plan will be used²⁰. Again, the GIS data set was obtained from the County and integrated into the District’s GIS system to determine the land use category areas within the District’s SOI.

BCVWD believes the build-out population for the SOI will increase from that presented in the 2015 UWMP, but the increase is yet to be determined. The build-out population does not impact this 2020 UWMP as forecasts are only to 2045. Build-out will not occur until sometime after 2045. Build-out population is valuable to determine ultimate water demands and ultimate facility requirements.

3.6. BCVWD’s Water Supply System

BCVWD has a potable water system and a non-potable water system. The potable water system is supplied exclusively by groundwater wells; the non-potable water system is designed to convey non-potable groundwater, recycled water, untreated imported water, and potable water, as make-up, or a blend of all. In addition to these systems, the District owns and operates a groundwater recharge facility and imported water pipeline connection to SGPWA’s turnout on the East Branch Extension of the State Water Project. BCVWD’s average day and maximum day potable water demands were 10.8 mgd and 21.6 mgd, respectively for 2020. Average day and maximum day non-potable water demands for 2020 were 5.6 mgd and 6.7 mgd, respectively. These demands are higher than 2015 when the average day potable and non-potable demand was 9.2 mgd; maximum day was 15.3 mgd. The increase in water demand is associated with development in areas of high density and high growth.

²⁰ The Pass Area Land Use Plan, December 6, 2016. (Part of Riverside County General Plan)

3.6.1. Potable Water System

BCVWD's potable water system is supplied by wells in Little San Gorgonio Creek (Edgar Canyon) and the Beaumont Basin (sometimes called the Beaumont Storage Unit or the Beaumont Management Zone). The District has a total of 24 wells (1 well is a standby). One of the wells, Well 26, can pump into either the potable water or the non-potable water system. Currently, it is pumping into the non-potable water system. The Beaumont Basin is adjudicated and managed by the Beaumont Basin Watermaster. BCVWD augments its groundwater supply with imported State Project Water from the SGPWA which is recharged at BCVWD's recharge facility at the intersection of Brookside Avenue and Beaumont Avenue.



Wells in Edgar Canyon have limited yield, particularly in dry years, and take water from shallow alluvial and fractured bedrock aquifers. Wells in the Beaumont Basin are large capacity and pump from deep aquifers – some as deep as 1,500 ft below the ground surface. The Edgar Canyon wells are very inexpensive to operate and are the preferred source; however, those wells are not able to meet the current average day demand. The Edgar Canyon wells pump to a gravity transmission main that extends the full length of the District-owned properties in Edgar Canyon. The transmission main connects to the distribution system in Cherry Valley. Water from the Edgar Canyon Wells, which is not used in the developed areas adjacent to Edgar Canyon or Cherry Valley, is transferred to lower pressure zones serving the City of Beaumont. The Edgar Canyon Wells provide about 15 to 20 percent of the total annual supply; the rest is pumped from wells in the Beaumont Basin supplemented by recharged imported water.



BCVWD has two active stream diversion locations within Little San Gorgonio Creek (Edgar Canyon) that are in the State Water Resources Control Board, Division of Water Rights database (S014351, S014352). The diversions have pre-1914 recorded water rights amounting to 3,000 miner's inch hours (MIH) or approximately 45,000 AFY of right for diversion of water for domestic and irrigation uses. These date back to the early history of the District. However, the District has never had a demand that requires such large quantities of water supply; and the watersheds may not be capable of supplying such quantities during an average year. At the present time, the District currently diverts streamflow in Edgar Canyon to a series of percolation ponds which recharge the shallow wells in Edgar Canyon. This water is then extracted for domestic purposes.

BCVWD's total well capacity (Edgar Canyon and Beaumont Basin) is about 27.5 mgd with the largest well out of service, which is greater than the current 21.6 mgd maximum day demand (2020).

The District has 11 pressure zones and 14 reservoirs (tanks) ranging in size from 0.5 MG to 5 MG. Total storage is approximately 22 MG –just over two average days or just over one maximum day. The reservoirs provide gravity supply to their respective pressure zones. The BCVWD's potable system is constructed such that any higher zone reservoir can supply water on an emergency basis to any lower zone reservoir. There are booster pumps in the system to pump water up from a lower pressure zone to a higher pressure zone also.



The transmission system in the main pressure zones is comprised of 24-in diameter pipelines (there are some 30-in diameter pipelines at some reservoirs). The bulk of the transmission system is ductile iron pipe with cement mortar lining and was installed in the last 10 to 15 years. There are a number of small distribution lines (4-in and smaller) that are gradually being replaced over time with minimum 8-in diameter ductile iron pipe. All developments, since the early 1980s, have installed mortar lined, ductile iron pipe. The distribution system is capable of providing over 4,000 gallons per minute (gpm) fire flow in the industrial/commercial areas of the service area.

3.6.2. Imported Water and Recharge Facilities

Around 2001, BCVWD began investigating an 80-acre site on the east side of Beaumont Avenue between Brookside Avenue and Cherry Valley Boulevard as a location for a facility to recharge captured storm flow and imported water. After extensive hydrogeologic investigations, including pilot testing, the District eventually purchased the site (known as the Oda Property) and developed Phase 1 of the recharge facility on the westerly half of the site. The Phase 1 facilities were completed and went online in late summer 2006. Phase 2 of the recharge facility was completed in 2014. The 80-acre site has excellent recharge capabilities with long-term percolation rates around 7 to 10 acre-ft/acre/day, with proper maintenance.

The District completed construction of a 24-in pipeline from the SGPWA turnout on East Branch Extension (EBX) of the State Water Project to the District's recharge facilities in 2006. A metering station was installed at the turnout at Noble Creek and Vineland Avenue and BCVWD began taking imported water deliveries from SGPWA for recharge in September of 2006. In 2019, the EBX facility was expanded to allow for additional imported water capacity. Since its operation in 2006 through the end of 2020, nearly 108,900 acre-ft (about 35.5 billion gallons) of

imported water have been recharged. As of the end of 2020, BCVWD has 39,750 acre-ft “banked” in the Beaumont Basin; this is more than a three-year supply.²¹

The District is also currently working with RCFC&WCD to complete the MDP Line 16 Project, which will allow the District to capture and recharge stormwater at the Phase 2 recharge facilities. The expected volume of stormwater able to be recharged is approximately 250 AFY. Construction is expected to begin in 2021 and be completed by fall 2022.



3.6.3. Non-potable (Recycled) Water System

Currently, BCVWD has over 40 miles of non-potable water transmission and distribution pipelines (6-in and larger) in-place. This construction has occurred since about 2002. A 24-in diameter ductile iron pipeline forms a loop around the City of Beaumont. The system includes a 2 million gallon recycled (non-potable) water reservoir which provides gravity storage and pressurization for the system. The 2 MG non-potable water reservoir is configured to receive potable water or untreated State Project Water (SPW) through air gap connections. The non-potable water system can have a blend of recycled water, imported water, non-potable groundwater, and potable water. The 2 MG reservoir is located at the District’s groundwater recharge facility at Beaumont Avenue between Brookside Avenue and Cherry Valley Boulevard. There are about 300 existing landscape connections to the recycled water system receiving about 1,600 acre-ft of water based on 2020 water meter records (in 2019, the non-potable water demand was 1,540 acre-ft). The effects of increased development in the District’s service area impacted the non-potable system too.



A large part of the non-potable water system is currently supplied from Well 26 and supplemented with potable water which is introduced into the 2 MG non-potable water tank through an air gap connection. The non-potable water system in the Tournament Hills and Fairway Canyon area is currently supplied with potable water through two temporary interconnections between the potable and non-potable water system.

²¹ Beaumont Basin Watermaster (2021). 2020 Consolidated Annual Report and Engineering Report (Draft) prepared by ALDA, Inc. in association with Thomas Harder & Company, Engineering; Rogers, Anderson, Malody, and Scott, LLP. Financial Auditors; Alvarado Smith, Legal Counsel. April

BCVWD is currently working with the City of Beaumont to secure recycled water for use in the non-potable water system. As of the end of 2020, the City is nearing the completion of the expansion and upgrade of its existing wastewater treatment facility to bring it to 6 MGD capacity and will be installing a new membrane bioreactor (MBR) treatment unit followed by reverse osmosis membrane treatment. A brine line from the treatment plant to the Inland Empire Brine Line (IEBL) in San Bernardino was constructed in 2020.

A memorandum of understanding between BCVWD and the City for recycled water purchase and use was signed in July 2019 and the City and BCVWD are in the process of finalizing an agreement for purchase of recycled water through an ad-hoc committee consisting of City Council members and BCVWD Board Members.

The Regional Water Quality Control Board (RWQCB) has ordered the City to be in compliance with the maximum benefit provisions, which include providing recycled water for beneficial use, by November 30, 2020. Construction completion has been delayed due to wet weather and the Covid-19 virus shutdown.

When the demand for recycled water for landscape irrigation is less than the supply available (winter months), BCVWD may ultimately recharge surplus recycled water at BCVWD's groundwater recharge facility or some alternative facility with appropriate treatment and permits. Recycled water use and recharge is permitted by the Beaumont Basin Adjudication.

3.7. BCVWD Authority Under the Irrigation District Law

As previously stated, BCVWD was formed as an "irrigation district" under California Water Code §20500 *et seq.* that defines the "powers" and authority of irrigation districts which are summarized below:

- Furnish water in the district for any beneficial use, including fire protection (§20500, 22077)
- Control, distribute, store, spread, treat, recapture and salvage any water (including but not limited to sewage waters for the beneficial use of the district or its residents [§22078])
- Provide for any and all drainage made necessary by the irrigation provided for by the District (§22095)
- Acquire lease and operate plants for the generation, transmission, distribution and sale of electric power (§22115)
- Acquire, construct, maintain, and operate facilities for the collection and disposal of sewage subject to approval by a majority of the voters of the District (§22170, 22176)
- Fix and collect charges for any service provided by the District including the sale of water (with standby charges), connections to new pipelines or extensions of existing

pipelines, use of water for groundwater recharge, use of water for power purposes and sale of electric power (§22280)

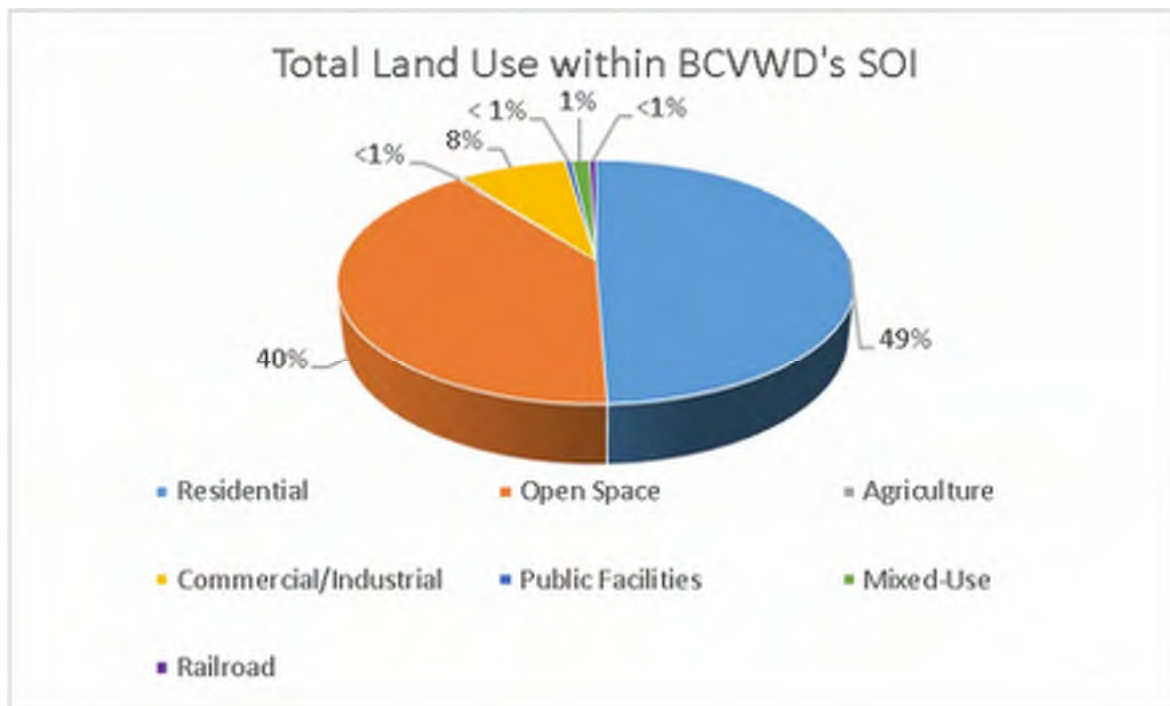
- Impose a special tax pursuant to Article 3.5 (commencing with §50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. The special taxes shall be applied uniformly to all taxpayers or all real property within the District, except that unimproved property may be taxed at a lower rate than improved property (§22078.5)

Although these powers are permitted under statute, approval from LAFCO may be required before certain activities are undertaken.

3.8. Land Use

Figure 3-7 shows the distribution of land use within the District's SOI based on the City of Beaumont and Riverside County Zoning as presented in the latest General Plans. Currently, 49% of the land use is residential, 40% of the land use is open space, and 8% of the land use is industrial or commercial. Approximately 4% of the land use within the District's SOI is designated as railroad, public facilities, mixed-use, and agriculture (2020 zoning and land use).

Figure 3-7 – Land Use Distribution within BCVWD SOI based on Current Zoning



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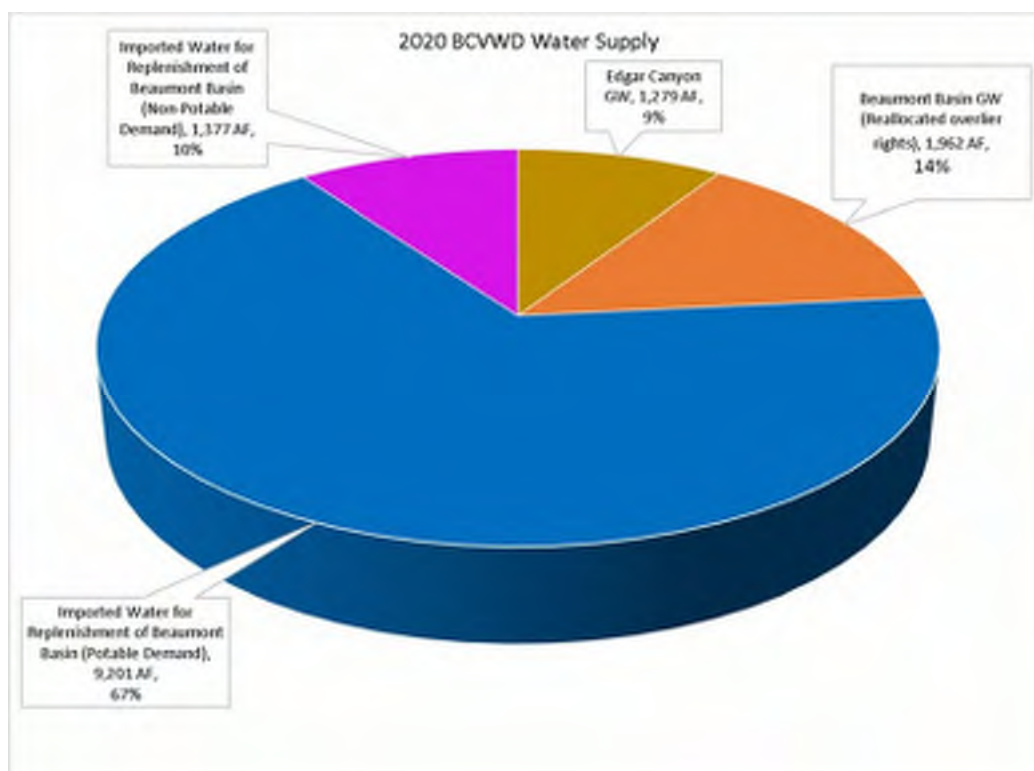
Section 4 - Water Use Characterization

This section provides data on the historic and projected water use within the BCVWD service area. For purposes of this UWMP, the terms “water use” and “water demand” are used interchangeably.

4.1. BCVWD Water Supply Portfolio

BCVWD’s overall water supply portfolio for 2020 includes imported State Project Water (recharged and/or taken from banked storage), groundwater, and non-potable groundwater. In the future, the non-potable water will include recycled water from the City of Beaumont along with non-potable groundwater, and untreated SPW¹. Depending on demand, the non-potable system may also need to be supplemented with potable groundwater. Figure 4-1 shows the mix of water sources for BCVWD in year 2020.²

Figure 4-1 – BCVWD Water Sources Year 2020



¹ If used in the non-potable water system, SPW will be screened using a fine screen to remove material which may increase operation and maintenance requirements.

² 2020 Water Supply and local area service was affected by Covid-19 shutdown activities.

In the above Figure 4-1, “Beaumont Basin GW” (groundwater) would include only “forbearance” water and “reallocation of overlier pumping rights” based on the Beaumont Basin Adjudication. However, the District does not currently receive forbearance water from any overlier.

As part of the Adjudication, the “basin safe yield” was allocated entirely to the overlying parties. The appropriating parties, like BCVWD, were allocated a portion of a “temporary surplus” created to increase the available storage in the basin to allow for increased conjunctive use. Pumping of the “temporary surplus” ended in 2014.

- **Forbearance Water.** When an appropriator, such as BCVWD, provides potable or non-potable (e.g., recycled) water service to an overlying party or their successors in interest, such as would occur if the overlying party developed the parcel, the equivalent volume of water provided to the overlier shall be earmarked by the appropriator providing the water. The overlying party shall forbear the use of that volume of water earmarked by the appropriator. The appropriator, then, has the right to pump the volume of water forgone by the overlier. This is done through the Basin Watermaster who transfers forgone water to the appropriator’s groundwater storage account on an annual basis.
- **Reallocation of Overlier Pumping Rights.** As stated above, all of the “safe yield” was allocated to the overlying parties (overliers). Each overlier was given a share of the safe yield and was allowed to pump no more than five times that share in any five-year period. Most, if not all, of the overlies do not pump their entire share of the safe yield. The amount of groundwater not produced by an overlying party shall be available for allocation to appropriators in accordance with their percentage shares of unused safe yield stated in the Adjudication Exhibit C³. BCVWD’s share is 42.51% of the unused overlier pumping rights. The Beaumont Basin Watermaster administers this reallocation and transfers the appropriate amounts into the appropriators’ storage accounts on an annual basis.

For 2020, BCVWD recharged approximately 11,006 AF of SPW. Of this, approximately 427 AF was banked in BCVWD’s groundwater storage account.

In the future, there will be greater use of non-potable water as BCVWD continues to convert existing irrigation service connections currently taking potable water to the non-potable system.

³ Beaumont Basin Watermaster Rules and Regulations, Article 7.8.

4.2. Past, Current, and Projected Water Use by Sector

CWC 10631

(d)(1) For an urban retail water supplier, quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, based upon information developed pursuant to subdivision (a)

(d)(2) The water use projections shall be in the same five-year increments described in subdivision (a).

(d)(4A) Water use projections, where available, shall display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(d)(4B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following: (i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections. (ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

4.2.1. Water Use Sectors Listed in Water Code

For purposes of the 2020 UWMP, the following definitions are used by DWR for each of the water sectors listed in the CWC. The order of the sectors follows the order found in the CWC. Each of these sectors are the only sectors that will be accepted by the Water Use Efficiency (WUE) data online submittal tool.

Single-family Residential – A single-family dwelling unit. A parcel/lot with a free-standing building containing one dwelling unit that may include a detached secondary dwelling.

Multi-family – Multiple dwelling units contained within one building or several buildings within one complex.

Commercial – A water user that provides or distributes a product or service. CWC 10608.12 (d).

Industrial – A water user that is primarily a manufacturer or processor of materials as defined by the North American Industry Classification System (NAICS) code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development. CWC 10608.12 (h). The following link is to the NAICS website:

<https://www.census.gov/naics/>

Institutional (and Governmental) – A water user dedicated to public service. This type of user includes, among other users, higher-education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions. CWC

10608.12 (i). Note that BCVWD account codes lump “Institutional” in with “Commercial.” In the tables to follow; the institutional and commercial fractions were estimated.

Landscape - Water connections supplying water solely for landscape irrigation. Such landscape connections may also be associated with multi-family, commercial, industrial, or institutional/governmental sites, but are considered “landscape” if the connection is solely for landscape irrigation. If there is not a separate landscape connection, the landscape water use by these facilities is included with the facility category total water use.

Sales to Other Agencies –Water sales made to another agency. BCVWD and the City of Banning have been working cooperatively for over 20 years. BCVWD recharges water for Banning at BCVWD’s Noble Creek Recharge Facility, as requested. The City of Banning has participated with BCVWD in funding several wells in the Beaumont Basin for the purpose of extracting the recharged water and conveying the water thorough metered connections to Banning. BCVWD pumped an estimated 340 AF of water on behalf of the City of Banning in 2020. When water is pumped by BCVWD for the City of Banning, it is considered as City of Banning pumping and is not included in BCVWD’s extractions.

Conjunctive Use – A management strategy where surface water is managed in conjunction with an underground aquifer. This can be accomplished by recharging or treating and distributing surface water when available in lieu of pumping groundwater. This is frequently called “in lieu replenishment” and allows the groundwater basin to “recover.” BCVWD believes this is an operational strategy rather than a “water use.”

Groundwater Recharge – The managed and intentional replenishment of natural groundwater supplies using man-made conveyances such as infiltration basins or injection wells. Water used for groundwater banking or storage may also be reported using this sector. If all, or a portion of, the groundwater recharge water is subsequently pumped out of the basin in the same year, that water will be reported by the pumping agency as a supply from groundwater (Tables 6-1 and/or 6-8 and 6-9). BCVWD is required to meet replacement water obligations of the Beaumont Basin Watermaster by recharge or by transferring water from BCVWD’s groundwater storage account. Future

years include a groundwater recharge (“banking”) component to build up BCVWD’s storage account for dry years.

Saline Water Intrusion Barriers – Injection of water into a freshwater aquifer to prevent the intrusion of saltwater. BCVWD does not supply any water to saline water intrusion barriers.

Agricultural – Water used for commercial agricultural irrigation through BCVWD’s agricultural irrigation meters. BCVWD has a number of metered agricultural irrigation connections. Water used for processing agricultural products (e.g., food, beverage, or textile manufacturing) is considered by BCVWD to be industrial water use rather than an agriculture water use.

Distribution System Losses – Reporting of system losses is required by the CWC in the 2020 UWMP. The methodology for calculating system losses is described elsewhere in this UWMP. As part of the 2020 UWMP, the CWC requires reporting losses for the previous 5 years for which annual data is available; BCVWD reports by calendar year. BCVWD’s losses for the previous 5 years (2015 - 2020) are indicated in Table 4-2. Note that 2020 data is still under development.

4.2.2. Water Use Sectors in Addition to Those Listed in Water Code

There are several other water uses mentioned in the UWMP Guidelines, each of which are described below:

Exchanges – Water exchanges are typically water delivered by one water user to another water user, with the receiving water user returning the water at a specified time or when the conditions of the parties’ agreement are met. BCVWD does not currently exchange water with any agency.

Surface Water Augmentation – The planned placement of recycled water into a surface water reservoir that is used as a source of domestic drinking water supply (See Section 6.6 Wastewater and Recycled Water). BCVWD does not have an immediate plan to do “surface water augmentation”.

Transfers – The CWC defines a water transfer as a temporary or long-term change in the point of diversion, place of use, or purpose of use due to a transfer, sale, lease, or exchange of water or water rights. For the Beaumont Basin, the Adjudication allows for transfers between appropriators. In the past, BCVWD has purchased adjudicated groundwater from South Mesa Water Company. This occurred between 2004 and 2014 when South Mesa has more than adequate groundwater supply to meet their needs at

that time. The need for this transfer has not been exercised in recent years, however BCVWD considers this option available in the event of an emergency.

Wetlands or Wildlife Habitat – Water used for a managed environmental use to improve an environmental condition. The City of Beaumont is required to maintain a flow of 1.8 mgd in Cooper’s Creek, a tributary of San Timoteo Creek from the City’s wastewater treatment plant. Currently, BCVWD is not currently receiving recycled water from the City of Beaumont, but the use of recycled water is anticipated in the near future. The requirement to maintain streamflow affects the amount of recycled water available to BCVWD. The wastewater production in the District’s service area exceeds the amount of recycled water available as a result of the City’s need to maintain the streamflow (environmental habitat mitigation). This is discussed further in the sections on recycled water; however, it is not considered as a “water use” in this UWMP.

4.2.3. Past Water Use

BCVWD’s historical water use is summarized in Table 4-1 below:

Table 4-1 – Historical Potable and Non-Potable Water Demands

Year	1990	2000	2005	2010	2015	2020
Potable Water Demand (AFY)	5,572	6,308	8,268	9,201	9,278	10,845
Non-Potable Water Demand (AFY)	-	-	1,038	1,822	514	1647 ¹
Total Water Demand (Potable and Non-Potable, AFY)	5,572	6,308	9,306	11,023	9,792	12,492 ²

(1) Includes supplemental potable water

(2) Does not include system losses

In Table 4-1, the “Non-potable Water Demand” is supplied by Beaumont Basin potable and non-potable groundwater. Beaumont Basin groundwater, regardless of potable or non-potable is subject to the replenishment obligations of the Adjudication (imported water). When recycled water becomes available, most of this non-potable demand will be met with recycled water and imported water, replenishment of Beaumont Basin groundwater will be reduced.

The drought from 2013 – 2015 or so resulted in significant water conservation measures imposed which caused a great reduction in water use around 2015. There has since been an increase in the potable and non-potable water demand as the water conservation measures have since been relaxed and as development continues to occur in the District’s service area. However, a reduction in BCVWD’s potable and non-potable water demand is anticipated in the

future with the enforcement of more stringent landscaping ordinances, reduction in indoor per-capita water use and outdoor water budgets, an increase in use of “water efficient” fixtures in homes and commercial/industrial businesses, and conversion of turfed street medians to low-water using plant materials (even if irrigated with recycled water).

4.2.4. Distribution System Water Losses

California Senate Bill No. 1420 (SB 1420), requires water utilities that submit Urban Water Management Plans to calculate annual system water losses using the water audit methodology developed by the American Water Works Association (AWWA). SB 1420 requires that utilities submit audits for the preceding five years as part of their respective Urban Water Management Plans.

CWC 10631(d)

(3)(A) The distribution system water loss shall be quantified for each of the five years preceding the plan update, in accordance with rules adopted pursuant to Section 10608.34.

(B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association. (C) In the plan due July 1, 2021, and in each update thereafter, data shall be included to show whether the urban retail water supplier met the distribution loss standards enacted by the board pursuant to Section 10608.34.

Table 4-2 summarizes the water loss volume from the AWWA spreadsheet used in the District’s Water Loss Audit.

Table 4-2 (DWR Submittal Table 4-4) – Last Five Years of Water Loss Audit Reporting

DWR Table 4-4 Retail: Last Five Years of Water Loss Audit Reporting	
Reporting Period Start Date (mm/yyyy)	Volume of Water Loss (AF) ^{1,2}
01/2020	1350(1)
01/2019	992 (2)
01/2018	1236 (2)
01/2017	872 (2)
01/2016	913 (3)
¹ Taken from the field "Water Losses" (a combination of apparent losses and real losses) from the AWWA worksheet.	
² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.	
NOTES: (1) Estimated for 2020 (2) Computed utilizing the American Water Works Association Method (3) Estimated	

4.2.5. Current (2020) Water Use by Sector

Table 4-3 shows BCVWD's water demand (water use) by sector for the year 2020.

Table 4-3 (DWR Submittal Table 4-1) – 2020 BCVWD Potable and Non-Potable Water Demands

DWR Table 4-1 Retail: Demands for Potable and Non-Potable ¹ Water - Actual			
Use Type	2020 Actual		
Drop down list May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool	Additional Description (as needed)	Level of Treatment When Delivered Drop down list	Volume (AF)
Add additional rows as needed			
Single Family		Drinking Water	8,580
Multi-Family		Drinking Water	339
Commercial	Estimated	Drinking Water	197
Industrial		Drinking Water	172
Institutional/Governmental	Estimated	Drinking Water	1,020
Landscape	Potable water only	Drinking Water	193
Landscape	Non-potable water only	Other Non-Potable Water	1,647
Agricultural irrigation		Drinking Water	51
Losses	Estimated	Drinking Water	1,326
Sales/Transfers/Exchanges to other Suppliers	⁽²⁾ Production on behalf of City of Banning	Drinking Water	364
Other	Metered construction, street sweeping, etc.	Drinking Water	293
TOTAL			13,818
¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4.			
² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.			
NOTES: (1) Total does not include additional imported water for banking to storage. (2) 364 AF was pumped on behalf of the City of Banning and not included in BCVWD's demand.			

4.2.5.1. Existing EDUs

BCVWD currently uses Equivalent Dwelling Units to calculate and project potable water demand. BCVWD Rules and Regulation, Section 5, defines an EDU as 580 gal/day. This is equivalent to 0.65 AFY/EDU. (An analysis developed for and presented in the 2015 Adopted Potable Water Master Plan supports this demand, however it is trending downward.)

4.2.6. Projected Water Use

CWC 10631

(h) An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available... The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (f). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (f).

(d)(4A) Water use projections, where available, shall display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(d)(4B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following:

(i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections.

(ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

The water demand projections in Table 4-4 are based on BCVWD's estimated water usage per EDU (0.546 AFY/EDU) which are believed to be conservative and include the minor savings from increased consumer awareness of water conditions in the State, as well as an increase in water-efficient fixtures in new developments.

In spring 2019, BCVWD initiated an analysis of the potable water demand in thirty-two residential tracts constructed in the District from late 2007, through early 2018. The study reviewed the potable water demands, by customer meter, for all of 2016, 2017, and through summer 2018. The total demand for all of 2018 was projected based on historic consumption. The study encompassed 3,116 services. Tracts which were included in the analysis included Tournament Hills, Fairway Canyon, K. Hovnanian Four Seasons, Pardee Sundance, and Seneca Springs.

This unit demand factor includes an additional 10 to 15 percent water use to account for associated commercial and institutional demand associated with the residential development. The 0.546 AF/EDU/yr is approximately the same demand factor used by the SGPWA in their

2015 Capacity fee nexus study prepared by David Taussig and Associates. This study shows a decline in water use and supports the reduced EDU demand.

Going forward, further reduction in the 0.546 AF/EDU/yr water demand factor may occur taking into consideration the following factors:

- Active Adult developments and small lot size residential developments are likely to be a greater portion of the development mix in Beaumont which will likely reduce the demand factor over time.
- Legislation signed by the Governor (AB 1668/SB 606), establishes 55 gpcd as the standard for indoor residential water use. Beginning January 1, 2025, the indoor residential water use standard will drop to 52.5 gpcd and may drop further to 50 gpcd by January 1, 2030. This could have an effect on indoor water consumption.
- More stringent landscape ordinances implemented by the County of Riverside and the City of Beaumont will reduce turf area and outdoor water use of potable water in single family homes and non-potable water use in common areas and street medians. Turf irrigation, even with non-potable water, may not be allowed unless there is a recreational purpose for the turf. The City of Beaumont's Ordinance effectively prohibits new, natural turfgrass lawns in the front yard of new residential subdivisions and medians and parkways along roads.

The 0.546 AFY/EDU is based on an ongoing (draft) analysis of water demand based on historic consumption for thirty-two tracts etc. and 3,116 services, began by the District in 2019. The draft analysis included a very preliminary evaluation of potable water. The study is ongoing with the intent of clarifying usage over wet/dry year periods in order to establish long term averages and trends. The following preliminary conclusions were made:

- The active adult communities (55+) use less water than the conventional type developments.
- The older developments (constructed 2000 to 2007) are using more water than the newer developments.
- Density, in terms of EDUs/acre, has a slight effect on unit water demand, but lot size has a much greater impact on water demand.

As a result of this study, BCVWD has made some adjustments in its water demand planning since preparing the 2015 UWMP. For water resource planning purposes, this UWMP uses a unit demand of 0.65 AFY/EDU/yr for all EDUs constructed prior to 2018 and 0.546 AF/EDU/yr for all EDUs constructed after 2018.

In the future, BCVWD anticipates a decline in both potable and non-potable water use per connection. The analysis of potable water demands is ongoing, and District staff hopes to continue to improve upon the correlations and conclusions that have previously been identified.

It is anticipated that future codes and restrictions will have an effect at reducing consumption even further. Codes and ordinances which will reduce consumption, but are not considered in the demand projections, include:

- Executive Order B-29-15 and California Code of Regulations Title 23, Division 2, Chapter 2.7. Model Water Efficient Landscape Ordinance – 2015. DWR estimates that a typical California landscape will use 12,000 gallons less water in a year or about 20% less than projected with the 2009 ordinance; commercial landscapes will cut water use by as much as 35%.
- City of Beaumont Municipal Code 17.06 Landscaping.
- County of Riverside Ordinance No. 859 – Water Efficient Landscape Requirements
- SB 606 (Hertzberg) and AB 1686 (Friedman) which require new efficiency standards for indoor use (per-capita limits), outdoor use (water budgets), street median and turf irrigation, and leakage loss.
- BCVWD Resolution 2016-05 –Authorizing the Implementation of Water Use Restrictions and Rescinding Resolution 2015–05. This resolution rescinded the twice per week landscape watering restrictions but did maintain the other conservation measures in the May 18, 2016, Drought Emergency Water Conservation Regulations, which was designed to prevent waste and unreasonable use of water and promote water conservation.

4.2.6.1. Projected Water Use by Sector

Table 4-4 shows the estimated future water use by sector. Included in Table 4-4 are planned quantities of groundwater recharge of imported water (for banking, not for adjudication replacement within the upcoming year). In May 2016, an Emergency Conservation Regulation was adopted by the SWRCB which required water suppliers to maintain a 3-year supply during statewide drought conditions to avoid state-mandated water restrictions. In October 2014, the BCVWD Board adopted Resolution 2014-05 which suspends the issuance of will serve letters during statewide drought conditions, while there are mandatory conservation measures applicable to the District's ratepayers, or when BCVWD's supplies are less than the projected demands for five years. The groundwater recharge quantities are planned amounts that achieve a minimum 5-year firm water supply to ensure water supply for new EDUs and meet new State Emergency Water Conservation Regulation, "stress test" requirements.

4.2.6.2. Existing EDUs

**Table 4-4 (DWR Submittal Table 4-2) – Projected Potable and Non-Potable Water Demands
(Not Including Recycled Water)**

DWR Table 4-2 Retail: Use for Potable and Non-Potable ¹ Water - Projected						
Use Type	Additional Description (as needed)	Projected Water Use (AF) <i>Report To the Extent that Records are Available</i>				
<u>Drop down list</u> May select each use multiple times These are the only Use Types that will be recognized by the WUdata online submittal tool		2025	2030	2035	2040	2045 (opt)
Add additional rows as needed						
Single Family		9,302	10,047	10,849	11,479	12,041
Multi-Family		367	397	429	454	476
Commercial		214	231	249	264	276
Industrial		186	201	217	230	241
Institutional/Governmental		1,106	1,194	1,290	1,365	1,431
Agricultural irrigation		55	60	64	68	72
Landscape	Potable Water	209	226	244	258	271
Other	Metered construction and street sweeping water etc.	318	343	370	392	411
Other Non-Potable	Raw water to supplement non-potable water system (used for irrigation)	276	246	228	278	328
Groundwater recharge	Imported raw water banked for future extractions during dry periods. Does NOT include imported water to meet Adjudication replacement obligations.	1,500	1,200	1,000	1,000	1,000
Losses	Estimated	1,499	1,614	1,738	1,835	1,922
TOTAL		15,032	15,759	16,678	17,623	18,469
¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4.						
² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES: (1) Projected water use by sector based off of water demand distribution by sector for 2020. (2)Groundwater recharge quantities are planned quantities to build and maintain 5-year supply per BCVWD Resolution No. 2014-05; landscape demand will be met with recycled water and supplemented with other non-potable water as needed.						

The potable water demands, (i.e., the demands in Table 4-4 except “Landscape” and “Groundwater Recharge”), are based on BCVWD’s current and projected EDUs utilizing an estimated demand of 0.546 AF/EDU/year. Section 3.5.3 Table 3-8 showed EDU growth to 2045. The methodology for those projections was also presented in Section 3.

Developers are constructing much more water efficient homes with limited turf landscaping and more efficient appliances. New landscape ordinances may likely limit turf areas in street medians and common areas, which could further reduce the demands projected in Table 4-4.

The water demand to the multi-family, commercial, industrial, institutional/governmental, and “other” categories were projected from the actual 2020 values through 2045 on the basis that the changes in demand would be proportional to the changes in single family demand. As single-family residences increase there will be a proportionate increase in commercial, institutional, and industrial to support it. Multi-family units will grow also as land becomes more valuable and project economics become favorable.

The agricultural irrigation connections are declining at a gradual rate as the land use changes from orchards to residential land and the cost of water continues to increase. Most of the irrigation customers are in Cherry Valley and would not likely be served by the recycled water system within the foreseeable future. The orchards will continue to be served with potable water.

The projected landscape demands, (irrigated by the non-potable water system), are derived from BCVWD’s current and projected number of EDUs and are associated with BCVWD’s non-potable water system. The non-potable system is capable of providing recycled water from the City of Beaumont’s wastewater treatment plant, non-potable groundwater, or imported SPW. The non-potable landscape irrigation demands do not include the irrigation demands from the two golf courses: Tukwet Canyon (268 AFY) and Oak Valley Greens (203 AFY). These golf courses are on their own wells and have Beaumont Basin Groundwater Overlier Rights. Irrigation of these golf courses from BCVWD’s non-potable water system would depend on the amount of recycled water available. BCVWD’s operational plan is to supply the landscape demands first, then if there is recycled water available, supply recycled water to the golf courses. Any unused recycled water (typical of wintertime operations) could be advance treated and recharged (planned indirect potable water reuse project) with the appropriate permits.

The Groundwater Recharge quantities shown in Table 4-4, above, are for planned recharge to build-up or maintain BCVWD’s Beaumont Basin groundwater storage account. They are not actual demands. The quantities shown herein are over and above the supply needed by BCVWD to meet its normal Beaumont Basin replacement water obligations (as determined by the Beaumont Basin Watermaster). Banking water in the storage account is critical to meeting demands during dry years.

If imported SPW is not available in a given year, no groundwater recharge would occur. But, when imported water is available, any deficiencies from previous years would be “carried over” and made up.

Table 4-5 below, shows the total water demands which summarizes the demands from Table 4-4.

Table 4-5 (DWR Submittal Table 4-3) – Projected Potable and Non-Potable Water Demands

DWR Table 4-3 Retail: Total Water Use (Potable and Non-Potable) - In Units of AF						
	2020	2025	2030	2035	2040	2045 (opt)
Potable Water, Raw, Other Non-potable <i>From Tables 4-1R and 4-2 R</i>	13,818	14,972	15,698	16,391	17,285	18,082
Recycled Water Demand ¹ <i>From Table 6-4</i>	0	1,957	2,175	2,478	2,561	2,578
TOTAL WATER USE	13,818	16,929	17,873	18,869	19,846	20,660
¹ Recycled water demand fields will be blank until Table 6-4 is complete ² Long term storage means water placed into groundwater or surface storage that is not removed from storage in the same year. Supplier may deduct recycled water placed in long-term storage from their reported demand. This value is manually entered into Table 4-3.						
NOTES: (1) The recycled water demand includes the forecast amount used on landscaping irrigated by the non-potable water system. Source of recycled water is the City of Beaumont. Also includes a portion of the golf course irrigation demands of 268 and 203 AFY for Tukwet Canyon and Oak Valley Greens, respectively. (2) Total includes additional imported water for banking to storage. (3) Total includes estimated losses.						

4.3. Water Use for Lower Income Households

CWC 10631.1

(a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.

California Health and Safety Code 50079.5

(a) "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families... In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income, adjusted for family size and revised annually.

Table 4-6 presents the long-term low-income housing needs, per capita water demand and annual water demand per low-income housing unit for the City of Beaumont and Cherry Valley.

The number of low-income housing units for the City of Beaumont was based on information in the Pre-Certified Local Housing Data for Beaumont prepared by SCAG dated April 2021. The

overall projected allocation for low income (income less than 80% of the Area Mean Income) housing in the City was estimated to be 1,950 dwelling units. For the purposes of this UWMP update, the allocation of 1,950 dwelling units was assumed to be the ultimate build-out need.

The number of low-income housing units in 2010 (350 for Beaumont and 70 for Cherry Valley) was used as a starting point to project growth in low-income housing. These numbers came from the City's Housing Element (2013-2021, December 2013), Inventory of Government Assisted Housing Developments (rounded up). All of the low-income housing units are in multi-family units and that was assumed to continue through to the year 2045.

The City is currently working on updating its Housing Element to the 2020 General Plan which was adopted in December 2020; the Housing Element is expected to be adopted in December 2021. The City does not explicitly indicate the total need for low income housing in its 2020 General Plan Update, so the District followed a similar approach to its 2015 UWMP to project the number of low-income housing units in its service area by 2045. Please see Table 4-6 below. In recent discussion with City staff, it is unclear as to what the anticipated low-income housing demand will be from the City's perspective by 2045.

Table 4-6 – Current and Projected Low-Income Housing Needs

	2020	2025	2030	2035	2040	2045
Projected Low-Income Housing EDUs						
City of Beaumont						
Single Family	0	0	0	0	0	0
Multi-family	1,000	1,325	1,650	1,975	2,300	2,732
Subtotal EDU	1,000	1,325	1,650	1,975	2,300	2,732
Cherry Valley						
Single Family	77	80	83	87	90	100
Multi-family	7	10	13	17	40	75
Subtotal EDU	83	90	97	103	130	175
Total						
Single Family	77	80	83	87	90	100
Multi Family	1,007	1,335	1,663	1,992	2,340	2,807
Total Low Income	1,083	1,415	1,747	2,078	2,430	2,907
Water Use						
Typical gpcd	162	162	162	162	162	162
Typical AFY	0.546	0.546	0.546	0.546	0.546	0.546
Low Income Single Family ¹ , AFY/EDU	0.41	0.41	0.41	0.41	0.41	0.41
Low Income Multi-Family ² , AFY/EDU	0.36	0.36	0.36	0.36	0.36	0.36
Water Use, AFY						
Low Income Single Family	32	33	34	36	37	41
Low Income Multi-Family	363	481	599	717	842	1,011
Total Water Use	395	514	633	753	879	1,052

¹ Low-income single-family water use estimated to be 75% of a typical Beaumont single-family home

² Low-income multi-family water use estimated to be 2/3 of a typical single-family residence

The Western Riverside Council of Governments (WRCOG) developed a low-income housing need for the entire WRCOG area (10,311 units, 2015). A separate projection for Cherry Valley was not provided. The low-income housing allocation for Cherry Valley was estimated based on the ratio of the current population of Cherry Valley to the total WRCOG population. The result was an estimated “need” of 175 low-income housing units in Cherry Valley. For Cherry Valley, the low-income housing needs were assumed to be single family units and multi-family units..

The growth projections of low-income housing parallel the District's estimate of projected population growth in its service area. As previously discussed in Section 3, the District believes its population estimates to be conservative.

The 2045 low-income water demand of 1,052 acre-ft/yr represents about 5.1% of BCVWD's water demand for 2045, i.e., not significant. Compared to the information provided by SCAG in the Pre-Certified Local Housing Data for Beaumont document, the District's estimate of low-income housing units in its service area by 2045 is conservative. As more data becomes available from the City of Beaumont from its Housing Element in late 2021, the District will continue to refine the estimates presented in Table 4-6.

The water demand projections in Table 4-6 are based on a portion of a uniform per capita water use per day of 162 gpcd. As stated previously, new State regulations as well as the increased use of water-efficient fixtures will result in lower indoor water demands; the District's estimate of water demand for low-income housing is conservative.

Table 4-7 below, certifies to the following:

- Future Water Savings from codes and ordinances is not included. The water demand projections in Tables 4-4 and 4-5 are conservative. BCVWD did not include any reduction from future codes and ordinances since the impact on new codes and ordinances is difficult to project.
- The water requirements for low-income housing are included in the demand projections in Tables 4-4 and 4-5.

Table 4-7 (DWR Submittal Table 4-5) – Inclusion in Water Use Projections

Table 4-5 Retail Only: Inclusion in Water Use Projections	
Are Future Water Savings Included in Projections? (Refer to Appendix K of UWMP Guidebook)	No
If "Yes" to above, state the section or page number, in the cell to the right, where citations of the codes, ordinances, etc... utilized in demand projections are found.	
Are Lower Income Residential Demands Included In Projections?	Yes
NOTES:	

4.4. Climate Change Considerations

CWC 10630

It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied, while accounting for impacts from climate change.

CWC 10635(b)

Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following...

(4) Considerations of the historical drought hydrology, plausible changes on the projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

The District is located in a semi-arid region which currently has a relatively low rainfall bearing winter and high temperature summer. As climate change occurs, if nothing is done, an increase in the landscape and outdoor water demand over time would continue. However, new landscape ordinances, which limit turf and encourage drought tolerant plantings, will reduce the total water needs. In addition, new developments are reducing the turf areas on each lot and installing more drought-friendly landscaping in order to satisfy those ordinances. The drought-friendly landscaping is also likely to extend to street medians and common areas which would further lessen the total water demand. BCVWD believes the direct impact of climate change on future water demand should be minimal to its system. With proper conjunctive use, BCVWD anticipates being able to provide ample water supplies over long-term periods and has been working to position itself by working with various partners to locate and obtain new sources of supply.

Section 5 – SB X7-7 Baselines, Targets, and 2020 Compliance

In February 2008, the Governor introduced a seven-part comprehensive plan for improving the Sacramento-San Joaquin Delta. A key component of his plan was a goal to achieve a 20 percent reduction in per capita water use statewide by the year 2020 (called “20x2020”).

In November 2009, SB X7-7, The Water Conservation Act of 2009, was signed into law as part of a comprehensive water legislation package. With the adoption of the Water Conservation Act of 2009, the Governor’s 2008 water reduction plan was codified, and the State was required to set a goal of reducing urban water use by 20 percent by the year 2020. Each retail urban water supplier had to determine baseline water use during their baseline period and also establish target water use for the years 2015 and 2020 to help the State achieve the 20 percent reduction.

In 2018, the Governor approved legislation (SB 606 and AB 1668, May 2018) which requires SWRCB, in coordination with DWR, to establish and adopt long-term standards for efficient water use for commercial, industrial, institutional, and indoor residential sectors. The legislation states that until January 1, 2025, 55 gallons per capita per day (GPCD) is the standard for indoor residential use. From January 1, 2025 to January 1, 2030, the standard would be 52.5 GPCD (unless determined otherwise by DWR) for indoor residential use. Beginning January 1, 2030, the standard would be 50 GPCD for indoor residential use (unless determined otherwise by DWR). It is noted that although these standards are not considered for the determination of 2020 water use compliance in this UWMP, BCVWD recognizes that further conservation efforts will be required by legislation for water suppliers and residential water users in the near future.

In this 2020 UWMP, water agencies, such as BCVWD, must demonstrate if they achieved their 2020 water use target as determined in the previous 2015 UWMP update.

The 5- and 10 to 15-year water use baselines as determined in BCVWDs 2015 UWMP are indicated herein on Table 5-1. 2020 Water Use Compliance is verified by DWR’s review of the SB X7-7 Compliance Form submitted with BCVWD’s 2020 UWMP (see Table 5-2).

5.1. Baseline Water Use Calculation

CWC 10608.20

(e) An urban retail water supplier shall include in its urban water management plan due in 2010. . . the baseline daily per capita water use...along with the bases for determining those estimates, including references to supporting data.

(g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).

The Water Code specifies two different base periods for compliance with SB X7-7:

1. The first base period is a 10- to 15-year continuous period and is used to calculate baseline per capita water use per §10608.12. The 15-year continuous period is used if

the Agency used recycled water to supply more than 10% of its retail water demands (BCVWD did not use recycled water during the baseline evaluation period.)

2. The second baseline period is a 5-year continuous period and is used to calculate baseline per capita water use per §10608.22. Note that if the water agency's per capita demand is 100 GPCD or less, it is not necessary to determine this 5-year base period. Note that BCVWD's per capita demand is much higher than 100 GPCD, so the 5-year baseline period must be calculated and is described below.

BCVWD last updated its UWMP in 2015. Since BCVWD has not had a change to its service area other than annexations for new construction since the 2015 UWMP update, there is no need to update the calculations for baselines and targets.

BCVWD used Target Method 1 – 80% of BCVWD's baseline per capita daily water use in its 2013 UWMP Update. It was compared to Target Method 4 – 95% of the applicable state hydrologic region target. Using the state hydrologic region target resulted in a very low, unattainable target; so, Target Method 1 was adopted and used in the 2013 and 2015 UWMP Updates.

A detailed analysis of various baseline periods conforming to the Water Code was presented in BCVWD's 2013 UWMP Update as stated above. The analysis resulted in the 10-year baseline period being 1999-2008 and the 5-year baseline period being 2004-2008. Verification form SB 7X-7 Table 5-1 is presented below which summarizes the baseline period analyses for 1999-2008 and 2004-2008.

5.1.1. Determination of the 10-15 Year Baseline Period (Baseline GPCD)

CWC 10608.12

(b) "Base daily per capita water use" means any of the following:

(1) The urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier, the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

In BCVWD's 2013 UWMP Update, the District performed a detailed analysis of 10-year baseline periods from 1995-2004 through 2001-2010. The period 1999-2008 was selected as the 10-year baseline period for calculation of targets. There is no need to update or change the 10-year baseline per capita water use for the 2020 UWMP. The 10-year Base Daily Per Capita Water Use for BCVWD is 302 GPCD and is reflected in Table 5-1.

5.1.2. Determination of the 5-Year Baseline Period (Target Confirmation)

CWC 10608.12

(b)(3) For the purposes of Section 10608.22, the urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous five-year period ending no earlier than December 31, 2007, and no later than December 31, 2010.

In the 2013 UWMP Update, BCVWD determined the 5-year, continuous baseline period was from 2004 through 2008. Again, there is no need to revisit or change the 5-year baseline period for the purpose of this UWMP update. The 5-year Base Daily Per Capita Water Use for BCVWD is 291 GPCD and is reflected in Table 5-1.

Table 5-1 – SB X7-7 Baseline Daily Gallons Per Capita Per Day

SB X7-7 Table 5: Gallons Per Capita Per Day (GPCD)				
Baseline Year <i>Fm SB X7-7 Table 3</i>		Service Area Population <i>Fm SB X7-7 Table 3</i>	Annual Gross Water Use <i>Fm SB X7-7 Table 4</i>	Daily Per Capita Water Use (GPCD)
10 to 15 Year Baseline GPCD				
Year 1	1999	17,131	5,887	307
Year 2	2000	17,298	6,308	326
Year 3	2001	18,014	5,063	251
Year 4	2002	19,223	8,896	413
Year 5	2003	22,390	7,109	283
Year 6	2004	24,612	8,308	301
Year 7	2005	30,994	9,306	268
Year 8	2006	35,745	11,339	283
Year 9	2007	39,013	13,054	299
Year 10	2008	40,894	13,441	293
Year 11	0	-	-	-
Year 12	0	-	-	-
Year 13	0	-	-	-
Year 14	0	-	-	-
Year 15	0	-	-	-
10-15 Year Average Baseline GPCD				302
5 Year Baseline GPCD				
Baseline Year <i>Fm SB X7-7 Table 3</i>		Service Area Population <i>Fm SB X7-7 Table 3</i>	Gross Water Use <i>Fm SB X7-7 Table 4</i>	Daily Per Capita Water Use
Year 1	2004	24,612	8,308	301
Year 2	2005	30,994	9,306	268
Year 3	2006	35,745	11,503	287
Year 4	2007	39,013	13,164	301
Year 5	2008	40,894	13,554	296
5 Year Average Baseline GPCD				291
2020 Compliance Year GPCD				
2020		59,258	12,492	188
NOTES:				

5.1.3. 2020 Targets

The Water Code identifies four (CWC 10608.20) methods which could be used to establish the target GPCD and those methods are as follows:

1. Eighty percent (80%) of the urban retail water supplier's baseline per capita daily water use.
2. The per capita daily water use that is estimated using the sum of the following performance standards:
 - a. For indoor residential water use, 55 gallons per capita daily water use as a provisional standard. Upon completion of the department's 2017 report to the Legislature pursuant to Section 10608.42, this standard may be adjusted by the Legislature by statute.
 - b. For landscape irrigated through dedicated or residential meters or connections, water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations, as in effect the later of the year of the landscape's installation or 1992. An urban retail water supplier using the approach specified in this subparagraph shall use satellite imagery, site visits, or other best available technology to develop an accurate estimate of landscaped areas.
 - c. For commercial, industrial, and institutional uses, a 10-percent reduction in water use from the baseline commercial, industrial, and institutional water use by 2020.
3. Ninety-five percent (95%) of the applicable state hydrologic region target, as set forth in the state's draft 20x2020 Water Conservation Plan (dated April 30, 2009). If the service area of an urban water supplier includes more than one hydrologic region, the supplier shall apportion its service area to each region based on population or area.
4. A method that shall be identified and developed by the department, through a public process, and reported to the Legislature no later than December 31, 2010. The method developed by the department shall identify per capita targets that cumulatively result in a statewide 20-percent reduction in urban daily per capita water use by December 31, 2020. In developing urban daily per capita water use targets, the department shall do all of the following:
 - a. Consider climatic differences within the state.
 - b. Consider population density differences within the state.
 - c. Provide flexibility to communities and regions in meeting the targets.
 - d. Consider different levels of per capita water use according to plant water needs in different regions.
 - e. Consider different levels of commercial, industrial, and institutional water use in different regions of the state.
 - f. Avoid placing an undue hardship on communities that have implemented conservation measures or taken actions to keep per capita water use low.

BCVWD chose Target Method 1 – 80% of the 10-year Baseline GPCD, which calculates to be as shown below:

$$\text{Year 2020 Target (by Target Method 1)} = 0.80 * 302 \text{ GPCD} = 242 \text{ GPCD}$$

BCVWD is in compliance for with its 2020 Target and no adjustments to the year 2020 per capita are required.

5.1.4. 5-year Target Confirmation

CWC 10608.20

Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph (3) of subdivision (b) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.

$$\text{Year 2025 Target (by Target Confirmation)} = 0.95 * 291 \text{ GPCD} = 276 \text{ GPCD}$$

In BCVWD's case, CWC §10608.20 controls, and the District's confirmed year 2020 target is 242 GPCD.

5.1.5. Baselines and Targets Summary

Table 5-1 presents a summary of results of the baseline per-capita and target analysis, as previously presented in the 2015 UWMP. Table 5-2 shows that BCVWD met the intermediate, year 2020 target by a considerable margin.

Table 5-2 (DWR Submittal Table 5-1)– Baselines and Targets Summary

Submittal Table 5-1 Baselines and Targets Summary From SB X7-7 Verification Form <i>Retail Supplier or Regional Alliance Only</i>				
Baseline Period	Start Year *	End Year *	Average Baseline GPCD*	Confirmed 2020 Target*
10-15 year	1999	2008	302	242
5 Year	2004	2008	291	
<i>*All cells in this table should be populated manually from the supplier's SBX7-7 Verification Form and reported in Gallons per Capita per Day (GPCD)</i>				
NOTES:				

5.2. 2020 Compliance Daily per Capita Water Use (GPCD)

CWC 10608.12

(f) "Compliance daily per-capita water use" means the gross water use during the final year of the reporting period...

CWC 10608.20

(e) An urban retail water supplier shall include in its urban water management plan due in 2010 . . . compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.

CWC 10608.24

(b) Each urban retail water supplier shall meet its urban water use target by December 31, 2020.

(c) An urban retail water supplier's compliance daily per capita water use shall be the measure of progress toward achievement of its urban water use target.

BCVWD's actual per capita water use for 2020 was 188 GPCD, which is well below the Target of 242 GPCD provided above in Table 5-2. See Table 5-3 below:

Table 5-3 (DWR Submittal Table 5-2) – 2020 Compliance From SB X7-7 Compliance Form

DWR Table 5-2: 2020 Compliance From SB X7-7 2020 Compliance Form <i>Retail Supplier or Regional Alliance Only</i>				
2020 GPCD			2020 Confirmed Target GPCD*	Did Supplier Achieve Targeted Reduction for 2020? Y/N
Actual 2020 GPCD*	2020 TOTAL Adjustments*	Adjusted 2020 GPCD* (Adjusted if applicable)		
188	0	188	242	Yes
*All cells in this table should be populated manually from the supplier's SBX7-7 2020 Compliance Form and reported in Gallons per Capita per Day (GPCD)				
NOTES:				

Compared to the 180 GPCD per capita water use reported in the 2015 UWMP, it may appear there has been a slight increase. However, at the time the 2015 UWMP was prepared, there were Stage II water restrictions and water conservation measures in effect which resulted in approximately 24.3% savings in potable water. Without the restrictions, it is estimated that the 2015 GPCD would have been about 223 GPCD.

A factor that has affected the District's per capita water use is the substantial amount new homes which have been constructed in the District. Since 2001, there have been approximately 10,315 new housing units constructed in Beaumont¹. About 71% of all of the housing units in Beaumont having modern plumbing fixtures, high efficiency appliances and California friendly, drought tolerant landscaping with much reduced turf areas.

New housing stock and new landscape ordinances and regulations in the District's service area are responsible for the reduction in per capita water consumption.

¹ 2000, 2010 U.S. Census Data and 2015-2019: U.S. Census Bureau American Community Survey Estimates for the City of Beaumont.

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Section 6 – Water Supply Characterization

6.1 Water Supply Overview

CWC 10631 (b)

Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier [in five-year increments to 20 years or as far as data is available] providing supporting and related information, including all of the following:

- (1) A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. For each source of water supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.*
- (2) When multiple sources of water supply are identified, a description of the management of each supply in correlation with the other identified supplies.*
- (3) For any planned sources of water supply, a description of the measures that are being undertaken to acquire and develop those water supplies.*

CWC 10631 (h)

An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (f). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (f).

In the early years of the District, before the middle of the 20th Century, diverted surface water from Edgar Canyon (Little San Gorgonio Creek) was used for domestic and agricultural supply. Remnants of some of the diversion boxes are still visible in Edgar Canyon. Since the early 1900's, wells in Edgar Canyon supplemented the surface diversions. Eventually the surface



diversions were no longer used, and the District relied solely on groundwater from both Edgar Canyon and, after 1936 or so, the Beaumont Storage Unit (BSU or the Beaumont Basin).

The Beaumont Basin was adjudicated on February 4, 2004, and the Beaumont Basin Watermaster was established for management of the basin (RIC389197). The Adjudication put the basin into a safe yield operation. The principal terms of

the Adjudication are described later in this section; the full Adjudication is included in Appendix F.

In September 2006, BCVWD completed construction of Phase I of its storm water capture and groundwater recharge project (Noble Creek Recharge Facilities or NCRF) located along Beaumont Avenue, between Brookside Avenue and Cherry Valley Boulevard and began recharging imported SPW purchased from the SGPWA. The facility sits astride Noble Creek. The imported water percolates into the ground and comingles with the native groundwater in the Beaumont Basin. Groundwater and percolated imported water are BCVWD's only current water source. In 2015, BCVWD completed Phase II of the recharge facility which more than doubled the recharge capacity.

Future water sources will include recycled water and could include captured and recharged storm water from Edgar, Noble, Marshall and other canyons, urban runoff captured and recharged in detention and water quality basins, captured, nitrate-contaminated underflow from the Edgar Canyon, groundwater from the Singleton Groundwater Basin and perhaps the San Timoteo groundwater basin.

BCVWD is considering introducing filtered SPW directly into the non-potable water distribution system. This will reduce the cost of water pumped into the non-potable system by about \$100 per AF and will reduce energy and the District's carbon footprint (the \$100 per AF is the cost of energy to pump the water from the Beaumont Basin groundwater table into the non-potable water distribution system).



Table 6-1 identifies the water sources which are currently used or planned to be used by the District to meet future demands. Each of these sources will be described in more detail in subsequent subsections.

The District's water supply plan is based on the following set of principles:

- The Plan must be sustainable in terms of water quality and quantity.
- Energy is a major consideration in the evaluation of alternative water supply strategies.
- Local water resources such as poor quality groundwater and recycled water should be maximized in the non-potable water system and used for irrigation.
- Surplus non-potable water should be supplied to golf courses whenever it is not needed to meet other landscape non-potable water demands. This will provide BCVWD with forbearance water, as described in the Adjudication, which can be extracted from the Beaumont Basin to meet potable water demands.

- Recycled Water not needed for landscaping or golf courses should be advance treated and percolated to augment the potable water supply in conformance with applicable rules and regulations.
- Urban runoff and storm runoff from Little San Gorgonio Creek, Marshall Creek, Noble Creek and other local watersheds should be captured and percolated to the extent practical to minimize the amount leaving the “basin.”
- The Beaumont Basin Adjudication will be followed with return flow credits given for imported and recycled water.
- The SGPWA has committed to provide the needed imported water supply to meet BCVWD’s needs through at least 2045.

Table 6-1 – Current and Future Water Sources Available to BCVWD

Water Source	Current	Future
Groundwater, Edgar Canyon	•	•
Groundwater stored in the Beaumont Basin	•	•
Imported Water purchased through SGPWA	•	•
Recycled water for landscape irrigation		■
Recycled water for groundwater recharge from the City of Beaumont		Potential
Storm Water Capture and Recharge from Edgar Canyon, Noble Creek and other local watershed		■
Urban Storm Runoff captured in detention and water quality basins		■
Captured, nitrate-contaminated shallow groundwater from Edgar Canyon to supplement non-potable water system		Potential
Singleton Basin groundwater		Potential
San Timoteo Basin groundwater to supplement non-potable water system		■
Joint Projects with Other Agencies with Exchanges		Potential
Sites Reservoir		Potential

- Firm, existing source ■ Firm, future source

There are constraints on the use of some of these sources, e.g. recycled water to ensure the water quality of the groundwater is maintained over time. These constraints are established by

the RWQCB and are described later in this section. The RWQCB and the DDW have constraints on the use recycled water for irrigation and groundwater recharge.

The water supply plan which is developed must be flexible. Conditions will change over time, regulations will change, more information and experience will be gained with the existing facilities, and other things will occur requiring periodic adjustments to the water supply plan.

6.2 Purchased or Imported Water

As discussed previously, imported water is provided to BCVWD through the SGPWA in which SGPWA has a service area of 225 sq. mi. exclusively in Riverside County. In addition to BCVWD, the major water retailers in the SGPWA service area include the City of Banning, YVWD, Banning Heights Mutual Water Company, High Valley Water District, South Mesa Mutual Water Company, and Cabazon Water District. Currently, only BCVWD, YVWD and the City of Banning have taken imported water. The SGPWA has recently started recharging imported water in its storage account within the Beaumont Groundwater Basin. Table 6-2 shows the historical SPW deliveries to SGPWA and the amount delivered to BCVWD. As can be seen from the table, the majority of the deliveries were to BCVWD over the time period. This percentage of BCVWD's share of SGPWA's deliveries is expected to continue into the future, but will decrease slightly as other retailers purchase more imported supply, i.e., 80 to 85% or so.

The SGPWA has a Table A amount of 17,300 acre-ft/year based on their contract with DWR. Table A amounts are used in allocating the total SPW supply that is determined by DWR to be available for delivery each year among the State Water Contractors. The Table A amount is the maximum amount a contractor may request in any year from DWR. It is also the maximum amount that DWR agrees to deliver to a contractor, like SGPWA, in a given year. The sum total of all of the Table A amounts for all of the 29 State Water Contractors under the Monterey Agreement (1994) shall not exceed 4.185 million acre-ft. (The DWR 2019 State Water Project Delivery Capability Report¹ states 4.008 million acre-ft as the total combined maximum Table A amount – not significantly different.) The SGPWA's Table A is shared with other agencies in the Pass' service area.

Under certain hydrologic and water supply conditions, DWR is not always able to deliver all of the water requested by the contractors. In these cases, a smaller amount ("allocation") is set by DWR by prorating the total amount available in proportion to the contractor's Table A amount. Thus, the SGPWA's Table A amount of 17,300 acre-ft/year is subject to the reliability of State Water Project. See Table 6-2 below.

¹ State Water Project Final Delivery Capability Report 2019 (2021). Department of Water Resources, (June)

Table 6-2 – Historical Deliveries of SPW to SGPWA and BCVWD

Calendar Year	Total SGPWA Deliveries, acre-ft (1)	BCVWD Deliveries, acre-ft (2)	BCVWD % of SGPWA Deliveries	DWR Allocation %
2003	116			90
2004	814			65
2005	687			90
2006	4,420	3,501	79.2	100
2007	4,815	4,501	93.5	60
2008	4,905	2,399	48.9	35
2009	6,609	2,741	41.4	40
2010	8,403	5,727	68.1	50
2011	10,730	7,979	74.4	80
2012	10,974	7,783	70.9	65
2013	9,695	7,434	76.7	35
2014	5,131	4,405	85.9	5
2015	3,930	2,773	70.6	20
2016	11,461	9,319	81.3	60
2017	15,843	13,590	85.8	85
2018	13,174	12,121	92.0	35
2019	14,152	13,645	96.4	75
2020	11,469	11,005	96.0	15
Total	133,479	108,892		

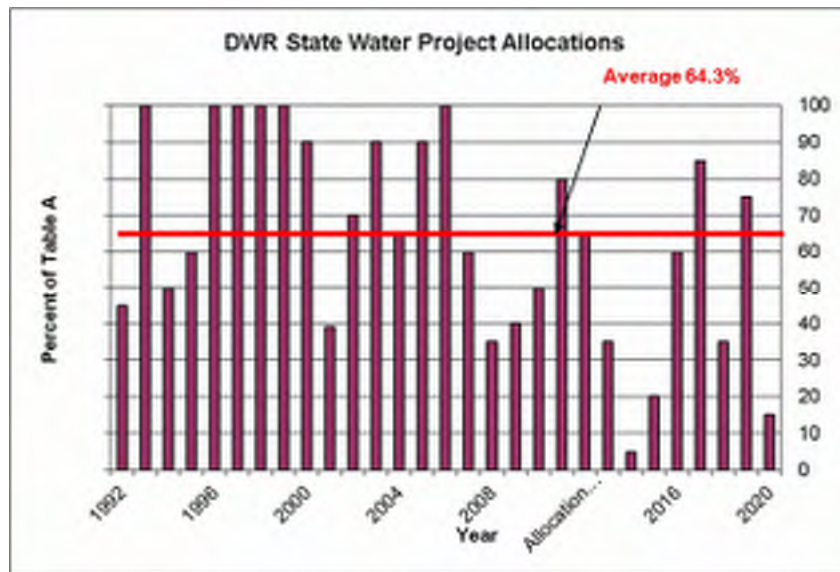
Sources: (1) Report on Water Conditions, Reporting Period 2018, SGPWA, (2) 2019 Draft Beaumont Basin Watermaster Annual Report, (3) 2020 Draft Beaumont Basin Watermaster Annual Report

The SWP has been, and continues to be, subject to delivery reduction caused by the operational restrictions of several biological opinions issued in December 2008 and June 2009 by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). These federal court decisions have been remanded (returned back) to the agencies for further study. In March 2014, the US Circuit Court of Appeals, 9th District, reversed a lower court decision by US District Court Judge Oliver Wanger and upheld the US Fish and Wildlife Service's protection of the Delta Smelt. In December 2014, the protection was extended to salmon and steelhead.

Historical delivery reliability was calculated by DWR using the CalSim2 computer model which simulates current and future operations of the SWP. The analyses are based on 82 years (1922-2003) of rainfall and runoff adjusted to reflect current and future levels of development. The impact of climate change is factored into the calculations.

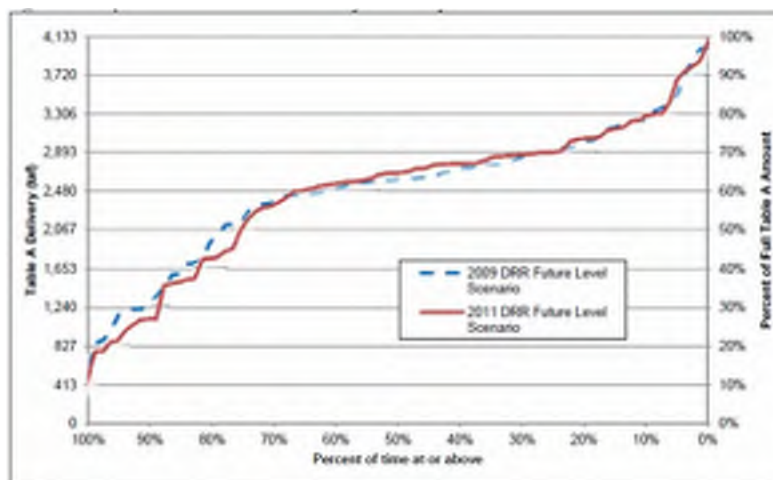
Figure 6-1 presents recent historical delivery percentages from 1992 – 2020.

Figure 6-1 – Historical SWP Delivery Percentages (1992 – 2020)



The average for the period is 64.3% or above the 58% determined in the 2019 Delivery Reliability Report. In recent years, an average of 62% delivery reliability has been used by DWR. For comparison, the 2011 Delivery Reliability Report projected an average allocation of 56%. See Figure 6-2 below for the SWP Table A Delivery Probability from the Technical Addendum to the 2011 SWP Delivery Reliability Report (June 2012).

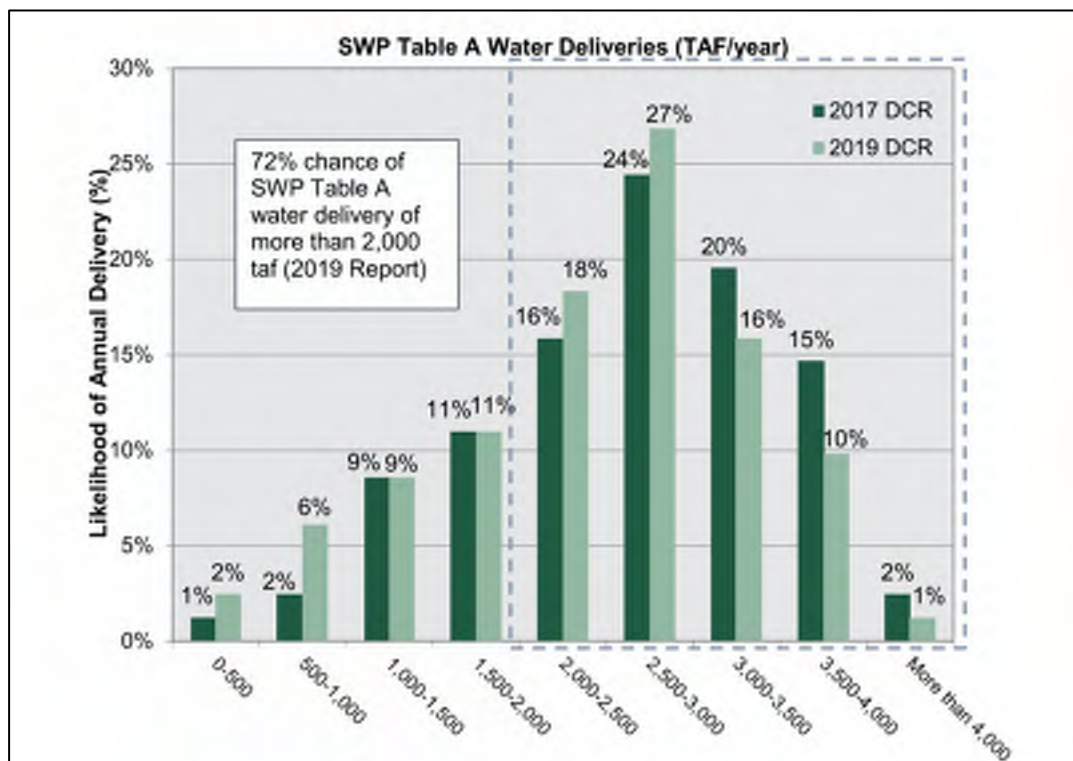
Figure 6-2 – SWP Delivery Reliability (2011 data, based on future conditions)



The DWR 2019 delivery capability report² uses the assumptions in the 2008/2009 biological opinions and there is essentially no change to the delivery reliability with the recent (2014) decisions.

Figure 6-3 below, presents a cumulative probability graph of deliveries as a percent of a Contractor's Table A amount for existing conditions (2019 delivery data). The results are summarized in Table 6-3 and Table 6-4. In reviewing Figure 6-1, Figure 6-2, Table 6-3, and Table 6-4, there is a 98% likelihood that the SWP will be able to deliver greater than 500 thousand acre-feet per year (TAF/year), which corresponds to an allocation greater than 12% of the maximum Table A amount in a given year. There is a 72% likelihood that the SWP will be able to deliver greater than 2,000 TAF/year, which corresponds to an allocation greater than 50% of the maximum Table A amount in a given year.

Figure 6-3 – SWP Delivery Reliability (Existing Conditions)



Source: 2019 Final Delivery Reliability Report (August 2020)

² Ibid

**Table 6-3 – Percent Probability of Receiving Full Table A Amount
(In a Given Year)**

Table A Delivery Amount (TAF/year)	% Likelihood of Delivery
0 - 500	2%
500 - 1,000	6%
1,000 - 1,500	9%
1,500 - 2,000	11%
2,000 - 2,500	18%
2,500 - 3,000	27%
3,000 - 3,500	16%
3,500 - 4,000	10%
> 4,000	1%

Table 6-4 – Percent Probability of Receiving Full Table A Amount

SWP Table A Deliveries (TAF/Year)	% of Total Table A	Probability Expressed as % Likelihood of Annual Delivery Greater Than
0	0%	100%
500	12%	98%
1,000	25%	92%
1,500	37%	83%
2,000	50%	72%
2,315 ¹	58%	50%
2,500	62%	54%
3,000	75%	27%
3,500	87%	11%
4,000	99.8%	1%

(1) Estimated

Historically, based on the information presented in the prior tables, the SGPWA receives on the average approximately 10,034 AF (annually) from the SWP which is an allocation of approximately 58% of its maximum Table A allocation. From 2010-2020, the SGPWA has received (on average) 8,335 AF (48%) of the Table A contracted amount. Section 3.1.4 of the SGPWA's 2020 UWMP provides further information relating to recent historical deliveries of Table A amounts.³

As per SGPWA's 2020 UWMP Table 3-4, a normal year yield is depicted as 10,034 AF (58%). This quantity of water available in a given year is the normal year basis for this UWMP.

³ 2020 Urban Water Management Plan, SGPWA – Adopted June 21, 2021

In addition to the maximum annual Table A amount, there is a contractual limit of 32 cfs on the instantaneous rate of delivery through the Aqueduct. If operated eleven (11) months out of the year (with one month of annual maintenance where the system is shut down), the California aqueduct (SGPWA's contractual portion) could convey approximately 21,230 acre-ft. Since this exceeds the annual Table A amount, the maximum amount which could be delivered on an annual basis is approximately 17,300 acre-ft, which should not be an issue, even with annual maintenance.

BCVWD will need additional imported water to meet its long-term needs, even when maximizing local water resources.

BCVWD can reduce its need for supplemental water from the SGPWA through:

- Water conservation
- Use of recycled water for landscape irrigation
- Increased storm water capture and recharge
- Use of local non-potable groundwater in the non-potable water system
- Advanced wastewater treatment of City of Beaumont recycled water for groundwater recharge

6.2.1 Importation Facilities and Capacity

The SGPWA imports SPW through the East Branch Extension. EBX Phase I was completed in 2003; the Environmental Impact Report for EBX Phase II (EBX II) was certified in 2008. Phase II construction was completed in 2017 and is operational.

The EBX begins downstream of DWR's Devil Canyon Power Plant at the Devil Canyon Afterbay, north of the City of San Bernardino (Water Surface Elevation = 1,931 ft MSL). From the Afterbay, the SPW flows through the



Foothill Pipeline to the Greenspot Pump Station. From the Greenspot Pump Station, the water is pumped through the Greenspot Pipeline to the Crafton Hills Pump Station. The Crafton Hills Pump Station then pumps the SPW through the Crafton Hills Pipeline to Crafton Hills Reservoir. From the Crafton Hills Reservoir, the water flows by gravity to the inlet of the Cherry Valley Pump Station. The Cherry Valley Pump Station then pumps the SPW through the Noble Creek

Pipeline to the EBX terminus at Noble Creek in Cherry Valley (hydraulic grade line [HGL] Elevation \approx 3,000 ft MSL). The EBX has a total length of about 33 miles; the water is lifted over 1,000 ft to get it to the SGPWA. The EBX facilities up to the Garden Air Creek Metering Facilities are shared with San Bernardino Valley MWD (Valley District).

EBX II provides Valley District and the SGPWA additional capacity to deliver water and at the same time provides some system redundancy. EBX II begins at Greenspot Rd. and Cove Camp Rd. and goes south in the Mentone Pipeline crossing under the Santa Ana River to the Citrus Reservoir and Pump Station at the intersection of Opal St. and San Bernardino Ave. From the Citrus Pump Station, the SPW is pumped through the Mentone Pipeline East to the Crafton Hills Pump Station, constructed as part of the first phase of the EBX.

Table 6-5 presents a summary of the EBX I and II Facilities and capacities.

Table 6-5 – EBX I & II Facilities
(Foothill Pipeline to Crafton Hills Pump Station)

Facility	Description	Size	Capacity	SGPWA Capacity	Comment reference to SGPWA
Devil Canyon Afterbay to Crafton Hills Pump Station					
Foothill Pipeline	From Devil Canyon to Santa Ana River Crossing	78"	288 cfs	64 cfs	Can use additional capacity with SBVMWD Board Approval
Santa Ana River Crossing (SARC)	Under Santa Ana River to Greenspot Pump Station	42"	108 cfs	16 cfs	Has 48 cfs capacity in parallel route (EBX II)
Greenspot Pump Station	Greenspot Pump Station		70 cfs total	16 cfs	Has 48 cfs capacity in parallel route (EBX II)
Greenspot Pipeline	Greenspot Pump Station to Crafton Hills Pump Station	48"	70 cfs	16 cfs	Has 48 cfs capacity in parallel route(EBX II)
Parallel Facilities – Foothill Pipeline to Crafton Hills Pump Station					
Mentone Pipeline South (2nd SARC)	Foothill Pipeline to Citrus Reservoir	66"	175 cfs	48 cfs	Has 16 cfs capacity in parallel route (EBX I)
Citrus Reservoir			400 AF		
Citrus Pump Station			160 cfs 150 cfs firm	48 cfs	Has 16 cfs capacity in parallel route (EBX I) 4@ 25 cfs, 4 @ 20 cfs, 2@ 10 cfs
Mentone Pipeline East	Citrus Pump Station to Crafton Hills Pump Station	60"	160 cfs	48 cfs	Has 16 cfs capacity in parallel route (EBX I)
Crafton Hills Pump Station			135 cfs total; 110 cfs firm	64cfs	3 @25 cfs, 2 @ 20cfs, 2 @ 10 cfs

Table 6-5 (cont.) – EBX I & II Facilities
(Crafton Hills Pipeline to Noble Creek Terminus)

Facility	Description	Size	Capacity	SGPWA Capacity	Comment reference to SGPWA
Crafton Hills Pipeline	Crafton Hills Pump Station to Crafton Hills Reservoir	54"		64 cfs	
Crafton Hills Reservoir			220 AF		Enlarged in EBX II from 85 AF
Bryant Street Pipeline	Crafton Hills Reservoir to Riverside San Bernardino County Line	54"	104 cfs	64 cfs	
Singleton Pipeline	Riverside San Bernardino County Line to Cherry Valley Pump Station	54"	64 cfs	64 cfs	
Cherry Valley Pump Station			52 cfs total; 32 cfs firm	52 cfs	Includes 20 cfs pump added in EBX II plus 1@16 cfs, 2@ 8 cfs
Noble Creek Pipeline	Cherry Valley Pump Station to Noble Creek Terminus	36"	32 cfs	32 cfs	Capacity could be as high as 52 cfs if velocity allowed to 7.4 ft/sec

BCVWD takes water from a 20-in diameter turnout and metering station at the current end of the EBX at Orchard Ave. and Noble Creek in Cherry Valley. The turnout has since been increased in capacity to 34 cfs in 2019.

From Table 6-5, the SGPWA has 64 cfs capacity in the EBX except for:

- **Cherry Valley Pump Station** – SGPWA has 52 cfs of total pumping capacity and 32 cfs of firm capacity (largest pump out of service). There is no space to add additional pumps in the building without major modifications.
- **Noble Creek Pipeline** – The velocity in this pipeline based on the total capacity of the Cherry Valley Pump Station of 52 cfs is 7.4 ft/sec. This is marginally acceptable with the headloss of 35 ft in the 10,000 ft length pipeline.

6.2.2 Facilities for Additional EBX Capacity

The SGPWA was limited to 32 cfs or 17,300 acre-ft/yr in the EBX assuming a 75% operating time. This was based on the SGPWA purchased capacity of 32 cfs in the Foothill Pipeline prior to mid-2020.

SGPWA purchased an additional 32 cfs in the Foothill Pipeline through the Fourth Joint Facilities Agreement on June 8, 2020 bringing the Agency's total capacity in the Foothill Pipeline to 64 cfs.

6.2.3 BCVWD Facilities for Imported Water

BCVWD takes water from a turnout and metering station at the current end of the EBX I at Orchard Ave. and Noble Creek in Cherry Valley. Water from the turnout is metered by DWR and then enters BCVWD's piping system which conveys imported water to the Noble Creek Recharge Facility.

Recent upgrades were completed in 2019 which increased the flow capacity to 34 cfs. These upgrades included the metering and piping components at the turnout upstream of BCVWD's facilities.

Phase I of the Recharge Facility (west of Noble Creek Channel) was completed in September 2006 and BCVWD began to take imported water at that time. Phase I consists of approximately 10.2 wetted acres based on the projected horizontal area at the normal water depth. Phase I has 3 "trains," or sets of percolation ponds (2.7 acres, 4.2 acres, and 3.3 acres [wetted area] respectively for "trains" 1, 2, and 3). Phase II was completed in 2015. Phase II has an estimated horizontal wetted area of about 17 acres. It, too, is constructed in "trains" to allow wetting and drying.

Recharge of imported water has occurred since September 2006. As of December, 2020, 108,892 acre-ft (35.5 billion gallons) of water have been recharged to BCVWD's account. Since 2006, annual recharge has averaged 7,259 AFY with a maximum of nearly 13,700 AFY.

Based on operational studies from 2006 through 2010, Geoscience Support Services, Inc. (Geoscience) determined the weighted average recharge rate for the Phase I facility is 10.3 acre-ft/wetted acre/day. This is a very high rate. Since there are a total of 10.2 wetted acres in Phase I, the existing recharge facility would be able to percolate over 100 acre-ft/day. Theoretically, this would be over 36,000 acre-ft per year (about twice the SGPWA's Table A amount.) The 36,000 acre-ft per year, however, should be reduced because of the need to "rest" and "restore" the basins and perform routine maintenance. If 2 of the 3 Phase I trains were operating at any one time, the theoretical capacity would be about 25,000 acre-ft/yr for Phase I.

Taking a conservative approach, using a percolation rate of 6 acre-ft/wetted acre/day and considering both Phase I and Phase II facilities, the percolation capacity would be 150 acre-ft/day. Using a 75% utilization factor, the percolation capacity on an annual basis could be over 40,000 acre-ft. However, achieving a capacity of 40,000 AFY would require frequent rest periods along with frequent pond bottom scouring.

6.2.4 Aquifer Response

BCVWD installed monitoring wells with the initial construction of the recharge facility to track and “trace” the recharged water. According to the Geosciences Support Services, Inc., Feb 2010 report, BCVWD recharged over 15,000 acre-ft of water from September 2006 to December 20, 2009, in the Phase I facilities and water levels in the three shallow aquifer monitoring wells (perforated from 480 to 550 ft below ground surface [bgs]) increased 94.4 ft, 86.1 ft, and 89.5 ft, respectively. In the deeper aquifer (perforated 600 to 700 ft bgs), water levels increased in the fall and winter when BCVWD Well 23 was used less and decreased in summer when the well was used more. The water level in the two very deep monitoring wells (perforated 600 to 1000 ft bgs) increased 11.5 and 13.2 ft respectively since start of recharge in September 2006. In summary, it is clear the water is reaching the intended aquifers.

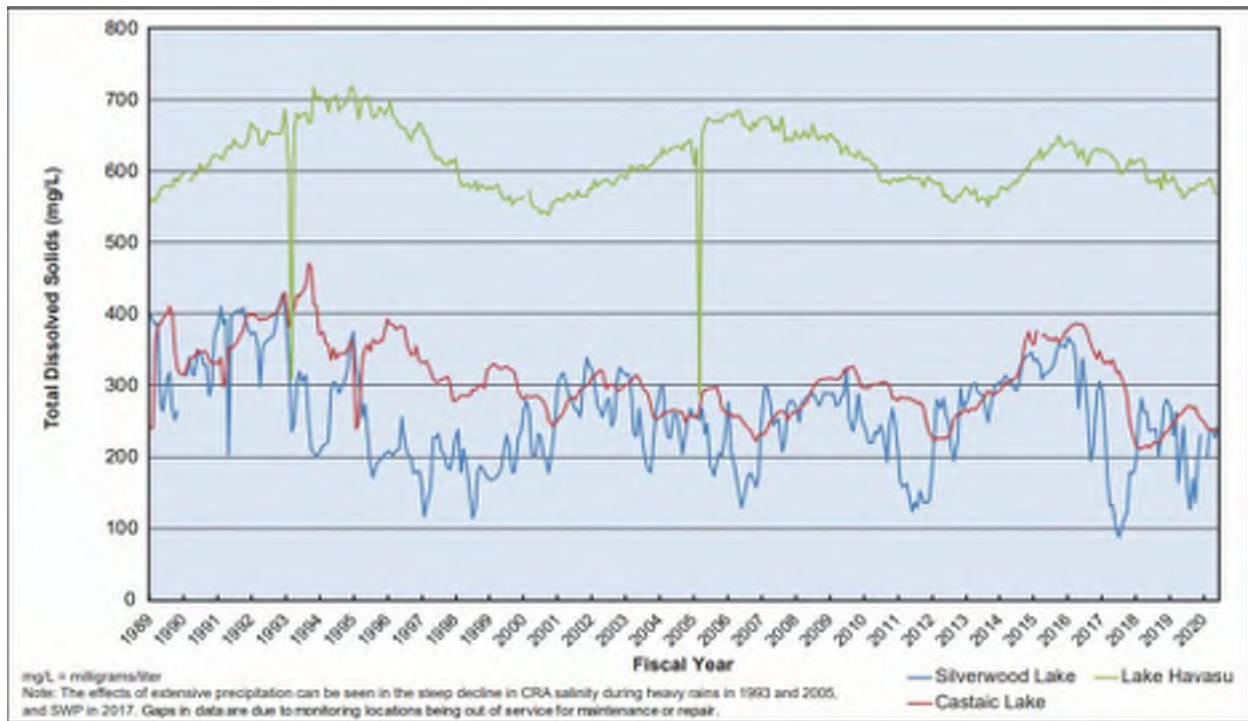
This data contradicts statements made in a USGS Report for the SGPWA⁴. Specifically, their report states that artificial recharge, including that from imported SPW in recharge ponds, takes between 23 and 71 years to reach the water table depending on location. Spreading data from monitoring wells during Phase I operation of the recharge facility supports a much faster vertical travel time – more like 60 days under saturated conditions.

6.2.5 Imported Water Quality

State Project Water experiences some changes in water quality in response to wet and dry cycles in Northern California. Data from the Metropolitan Water District of Southern California (Metropolitan), shown in Figure 6-4, shows the Total Dissolved Solids (TDS) in their imported water supplies from 1988 to 2020 – a 32-year period. Of particular interest is the Silverwood Reservoir source. The SGPWA also uses the same Silverwood Reservoir source. During high flow years, the TDS approached 100 mg/L; during the drought period of the early 1990s, TDS approached 400 mg/L. During the drought from about 2013-2016, the TDS has been in the 250 to 350 mg/L range. The nitrate and nitrite concentration (as nitrate) in the imported water for 2018 was 0.37 mg/L as N⁵.

⁴ USGS (2006). Geology, Ground-Water Hydrology, Geochemistry, and Ground-Water Simulation of the Beaumont and Banning Storage Units, San Geronio Pass Area, Riverside County, California, D. L. Rewis, A. H. Christensen, J. C. Matti, J. A. Hevesi, T. Nishikawa, and P. Martin, Scientific Investigations Report 2006-5026.

⁵ San Geronio Pass Water Agency Report on Water Conditions (2018)

Figure 6-4 – Quality of Metropolitan’s Imported Water Supplies⁶

Article 19 of the Department of Water Resources’ contract with SGPWA states that it is the objective of the State, and the State shall take all reasonable measures to make available project water of such quality that the TDS concentration does not exceed 440 mg/L on a monthly average or 220 mg/L as an average during any 10-year period.⁷

The average TDS for the period January 2009 through January 2018 was 265 mg/L⁸. Measurements of TDS and other constituents related to water quality were measured by DWR at the Devil Canyon Afterbay, which is the source for the EBX. This generally matches the TDS for the 25-year period from 1972-97⁹. For the 10-year period 1988-97 the TDS averaged 300 mg/L. This indicates that there could be additional 10-year periods in the future where the SPW

⁶ Metropolitan Water District of Southern California (Metropolitan 2020) Annual Report for the Fiscal Year July 1, 2019 to June 30, 2020. Chapter 4

⁷ State of California Department of Water Resources (1962), Contract between the State of California, Department of Water Resources and San Geronio Pass Water Agency for a Water Supply. November 16.

⁸ San Geronio Pass Water Agency Report on Water Conditions (2010, 2014, 2018)

⁹ California Urban Water Agencies (1999). Recommended Salinity Targets and Program Actions for the CalFed Water Quality Program, December.

could exceed 250 mg/L and careful salinity management will be necessary. In their salinity management plan, Metropolitan used an average of 250 mg/L TDS for the East Branch.¹⁰

Implementation of the Bay Delta Conservation Plan and Delta Conveyance Project should help maintain or improve the quality of the State Project Water; so, a TDS concentration of 250 mg/L as a 10-year average is reasonable at this time.

Finally, the average TDS ranges generally decrease during wet years due to more high-quality water available through the SWP.

6.3 Groundwater

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(b)(4) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(A) The current version of any groundwater sustainability plan or alternative adopted pursuant to Part 2.74 plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720), any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management for basins underlying the urban water supplier's service area.

(B) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For a basin that has not been adjudicated, information as to whether the department has identified the basin as a high- or medium-priority basin in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to coordinate with groundwater sustainability agencies or groundwater management agencies listed in subdivision (c) of Section 10723 to maintain or achieve sustainable groundwater conditions in accordance with a groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720).

(C) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(D) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.



The District currently owns and operates a total of 24 groundwater wells of which only 20 are used to any great degree. Three of the wells have their capacity shared with the City of Banning (BCVWD constructed these wells under a cooperative agreement with Banning for shared capacity rights.) The 20 wells have a total production capability of approximately 27.3 mgd, not including the capacity shared with

¹⁰ Metropolitan Water District of Southern California (2012). Salinity in Metropolitan Supplies, Historical Perspective, Handout #2. Presented at Salinity Management Update Study Workshop, Southern California Salinity Coalition, June 1.

Banning. Thirteen (13) of the wells are in Edgar Canyon; eleven (11) are in the Beaumont Basin.

Details on the District's wells and their current capacity can be found in the 2016 Potable Water Master Plan.

The greatest demand experienced by BCVWD occurred in 2009 when 22.1 mgd were used on one day (July 19); for 2020 the maximum day demand was 21.6 mgd. Historically, the maximum day/average day ratio has been 1.87, but BCVWD uses a ratio of 2.0 for planning purposes.

The District's wells are located in four areas:

- Upper Edgar Canyon (San Bernardino County)
- Middle Edgar Canyon (San Bernardino County)
- Lower Edgar Canyon (Riverside County)
- Beaumont Storage Unit (Beaumont Basin) (Riverside County)

Note that “Edgar Canyon” is synonymous with “Little San Gorgonio Creek”.

6.3.1 Edgar Canyon Wells

BCVWD has a total of 13 wells in Edgar Canyon; Well No. 13 is a standby for Well No. 12; Well No. 9A has limited use and Well RR-1 is being evaluated. Total capacity of the wells, not including RR-1, 9A and 12 is 1,510 gpm or 2.17 mgd. Individual well capacities range from 50 gpm to 300 gpm. Well capacities in Edgar Canyon vary from year to year throughout any given year depending on hydrologic conditions, i.e., wet year vs dry year.

Groundwater in Edgar Canyon primarily occurs in the shallower, younger and older alluvial valleys and within the rock fractures beneath the alluvium. Numerous faults cross the canyon generally in a southeast-northwest direction. These act as barriers to groundwater movement and subdivide the canyon into several sub basins. Over the years, BCVWD has drilled numerous wells, pilot holes and test wells in Edgar Canyon; but, because of the faulting, many of these wells have proven to be of limited use or value. Many “dry holes” are noted on some of the old BCVWD system maps.

The groundwater aquifer in Edgar Canyon is limited and storage is small. Groundwater levels vary from just a few feet bgs to about 200 feet bgs. The groundwater levels and groundwater production respond quickly to stream flow. During wet years, considerably more water can be pumped than during dry years.

BCVWD prefers to use the wells in Edgar Canyon since they are the least expensive to operate and the water can be conveyed to the District customers by gravity with no additional pumping. The wells in Edgar Canyon currently provide about 10% of the District's potable water supply.

The District has arbitrarily subdivided Edgar Canyon into three production areas:

- **Upper Edgar Canyon** -- in San Bernardino County from the District's northern boundary, where Oak Glen Road crosses over Little San Gorgonio Creek, to a point about the center of Section 2, T1S/R1W approximately 1.5 miles north of the Riverside/San Bernardino County Line. The Upper Canyon wells include all wells except Wells 6, 4A, 5 and RR-1.
- **Middle Edgar Canyon** -- in San Bernardino County from the Riverside/San Bernardino County Line to a point about 0.5 mile north of the County line. Well 6 is in the Middle Edgar Canyon.
- **Lower Edgar Canyon** -- in Riverside County from the mouth of the Canyon at Orchard St. to about 1 mile north (upstream) where Well No. 5 is located. Well No. 4A is located about 1/4 mile below Well No. 5. Well RR-1 is about 1/2 mile north of Orchard St., downstream of Well 4A.

6.3.2 Beaumont Basin Wells

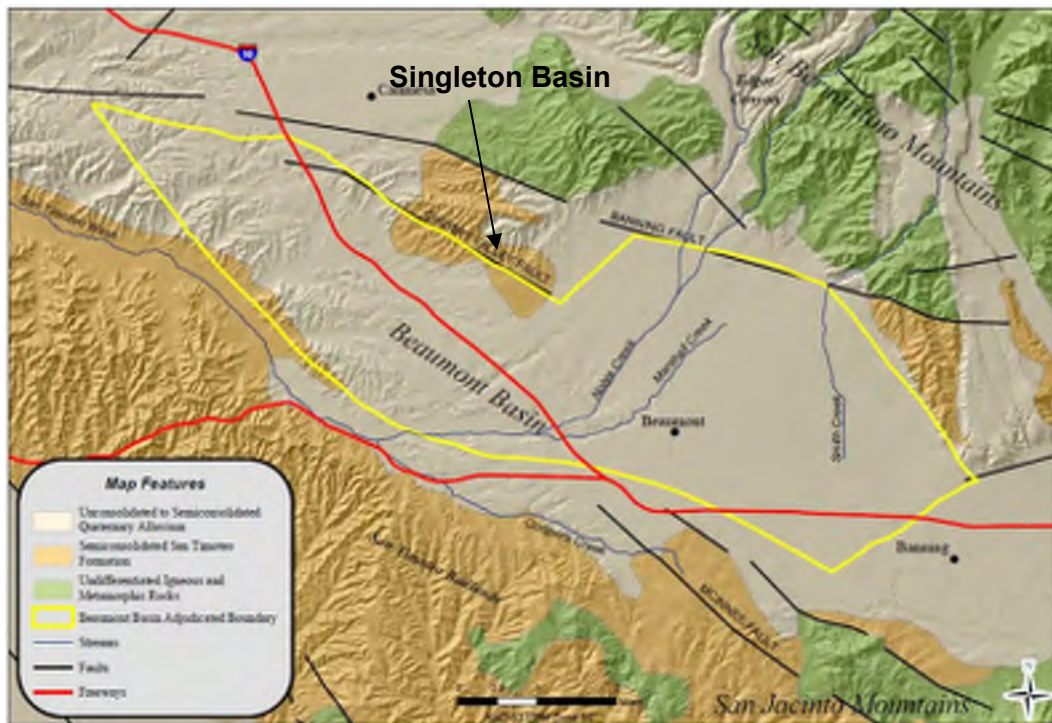
The Beaumont Basin, or Beaumont Storage Unit as it is also known, is one of the largest groundwater units in the San Gorgonio Pass area covering an area of about 27 sq. mi. with at least 1.1 million acre-feet of water in storage and about 200,000 to 400,000 acre-feet of unused groundwater storage capacity. The San Timoteo Watershed Management Authority (STWMA) estimated the amount of water in the Beaumont Basin could be as much as 2.4 million acre-ft based on usable groundwater extending down to 1,500 ft bgs.¹¹ This is 500 ft deeper than previously assumed and is based on several wells drilled by BCVWD and others.

The boundaries of the BSU are defined on all sides by postulated faults including the Banning and Cherry Valley Faults to the north and unnamed faults to the south, east, and west. The Cherry Valley Fault is the dividing line between the BSU and the Singleton storage unit. See Figure 6-5.

Groundwater within the BSU primarily occurs in the older alluvium and the San Timoteo Formation. Groundwater elevations in the BSU range from approximately 160 ft bgs to 600 ft bgs. Underlying the BSU are nearly impermeable granitic/metamorphic basement rocks.

Prior to the Adjudication (2004), progressive drawdown of water levels in the Beaumont Basin occurred from the 1920s. Since the Adjudication, groundwater levels have stabilized, as the Beaumont Basin has been managed on a safe yield basis. See Section 6.3.5 for further discussion.

¹¹ "Integrated Regional Water Management Program for the San Timoteo Watershed," Final Draft, prepared for the San Timoteo Watershed Management Authority, Wildermuth Environmental, Inc., p 2-15, June 2005.

Figure 6-5 – Beaumont Groundwater Basin and Major Fault Boundaries

Source: Alda, Inc/Thomas Harder & Co., 2-1 2020 Watermaster Consolidated Annual Report and Engineering Report

Since startup of the BCVWD recharge facility and the recharge of SPW, groundwater in the BSU flows from the recharge site (at Beaumont and Brookside Avenues) in a southeasterly direction toward Banning and a southwesterly direction to San Timoteo Creek.

6.3.3 Groundwater Quality

Overall, the water quality from BCVWD's wells is excellent. Table 6-6 presents a summary of the quality of water from the District's 2019 Consumer Confidence Report.

Edgar Canyon

In Edgar Canyon, the TDS concentration is below 250 mg/L range; hardness is moderate; nitrate levels are low, except at the mouth of Edgar Canyon. At the mouth of Edgar Canyon, USGS has reported¹² that a monitoring well 2S/1W-22G4 had a nitrate-N concentration of 11.3 mg/L. This exceeds the drinking water MCL of 10 mg/L. Well 2S/1W-22G4 is a shallow monitoring well that is perforated from 138 to 158 bgs. USGS states that this well is likely

¹² USGS (2006). *Geology, Ground-Water Hydrology, Geochemistry, and Ground-Water Simulation of the Beaumont and Banning Storage Units, San Geronio Pass Area, Riverside, California*, U.S. Department of the Interior, U.S. Geologic Report, in cooperation with the San Geronio Pass Water Agency, Scientific Investigations Report 2006-5026.

affected by “an anthropogenic source of nitrogen that may include agricultural activity or septic tank seepage.” This well is not used for potable water supply; BCVWD has no production wells in the high nitrate area.

Table 6-6 – Summary of BCVWD Groundwater Quality¹³

Constituent	Concentration (mg/L unless noted otherwise)	Average Range of Concentrations (mg/L unless noted)	Sample Date(s)
Total Dissolved Solids (TDS)	256.6	200 - 350	2017 - 2019
Specific Conductance, $\mu\text{S}/\text{cm}$	440	350 - 590	2017 - 2019
pH, ph Units	8.0	7.7 - 8.3	2017-2019
Sodium	23.3	14 - 38	2017 - 2019
Calcium	42.3	35 - 64	2017 - 2019
Magnesium	16	12 - 20	2017 - 2019
Bicarbonate	173.3	130 - 220	2017 - 2019
Chloride	17.5	0 - 46	2017 - 2019
Sulfate	22	10 - 48	2017 - 2019
Nitrate (as N)	3.4	0.64 - 6.9	2019
Fluoride	0.43	0.23 - 0.64	2017 - 2019
Total Chromium, ppb	2.5	0 - 12	2016 - 2019
Total Hardness, mg/L as CaCO_3	173.3	130 - 240	2017 - 2019

Beaumont Basin

In the Beaumont Basin during the period 2002 – 2006, TDS concentrations in the groundwater ranged from 160 to 360 mg/L. Historical ambient TDS based on the period 1954 – 1973 was 230 mg/L; for the period 1984- 2003, the ambient TDS was 260 mg/L. Although there is a slight upward trend, the TDS is still very low.¹⁴

Average nitrate-N concentrations for 2019 ranged from 0.89 to 7.00 mg/L with average maximum concentrations of 2.62 mg/L. During this same period, other wells within the Beaumont Basin were sampled for nitrate-N had an average concentration less than 3.73 mg/L.

¹³ BCVWD 2019 Consumer Confidence Report

¹⁴ Wildermuth Environmental Inc. (2007). First Biennial Engineer's Report, July 2003 through June 2006, Beaumont Basin Watermaster for San Timoteo Watershed Management Authority vs. City of Banning et.al, June.

None of the District's wells sampled within the Beaumont Basin had nitrate-N exceeding the MCL of 10 mg/L¹⁵. BCVWD's Well No. 16 in Cherry Valley experienced a "spike" in nitrate-N in 2005 reaching 9.0 mg/L; at the same time, Well No. 21 showed a concentration of 6.1 mg/L.¹⁶ These concentrations have since decreased. This was investigated; but no conclusions could be drawn as to the exact cause. It is possible this could occur again.

The University of California Riverside (UCR), under contract with the SWRCB, conducted a water quality assessment of Beaumont Management Zone with the specific objective of looking at nitrate contamination from on-site wastewater disposal systems.¹⁷

Forty wells and eleven surface water sites were sampled and analyzed in the UCR study. In the central part of the BMZ, i.e., generally in Cherry Valley, several wells "showed clear signs of contamination by septic systems. The groundwater within the central part of Cherry Valley appeared to be more strongly affected by septic systems than groundwater on the periphery of Cherry Valley. Several wells had measurable concentrations of pharmaceuticals and personal care products (PPCPs) and major anions and cations [associated with wastewater], suggesting septic waste was entering the groundwater system."¹⁸

BCVWD has been able to deal with the nitrate concentrations by blending with other lower nitrate source waters when it has become an issue. Riverside County Ordinance 871 requires any new septic tanks within the Cherry Valley Community of Interest be able to remove 50% of the nitrogen. Usually this requires an "add on" process to the conventional septic tank. At some point in time, it may be necessary to either install well-head treatment for nitrate removal (ion exchange or reverse osmosis) if blending alone cannot mitigate the problem. If the problem gets worse, sewers may need to be installed in the more densely developed portions of Cherry Valley.

One issue that has been a topic of discussion at the State level is hexavalent chromium (Cr+6). Total chromium is regulated by DDW at an MCL of 50 µg/L (50 parts per billion). There are two forms of chromium that exist in natural waters – trivalent chromium (Cr+3) and hexavalent chromium. Trivalent chromium is a trace metal that the human body needs; hexavalent

¹⁵ Ibid

¹⁶ Wildermuth Environmental, Inc. (2007). Water Quality Impacts from On-site Waste Disposal Systems in the Cherry Valley Community of Interest, Final Report, prepared for San Timoteo Watershed Management Authority, Project Committee No. 1, March.

¹⁷ Univ. of California Riverside (2012). Final Report: Water Quality Assessment of the Beaumont Management Zone: Identifying Sources of Groundwater Contamination Using Chemical and Isotope Tracers. SWRCB Agreement No. R*-2010-0022, Department of Environmental Sciences, Riverside, CA 92521, Feb 3.

¹⁸ Ibid, pg. 27

chromium is considered toxic based on laboratory animal studies. Trace amounts of hexavalent chromium are natural and found in rock and minerals. In some areas, high concentrations of hexavalent chromium are the result of industrial discharges. On July 1, 2014, a separate, State of California, Maximum Contaminant Level (MCL) of 10 µg/L (10 parts per billion) for Cr+6 was established. On May 31, 2017, the Superior Court of Sacramento County determined that the established MCL for Cr+6 was invalid, due to the fact that there was not proper consideration for the economic feasibility of necessary treatments with the MCL. In February 2020, the SWRCB published the White Paper Discussion on Economic Feasibility Analysis in Consideration of a Hexavalent Chromium MCL, which discusses various cost-benefit analyses of different treatment types versus potential exposure. The white paper concluded that a continued effort would need to occur to re-assess the MCL for Cr+6. The SWRCB held a series of public workshops in December 2020 on treatment cost estimates. It is projected that a Notice of Proposed Rulemaking will be published sometime in summer 2021, which may result in less stringent MCL regulations.

At the present time, nitrates are not an immediate concern and there may be an MCL for hexavalent chromium, which may require the installation of treatment at some time.

As part of the preparation of this 2020 UWMP, a review of past industrial/commercial operations, particularly their waste disposal practices, was researched on the SWRCB's GeoTracker¹⁹ to see if there could be any future water quality impact from these discharges.

The SWRCB's GeoTracker list was reviewed for potentially contaminated sites in the BCVWD service area. There about 28 sites in the BCVWD SOI on the list; of which only one is still "open." Kinder Morgan Energy Partners, Inc. currently owns and operates a petroleum transmission pipeline (Colton-Phoenix Pipeline) on the south side of Oak Valley Parkway, in the vicinity of Nicklaus Park in Fairway Canyon. A leak was identified in February 2019, and SWRCB site review and assessment began in April 2019. In June 2020, SWRCB identified that approximately 20 hours of work for site inspection will be expected for the 2020-2021 fiscal year. This site has not affected any BCVWD wells; there are no BCVWD wells in the vicinity of this leak site. The leak as identified at this site is not within the limits of the Beaumont Basin.

¹⁹ <http://geotracker.waterboards.ca.gov/> Accessed 5/10/2021.

6.3.4 Groundwater Management

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...If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

A copy of any groundwater management plan adopted by the urban water supplier...or any other specific authorization for groundwater management.

...For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree.

The Beaumont Basin was adjudicated in February 2004, in Superior Court, Riverside County, Case RIC 389197, *San Timoteo Watershed Management Authority vs. City of Banning et al* (Adjudication or Judgment). The Judgment established the Beaumont Basin Watermaster (Watermaster) to administer the Judgment. It established the rights of the Overlying Parties and the Appropriator Parties, e.g., BCVWD and others. Some of the essential elements of the Judgment are as follows:

- The “Safe Yield” of the Basin was established at 8,650 AFY. This was to be re-evaluated every 10 years. §I 3.X and §VI 5.Y. It was re-evaluated in 2013 -2015 and on April 2015, through Resolution 2015-01, the safe yield was reduced to 6,700 AFY.
- A controlled overdraft of the basin was allowed for the first ten years to create more usable storage capacity in the Basin for Conjunctive Use. In the Judgment, this was termed “Temporary Surplus.” This was established at 160,000 acre-ft. After ten years (February 2014), the controlled overdraft ceased. This provided a ten-year time frame for the appropriators to develop facilities to use or bank imported SPW and develop other water sources. § I3.BB and Exhibit C, Column (5).
- The Overlying Parties can extract, in total, a maximum of 8,650 acre-ft/yr, which was reduced to 6,700 AF in the safe yield adjustment of 2015. (All of the initial safe yield was dedicated to the Overlying Parties.) The Overlying Parties and their rights are shown in column (4) of Exhibit B. If an Overlying Party pumps more than five times its share of the operating safe yield (as shown in column (4) of Exhibit B) in any five consecutive year period, the overlying producer shall provide Watermaster with sufficient funds to replace the overproduction (typically with imported water). Exhibit B, Column (4) and §II 1.A
- An Overlying Party can request water service from an Appropriator Party. For example, an Overlying Party can subdivide its property and then request an Appropriator, such as BCVWD, to supply the new subdivision with water. When this happens, the Overlying must forgo extracting that volume of water provided by the Appropriating Party and the Appropriating Party shall have the right to

produce the equivalent volume of water which the Overlying Party did not pump. §III 3. (This is sometimes called “forbearance” water.)

- If an Appropriating Party serves recycled water to an Overlying Party, the Overlying Party’s water right is not diminished, but the Appropriator Party shall have the right to use that portion of the Overlying Water Right offset by the recycled water. In other words, serving recycled water to an Overlying Party allows the Appropriator to pump the equivalent amount of groundwater. §III 3 E.
- There is a provision which requires the BCVWD to set aside 2,400 AFY of projected water demand in the 2005 Urban Water Management Plan update specifically for Oak Valley Partners, LP. For the 2010 UWMP update, the Judgment states this figure should be revised to reflect the projected water demands. Oak Valley Partners, LP has an overlying pumping right per column (4) of Exhibit B equal to 1,806 AFY. However, it is unclear how this 1,806 AFY is to split between YVWD and BCVWD. BCVWD started to provide potable water service to Oak Valley Partners, LP land in 2005; in 2010, BCVWD provided a total of 1,307 acre-ft to them. BCVWD continues to provide water to the land from its potable and non-potable water distribution system §III.3.G.
- If any Overlying Party produces less than five times the share of the safe yield assigned to the Overlying Party during any 5 year period (per Column (4) of Exhibit B), the unused portion shall be apportioned to the Appropriator Parties per Column (2) of Exhibit C: BCVWD 42.51%, Yucaipa Valley Water District 13.58%, South Mesa Water Company 12.48%, and the City of Banning 31.43%. (Watermaster Rules and Regulations §7.3.)
- Any Appropriator may transfer all or any portion of its Appropriator’s Production Right or Operating Yield that is surplus to its needs to another Appropriator. (Watermaster Rules and Regulations §7.2.)
- Watermaster has the authority to enter into Groundwater Storage Agreements with producers for the storage of supplemental water, wellhead protection and recharge, well abandonment, well construction, monitoring, replenishment, mitigation of overdraft, and collection of assessments. §VI.5.
- Supplemental replenishment water can be recycled water, State Project Water, or other imported water. Replenishment can be accomplished by spreading and percolation, injection, or directly using treated surface water or raw or treated imported water. §VI 7.
- A minimum 200,000 acre-ft of groundwater storage capacity shall be reserved for conjunctive use. Any person, party or not a party to the Judgment, can make reasonable beneficial use of the groundwater storage capacity for storage of

supplemental water provided that it is in accordance with a storage agreement with Watermaster. §I.3.S and §V.5.B

- Minimal producers (10 or less acre-ft/yr) are exempt from the Adjudication. §III.4.and §I.3.K

Watermaster is responsible for providing the legal and practical means of ensuring the waters of the Beaumont Basin are put to maximum beneficial use and include:

- Administer the Judgement; approve Producer activities
- Maintain and improve water supply; maintain and improve water quality; monitor and understand the Basin
- Develop and administer a well policy; develop contracts for beneficial programs and services; provide cooperative leadership

To simplify the Judgement, an appropriator, like BCVWD, after February 2014, can only extract water within the appropriator's storage account as determined by Watermaster. Water in the storage account can include:

- Imported water recharged by the Appropriator.
- Water transferred from one Appropriator's storage account to the Appropriator.
- Recycled water recharged to the Beaumont Basin which meets Regional Board and SWRCB Division of Drinking Water groundwater water recharge regulations.
- "New" captured storm water or urban runoff recharged by the Appropriator.
- Unused Overlying Party pumping rights allocated back to the Appropriator.
- Return flows from imported water or recycled water applied to land overlying the Beaumont Basin by the Appropriator.
- Forbearance water allocated to the Appropriator for providing potable or recycled water to the Overlying Party's land.

Watermaster performs an annual accounting of these sources and produces an annual report identifying the water in storage for each appropriator.

According to Watermaster, BCVWD had 39,750 acre-ft in storage in the Beaumont Basin at the end of 2020²⁰. BCVWD's storage account has a maximum capacity of 80,000 acre-ft.

The entire Judgment is contained in Appendix F.

²⁰ Beaumont Basin Watermaster (2021). 2020 Annual Report Draft, Alda, Inc., Thomas Harder and Company, April

6.3.5 Overdraft Conditions

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(b)(2) For basins that have not been adjudicated, (provide) information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

BCVWD has been extracting groundwater from Edgar Canyon for nearly 100 years. Data presented later in this section (see Table 6-8) shows BCVWD's average Edgar Canyon groundwater pumped over the period 1983-2020 was 2,073 AFY. A study by STWMA indicated a safe yield of about 2,600 AFY; a SGPWA water balance study put the safe yield between 2,000 and 2,800 AFY. Based on these studies and BCVWD's long term records of pumping, Edgar Canyon is not in overdraft.

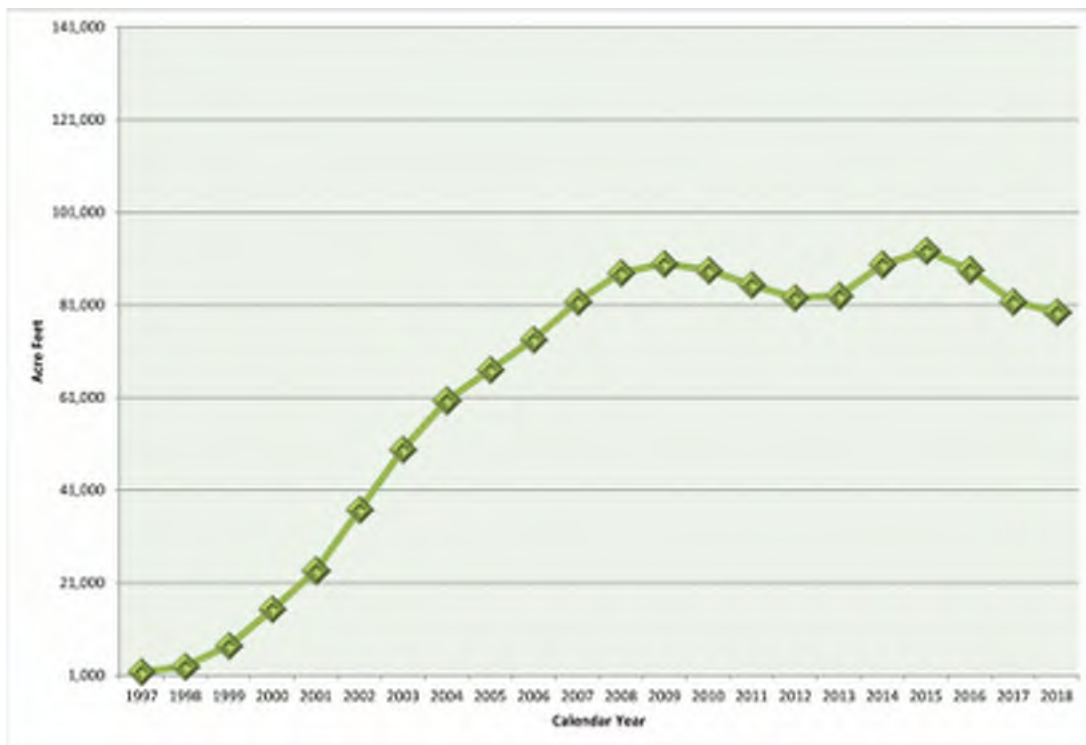
Prior to 2004, the year the Adjudication came into effect, the Beaumont Basin was in overdraft. Groundwater levels had declined from historical levels. It should be noted that the BSU has been drawn down from the steady state groundwater elevations computed in the Bloyd (1971) report²¹. The Bloyd report shows that the groundwater elevation is approximately 100 feet below steady-state (pre-development) conditions. According to STWMA, progressive drawdown of water levels in the Beaumont Basin occurred from the 1920s. Since the Adjudication, groundwater levels have stabilized. Current levels in the basin are about 75 to 120 ft below the 1920 levels and about 10 to 40 ft below the 1980 level.²² However, in spite of the drop in water levels, there were no water quality impacts or known subsidence. At the present time, with the Adjudication, the Beaumont Basin is operated on a long-term safe yield basis without further overdraft.

The SGPWA monitors the overdraft in the Beaumont Basin and Figure 6-6 shows the accumulated overdraft since 1997. As can be seen, once imported water began to be recharged, the accumulated overdraft leveled off. Groundwater levels decreased slightly from 2013-2015 due to the drought when imported water supplies were reduced. Basins managed on a long-term safe yield basis are expected to have fluctuations in groundwater levels from year to year depending on hydrologic conditions and the availability of imported water. During dry years, the water levels drop; during wet years, the levels recover.

²¹ Bloyd, R.M., 1971, Underground storage of imported water in the San Geronio Pass area, Southern California: U.S. Geological Survey Water-Supply Paper 1999-D.

²² "Integrated Regional Water Management Program for the San Timoteo Watershed," Final Draft, prepared for the San Timoteo Watershed Management Authority, Wildermuth Environmental, Inc., p 2-13, June 2005

Figure 6-6 – Accumulated Overdraft in Beaumont Basin since 1997
(by SGPWA)(Includes the impact of imported replenishment water)²³



The accumulated overdraft is expected to remain nearly constant with the Adjudication, although there could be some fluctuations due to wet and dry periods causing variable amounts of recharge water to be available. To minimize outflow and loss of recharged imported water, Beaumont Basin water levels should be maintained at or near current conditions. During “wet” years when more imported water is available, the accumulated overdraft will be reduced. This is normal operation for a groundwater basin.

The Beaumont Basin Watermaster has a calibrated groundwater model which is used to manage the basin. The model was used in the recent review of the safe yield value and resulted in a reduction to 6,700 AFY -- a value closer to some of the earlier hydrogeologic reports. In summary, although water levels are below historic levels, the Beaumont Basin, as a result of the Adjudication, is operating on a safe yield basis.

When the Adjudication was implemented, an extraction of 160,000 AF “temporary surplus” was planned to provide storage for conjunctive use and water banking. Watermaster was concerned about possible subsidence and implemented a basin-wide subsidence monitoring program. In 2006, Watermaster established a network of 72 benchmarks throughout the Basin and nearby basins and an initial level survey was conducted to establish a baseline. A second survey was

²³ SGPWA, 2020, Annual Report of Water Conditions, Reporting Period 2018, January

conducted in 2007 which showed little vertical change. Whatever minimal change occurred was evenly distributed throughout the Basin. The program envisioned performing the survey every 3 years with the next round scheduled for spring 2009. The 2009 survey was not conducted since it was determined the level of subsidence was minimal. No additional surveys are scheduled at this time.²⁴ It can be concluded; the overdraft and the temporary surplus have not had any adverse effects.

6.3.6 Historical Groundwater Pumping

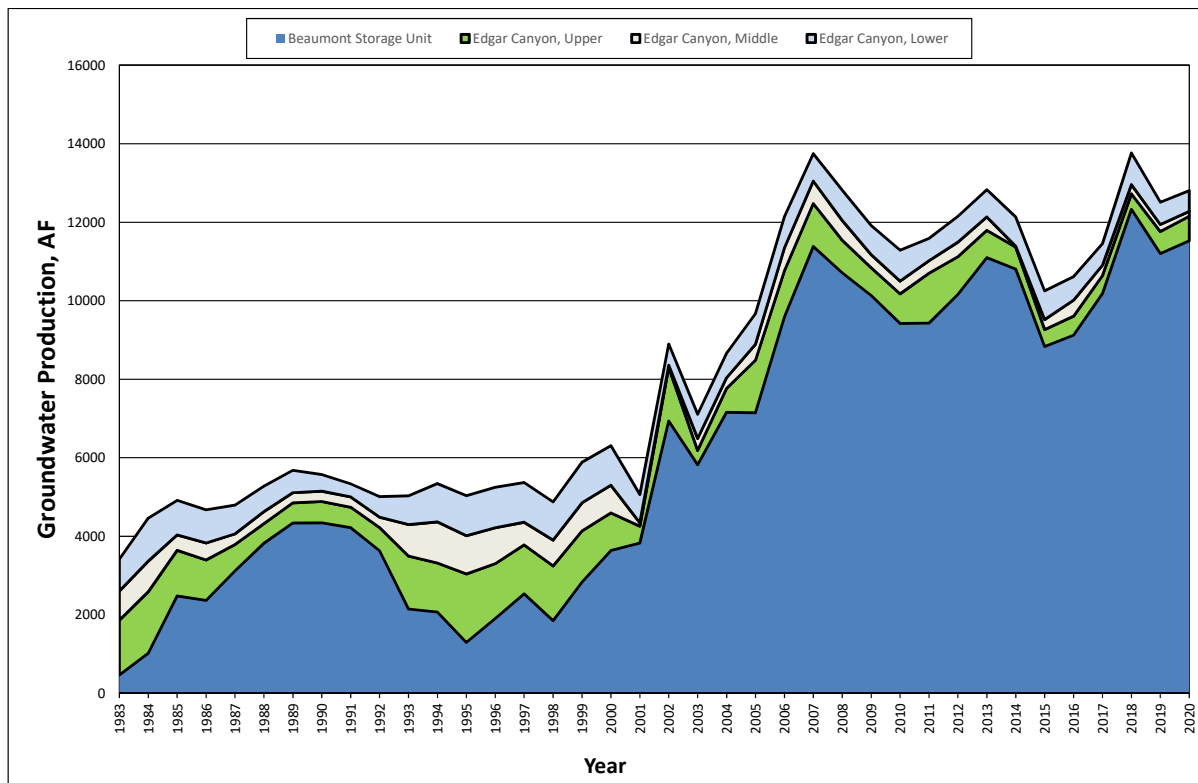
CWC 10631

(b) ...If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

Table 6-7 (DWR Table 6-1) shows BCVWD's historical pumping from Edgar Canyon and the Beaumont Basin for the last five years (2016-2020). Figure 6-7 shows BCVWD's pumping (Edgar Canyon and the Beaumont Basin) from 1983 – present.

²⁴ Beaumont Basin Watermaster (2021). 2020 Annual Report Draft, Alda, Inc., Thomas Harder and Company, April

Figure 6-7 – BCVWD Groundwater Production History Since 1983

Edgar Canyon

BCVWD has long-term records on pumping. From 1957 to 2020, a period of 64 years, the average production from the Edgar Canyon Wells is 1,881 AFY. However, prior to 1983, the ability to utilize the water pumped from Edgar Canyon was limited due to a lack of sufficient conveyance capacity to deliver water from Edgar Canyon to Cherry Valley and Beaumont. In 1983, the District installed the 14-in Edgar Canyon Transmission Main which enabled larger quantities of water to be conveyed from Edgar Canyon to Cherry Valley and Beaumont. From 1983 to 2020, a period of 38 years, the average amount pumped was 2,073 AFY. This is far more indicative of Edgar Canyon's ability to produce water.

Statistical information on the Edgar Canyon production for the period 1983 to 2020 is presented in Table 6-8. As can be seen in Table 6-7, Edgar Canyon Wells produced about 10% of the District's annual demand (potable and non-potable) in 2020.

**Table 6-7(DWR Table 6-1) – BCVWD Groundwater Pumping
(2016-2020)**

DWR Table 6-1 Retail: Groundwater Volume Pumped						
<input type="checkbox"/>	Supplier does not pump groundwater. The supplier will not complete the table below.					
<input type="checkbox"/>	All or part of the groundwater described below is desalinated.					
Groundwater Type <i>Drop Down List</i> <i>May use each category multiple times</i>	Location or Basin Name	2016*	2017*	2018*	2019*	2020*
<i>Add additional rows as needed</i>						
Alluvial Basin	Little San Gorgonio Creek	1,493	1,271	1,436	1,308	1,279
Alluvial Basin	Beaumont Basin	9,123	10,183	12,329	11,202	12,904
TOTAL		10,616	11,454	13,765	12,510	14,183
* Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES: Little San Gorgonio Creek, also known as Edgar Canyon, is a mix of shallow alluvial deposits and fractured rock aquifer.						

In Table 6-8, the term “10th Percentile” means that 90 percent of the time the production was greater than the value shown. In other words, there would be only one year in ten that the production would be less than 1,276 AFY. It is important to point out in Table 6-8 that annual production (far right column) will not be the total of the Upper, Middle, and Lower Canyon values (second and third columns) because the maximums and minimums, etc. may not have occurred simultaneously, i.e., in the same year.

**Table 6-8 – Groundwater Extraction Statistics from Edgar Canyon Wells
(1983-2020)**

Parameter	Annual Production: Upper and Middle Canyon, AF	Annual Production: Lower canyon, AF	Annual Production Total, AF
Average	1,331	741	2,073
Maximum	2,720	1,095	3,738
Minimum	516	334	1,117
90th Percentile	2,195	1,014	3,121
10th Percentile	682	536	1,276

The STWMA²⁵ estimated the safe yield from Edgar Canyon to be 2,600 AFY.²⁶ This is reasonably consistent with the average amount of extractions shown in Table 6-8 from Edgar Canyon for the period 1983 –2020.

A water budget analysis in a report prepared for the SGPWA indicated the yield from Edgar Canyon was between 2,000 and 2,800 AFY. The SGPWA report stated that based on the 20-year period 1988-2008, when water levels were reported rising in Edgar Canyon, pumping averaged 2,900 AFY and suggests that the yield of Edgar Canyon may be in the range of 2,300 to 2,800 AFY. This also is generally consistent with both the District’s data and that of STWMA.²⁷

Based on production records for the 38-year period, 1983 – 2020, average and minimum production from Edgar Canyon was 2,073 AFY and 1,117 AFY, respectively. Minimum yield is about 54% of the average. Refer to Table 6-8. For planning purposes, 2,050 and 1,110 AFY will be used for the average and minimum year, respectively.

Beaumont Basin Groundwater

Table 6-7, presented previously, showed BCVWD’s pumping from the Beaumont Basin for 2016-2020. The water pumped includes imported water recharged and extracted the same year. Some of imported water recharged was not extracted the same year and went into BCVWD’s 80,000 acre-ft storage account monitored by Watermaster.

In the Judgement, described previously, BCVWD and the other appropriators were not given any share of the safe yield; all of the safe yield was assigned to the Overlying Parties. However, during the 10-year period 2004 -2014, BCVWD and the appropriators were granted a portion of the “temporary surplus.” The “temporary surplus” was designed to create a 160,000 acre-ft volume in the Beaumont Basin that could be used by the parties for conjunctive use and banking of imported water. This also gave time for the appropriators to construct facilities to use or recharge imported water to meet their needs after 2014.

Although the Basin safe yield was reserved for the overlies, if any overlie receives potable water or recycled water from any of the appropriators, according to the adjudication, the appropriator may pump the amount of water delivered to the overlie. Annually, Watermaster makes an accounting of the unused overlie rights and distributes that amount to the

²⁵ The San Timoteo Watershed Management Authority (STWMA), was dissolved around the year 2011.

²⁶ Wildermuth Environmental, Inc. (2005). Integrated Regional Water Management Program for the San Timoteo Watershed, Final Draft, prepared for the San Timoteo Watershed Management Authority, June 2005.

²⁷ SGPWA (2010). *Report on the Sustainability of the Beaumont Basin and Beaumont Management Zone*, prepared for the SGPWA by Hahn Water Resources, LLC, Evergreen, CO, November.

appropriators in accordance with a predetermined share (BCVWD's share is 42.51%). In addition, the Watermaster makes an accounting of the potable and recycled water supplied by an appropriator to an overliar. These two sources, along with any imported water recharged, go into the appropriator's storage account. Only stored water can be pumped. If an appropriator has insufficient stored water, Watermaster will assess the producer to pay for the purchase of imported water.

BCVWD has 11 wells in the Beaumont Basin. The total pumping capacity is 17,425 gpm or 25.1 mgd, assuming the pumps operate 24 hours per day. Because of the large motors and increased charges by Southern California Edison (SCE) during peak time of use (TOU), these wells do not typically operate during the peak power periods. At 19-hr/day pumping (wells do not typically operate from 4 PM – 9 PM), with all wells operating, the total pumping rate is 19.9 mgd. With the largest well out of service and 24 hr/day pumping the capacity is 13,425 gpm or 19.3 mgd; with 19 hours of pumping, the total pumping rate is 15.3 mgd.

The District's total well pumping capacity, Edgar Canyon plus Beaumont Basin Wells, with all wells operating 24 hr/day, is 27.3 mgd. With the largest well out of service (Well 29), the pumping capacity for 24-hr operation is 21.5 mgd.

In 2019 and 2020, SCE has implemented Public Safety Power Shutoffs (PSPS) due to increased risk of wildfires in the area. When notified of any local PSPS, BCVWD immediately actuates wells to ensure storage tanks are full so as to minimize the time wells could be on standby power. BCVWD has four (4) wells in Edgar Canyon and eight (8) wells in the Beaumont Basin that have standby generators, auxiliary engine drives, or connections for portable generators, which, in total, can provide over 22 mgd of water supply. During the PSPS event(s), BCVWD operates its wells using the standby generators, as needed, to ensure adequate water in storage and to meet demands. Standby generator capacity may be added to new wells as they are constructed to ensure adequate supply to accommodate increased demands.

With the Adjudication as described previously in this section, the amount of extractable groundwater, not including stored water, recharged imported SPW or captured stormwater, consists of:

- Reallocation of unused overliar pumping rights
- Credit for providing potable water or non-potable water delivered to an overlying party or an overlying party's land (termed "Forbearance Water")
- Return flow credits

A detailed analysis of the projected amounts available is presented in BCVWD's 2016 Potable Water Master Plan. The results of this analysis is summarized in Table 6-9.

Table 6-9 includes a proportionate reduction in the reallocation of unused Overlying Party pumping rights to account for the reduction in Basin safe yield from 8,650 AFY to 6,700 AFY.

The non-potable forbearance water in Table 6-9 does include non-potable (recycled) water planned to be supplied to Tukwet Canyon and Oak Valley Golf Courses since this is not currently occurring.

Table 6-9 – Summary of BCVWD Extractable Groundwater from Beaumont Basin
(without replacement and not including stored water)

Item	2025	2030	2035	2040	2045
BCVWD's Share of Reallocated Unused Overlier Pumping Rights, AFY	1,322	1,285	1,165	1,099	1,099
Potable Forbearance Water, AFY	0	67	263	384	384
Non-Potable Forbearance Water, AFY	471	479	523	557	557
Return Flow Credits above Baseline, AFY	280	514	868	922	1,155
Total, AFY	2,073	2,346	2,820	2,963	3,196

6.4 Surface Water

BCVWD does not use local surface water directly but does have two active surface water diversions in Edgar Canyon. These are on file with the State of California Division of Water Rights.

- Diversion Number S014351 located in the SE1/4 of NE1/4 of Section 2, T2S, R1W, SB&M and first used in 1907. This location is about 1,200 ft downstream of the USGS gauging station in Little San Geronio Creek, near the upper end of the District's property.
- Diversion Number S014352 located in the NW1/4 of SE1/4 of Section 22, T2S, R1W, SB&M and first used in 1894. This location is just upstream of the existing percolation ponds at the mouth of Edgar Canyon.

In the early years of the District, the upper diversion was used to provide domestic and irrigation supply. Water was diverted from Little San Geronio Creek and conveyed to sand and sediment removal structures and filter boxes in the Canyon and then piped down to consumers and orchards in Cherry Valley and Beaumont.

These diversions are used today to direct surface flows in Little San Geronio Creek into a series of percolation ponds in Edgar Canyon, which then recharge the shallow aquifers to help supply the existing wells in Upper and Middle Edgar Canyon. BCVWD has been doing this since the late 1800s and has a pre-1914 water right to divert up to 3,000 MIH or approximately 43,440

AFY for domestic and irrigation uses²⁸. However, BCVWD has never had a demand that requires such large quantities of water supply; and the watersheds may not be capable of supplying such quantities during an average year. The diversion right is not included in BCVWD's water supply calculations, but is needed to ensure adequate supply from the Edgar Canyon wells.

6.5 Storm Water

Storm water capture plays a significant role in BCVWD's local water resource supply development. Several projects are currently in operation:

- Diversions and percolation ponds in Upper and Middle Edgar Canyon described above. See Figure 6-8.
- Construction of desilting basins and percolation basins immediately upstream of the Lower San Geronio percolation ponds at the outlet of Edgar Canyon. See Figure 6-9.

Figure 6-8 – Percolation Ponds in Upper Edgar Canyon



²⁸ A miner's inch in Southern California is reported to be 0.02 cubic ft/second (cfs)

Figure 6-9– Desilting and Recharge Basins at the Mouth of Little San Gorgonio Creek (Edgar Canyon)



The diversions in Upper and Middle Edgar Canyon capture most of the storm flows and runoff that flows in the creek and diverts the flow to a series of percolation basins (Refer to Figure 6-8). The water is subsequently extracted by the adjacent wells.

On occasion, there are very high flows which flow the entire length of Edgar Canyon. A portion of these flows can be captured in the basins at the mouth of Edgar Canyon shown in Figure 6-9. In addition, BCVWD retains the right to use the older ponds downstream of the new basins to capture flood water, when they occur. During those times, the SGPWA would be precluded from percolating SPW. The SGPWA has constructed their own recharge facilities lower down in Noble Creek called the Fiesta Groundwater Recharge Facility. This new facility has a larger capacity than the spreading basins at the mouth of Edgar Canyon and it is believed that the SGPWA will not be using the Edgar Canyon spreading ground facilities extensively; so they will be available for stormwater capture.

6.5.1 Potential Storm Water Capture Projects

There were a number of projects which were explored in more detail in BCVWD's 2016 Potable Water Master Plan. These projects are listed in Table 6-10.

Edgar Canyon, Noble Creek and Marshall Creek

In BCVWD's 2013 UWMP Update, an estimate of the yield from the Edgar Canyon, Noble Creek and Marshall Creek Capture Projects was presented. No further work has been performed on these conceptual projects, so at this time the preliminary yield from the projects remains at 1,050 AFY.

Table 6-10 – Potential Storm Water Capture Projects

Project	Brief Description
Soft plug in Noble Creek at BCVWD Groundwater Recharge Facility	Large flows which would bypass the spreading basins at the mouth of Edgar Canyon (Figure 6-10 above) could still be captured. Provide "soft plug" in lined portion of Noble Creek channel and divert flows into BCVWD's recharge facility. (Note that only extreme flows actually make it out of the canyon). Estimated Yield – 500 AFY.
Stormwater Capture Noble Creek	Noble Creek flows could be desilted on property owned by BCVWD (15.7 acres) along Noble Creek upstream of Noble St and west of Cherry Ave. Unfortunately, this area is not over the Beaumont Basin, but the property could be used for desilting basins with the desilted water released back into Noble Cr. and recaptured at a soft plug in the lined channel and diverted into the District's recharge site. Estimated Yield = 400 AFY.
Marshall Creek s/o Elm to I-10	There is a significant amount of urban runoff from the developed area east of Beaumont Ave, between Oak Valley Parkway and Brookside Ave. which could be captured in the soft bottom of Marshall Creek using training dikes to prevent the water from going under the I-10 bridge. There is about 300 ac of urban drainage. Estimated Yield = 150 AFY.
Beaumont MDP Line 16	Approximately 517 acres of area could be intercepted by a storm drain along Grand Ave. and conveyed to the District's Recharge facility. This water is relatively free of sediments and runoff is generated with even the slightest amount of rainfall. Refer to Table 6-11 for estimates of stormwater capture.
Sundance Urban Runoff	Eighth St., Cherry Ave., and Starlight Ave. Basins capture runoff from the Sundance development. These basins capture runoff effectively, but percolation needs to be improved. Refer to Table 6-11 for estimates of stormwater capture.

Grand Avenue and Sundance Urban Runoff Capture

The Sundance Development, a project with over 4,000 housing units, between Cherry Ave. and Highland Springs Rd and Brookside Ave. and Eighth Street, has 3 detention/water quality basins to store and percolate runoff from the development. These include the Starlight, Eighth St., and Cherry Basins and are shown in Figure 6-10. Photos of captured runoff in the Sundance Basins are shown in Figure 6-11.

The location, drainage area and conceptual plan for the Beaumont MDP Line 16 Project is shown in Figure 6-12. This project will intercept runoff from this rural residential watershed in Cherry Valley and convey it to BCVWD's Groundwater Recharge facility. The Grand Avenue Storm Drain is a joint project with Riverside County Flood Control and Water Conservation District, the agency that is designing the project. Design for the project is complete and bids

were received in early June 2021 with construction to start in late 2021. The design and construction is partially funded through an Integrated Watershed Protection Program through the Santa Ana Watershed Project Authority. The grant funding is anticipated to total \$1,220,000 which has been agreed to be split equally (50/50) between RCFC&WCD and the District.

Figure 6-10 – General Location of the Sundance Water Quality and Urban Runoff Capture Basins



Figure 6-11 – Runoff Collected in Sundance Detention Basins



Figure 6-12 – Beaumont MDP Line 16 Watershed Area

Table 6-11 shows information about the watershed and the detention basin volumes for the aforementioned storm water projects.

A detailed analysis of the runoff potential from these projects was performed as part of the 2016 BCVWD Potable Water Master Plan. Daily Beaumont rainfall totals for the 77-year period January 1, 1929, through December 31, 2006, were used in the runoff analysis. Individual rainfall periods were identified and the runoff from each storm was determined using the Natural Resources Conservation Service (NRCS) Curve Number approach. Table 6-12 shows the amount of storm runoff that can actually be captured – close to 800 acre-ft annual average.

Table 6-11 – Summary of the Urban Runoff Drainage Areas and Retention Basin Volumes

Facility	Drainage Area, acres	Basin Volume, acre-ft
Beaumont MDP Line 16	517	90
Cherry Ave Basin	426	240
Eighth St. Basin	475	128
Starlight Basin	250	32

“Before and after” development calculations were made to determine “new water.” From a water resources perspective, the Beaumont Basin Watermaster would likely not consider all of the captured storm water as “new water.” “New water” is water which is developed over and above what would have occurred naturally, in an undeveloped condition.

Table 6-12 – Urban Runoff Capture Summary

Facility	Estimated Captured Runoff, AFY	Percent of Storms Totally Captured	Total Average Annual Runoff, AFY, Based on 77 years of Record	Percent of All Possible Storm Water Captured
Beaumont MDP Line 16	200	98.5%	232	90.0%
Cherry Ave Basin	258	95.8%	276	93.4%
Eighth St Basin	237	94.6%	308	76.9%
Starlight Basin	89	89.2%	171	52%
Total	784			

Table 6-13 shows an estimate of “new water” from the projects – about 730 AFY.

Table 6-13 – Estimate of “New Water” from Storm Water Capture

Facility	Estimated Captured Runoff, AFY	Runoff from Undeveloped Land		Estimated Amount of New Water, AFY
		3-in Total Storm Rainfall, AFY	4-in Total Storm Rainfall, AFY	
Beaumont MDP Line 16	200	41	75	172 to 192 (Use 185)
Cherry Ave Basin	258	9	19	249 to 239 (Use 245)
Eighth St Basin	237	10	21	226 to 216 (Use 220)
Starlight Basin	89	5	11	84 to 78 (use 80)
Total				730

6.6 Wastewater and Recycled Water

Recycled water use for non-potable purposes has a major role in BCVWD's water portfolio. BCVWD began planning the use of non-potable water for landscape and golf course irrigation since the early 1990s with the development of a cooperative financing agreement to fund water supply infrastructure including recycled water. In November 1997, the City of Beaumont City Council adopted Ordinance 773 mandating the use of potable water for non-potable uses including cemeteries, golf courses, parks, street and highway landscaping, athletic fields, and other irrigation uses is a waste or an unreasonable use of water if recycled water is available.

BCVWD's UWMPs dating to the 90s included plans and projections for the use of recycled water from the City of Beaumont. BCVWD and the City of Beaumont entered into a Memorandum of Understanding on July 10, 2019, which defined the general terms, roles and responsibilities of both agencies as they relate to the delivery of recycled water from the City's new wastewater recycling facility to BCVWD. BCVWD and the City are in the process of developing an agreement to set the specific terms and responsibilities. Siting studies for the recycled water transfer pumping station have been completed and BCVWD has developed preliminary plans for the pumping station.

Around 2013, BCVWD's projected recycled water needs were forecast to be greater than the amount that could be produced by City of Beaumont and BCVWD began discussions with YVWD as a source of additional recycled water. In June 2014, BCVWD prepared a Recycled Water Facilities Planning Report for a Recycled Water Supply Pipeline and Pump Station for a connection to YVWD's non-potable water system. The Facilities Planning report was approved by the SWRCB in August 2014. However, YVWD is not able to provide recycled water to BCVWD as a result of YVWD's Change Petition Conditions filed with the State Division of Water Rights which precludes the use of recycled water outside of YVWD's service area. As a result this is not considered a viable source of recycled water, at least for the foreseeable future.

6.6.1 BCVWD's Existing Non-potable Water System

BCVWD has an extensive network of over 40 miles of non-potable water transmission pipelines already constructed that can convey untreated SPW, groundwater, and recycled water. An extensive network of smaller distribution mains have been constructed by tract developers to serve parks, medians, schools and common areas in their respective developments. The system includes a 2 MG non-potable water reservoir (2800 Zone Non-potable Reservoir). There are about 300 existing landscape connections to the non-potable water system receiving 1,620 acre-ft of water (year 2020 total). The existing non-potable water system is currently pressurized with groundwater from Well 26. This is supplemented during the high demand periods with potable water introduced into the non-potable water system through an air gap connection at the non-potable water storage tank (2800 Zone Non-potable Water Tank).

BCVWD's Non-potable Master Plan (under preparation) shows the system to have up to 4 pressures zones: 2400, 2600, 2800, and 3000. The 3000 Pressure Zone is not operational at the present time. It is noted that BCVWD is still analyzing the feasibility of operating non-potable facilities in a 3000 Pressure Zone.

The Tournament Hills and Fairway Canyon projects, south of I-10, have non-potable water distribution systems installed. This portion of the non-potable water system is isolated from and operates at a lower hydraulic grade line from the 2800 Non-potable Water Zone. This portion of non-potable water distribution system is currently supplied from the District's potable water system through two (2) interconnections having backflow prevention devices between the potable and non-potable water system. The non-potable water system was constructed from

2002 to the present using City of Beaumont Community Facilities District (CFD) bond funds, BCVWD funds derived from facilities (impact) fees collected from developers, BCVWD funding, and developer funding for the smaller distribution lines.

6.6.2 Recycled Water Coordination

CWC 10633

The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area.

Within BCVWD's service area, only the City of Beaumont provides wastewater collection, treatment, and disposal. Except for the Highland Springs Village area of Cherry Valley, which is served by the City of Beaumont, the unincorporated community of Cherry Valley relies on on-site disposal systems.

YVWD to the west and the City of Banning to the east, each provides wastewater collection, treatment and disposal of wastewater generated in their respective service areas. YVWD has an advanced wastewater treatment facility using UV disinfection and reverse osmosis and has an extensive recycled water system. The City of Banning has plans prepared to upgrade their existing treatment plant using a membrane bioreactor and provide recycled water to users in their service area.

6.6.3 Wastewater Collection, Treatment, and Disposal

CWC 10633

(Describe) the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

CWC 10633

(Describe) the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

There are three existing wastewater reclamation plants in the San Geronio Pass Area. Only the City of Beaumont Treatment Plant No. 1 is within BCVWD's service area.

- City of Beaumont Treatment Plant No. 1
- YVWD Henry Wochholz Water Reclamation Plant
- City of Banning Wastewater Treatment Facility.

City of Beaumont

The City of Beaumont provides wastewater collection, treatment and disposal for wastewater generated within the City plus the Highland Springs area of Cherry Valley. Wastewater generally flows by gravity to the City's wastewater treatment plant; however, there are 11 operating wastewater lift and pumping stations in the southeastern and western portions of the City that

pump wastewater collected in these areas and to the treatment plant or collection system leading to the treatment plant.

The City of Beaumont's Treatment Plant No. 1 (below) has a current permitted capacity of 4 mgd. The treatment facility is located on Fourth St., east of Viele Ave.

Phase 1 of the City's wastewater treatment plant construction has been completed, increasing the rated capacity from 4 MGD to 6 MGD. Process upgrades include redundant coarse screens, a grit removal system, a flow equalization basin, a fine screen system, an activated sludge process coupled with a new MBR system followed by a partial RO, and a new UV disinfection system. The City submitted a Title 22 Recycled Water Engineering Report to the Santa Ana Regional Water Board in September 2019 and is awaiting formal comment.



Another component to the treatment facility upgrades is the construction of a 12-inch diameter gravity pipeline from the Beaumont WWTP to the nearest connection point in the Inland Empire Brine Line (IEBL) to dispose of the brine waste generated by the upgraded treatment facility. Construction of the brine line was completed around early 2020 and is approximately 23 miles long.

As part of the environmental permitting³⁰ for the recycled water system, the US Fish and Wildlife Service required that 1.8 mgd of effluent continue to be discharged to Cooper's Creek for maintenance of habitat³¹. The current operating permit allows for use of the effluent on the Tukwet Canyon and Oak Valley Golf Courses and landscape irrigation within the BCVWD service area.

BCVWD continues to work with the City relative to recycled water. Historically, the City of Beaumont's effluent has experienced TDS concentrations of about 400 mg/L, which is an excess of the Regional Board's Maximum Benefit Water Quality Objectives for the Beaumont Basin. With the implementation of the reverse osmosis system, the recycled water from the City will be treated to a high-level and should have no issue in achieving the Maximum Benefit Water Quality Objectives.

³⁰ Initial Study/Mitigated Negative Declaration Beaumont Cherry Valley Water District Recycled Water System Project, SCH 2007081127, June 2007.

³¹ Letter dated February 29, 2008, Karen Goebel USFWS to Michelle Jones SWRCB, Informal Consultation for Beaumont Cherry Valley Water District Recycled Water System, SRF Loan C-06-5157-110.

The discharge limits in the current operating permit in terms of TDS and Total Inorganic Nitrogen (TIN) are shown in Table 6-14.

Table 6-14 – City of Beaumont Wastewater Discharge Requirement for TDS and TIN

Parameter	DP-001 Cooper's Creek		DP-007 Unnamed Creek	Recycled Water
	Discharge up to 1.8 mgd	Discharge over 1.8 mgd	All Discharges	All Discharges
TDS	400 mg/L	300 mg/L	230 mg/L	330 mg/L
TIN	6 mg/L	3.6 mg/L	2 mg/L	See Note 1

(1) The TIN limit in recycled water used for non-irrigation purposes, which could affect groundwater quality, is 6.7 mg/L; irrigation use has no limit since it is assumed the irrigated plants will utilize the nitrogen per the current permit R8-2015-0026, NPDES CA 0105376.

Table 6-15 shows the estimated recycled water produced, the recycled water that must be reserved for habitat mitigation (1.8 mgd), and the net amount of recycled water available for recycling. Not all of the recycled water available can be recycled. The estimated amount which can be recycled is reduced by 1) the amount of recycled water used on-site (200,000 gal/day) and 2) the reject water from reverse osmosis process facility to meet the TDS limit of 330 mg/L, maximum of 450,000 gal/day.

The population for the City of Beaumont indicated in Table 6-15 is based on a less aggressive population growth than that shown in Table 3-1 and Table 3-9, presented previously. The population projections below for the City of Beaumont were derived from the draft BCVWD Non-Potable Master Plan. Using a slower population growth will avoid over-estimating the amount of recycled water available and will be conservative from a water supply standpoint.

Table 6-15 – Recycled Water Available from City of Beaumont’s WWTP

Year	2020	2025	2030	2035	2040	2045
City of Beaumont Population	51,663	59,261	67,104	74,891	79,522	81,513
Wastewater Generation Flow Rate, gpcd	70	67.5	65	65	62	60
Wastewater Flow, mgd	3.62	4	4.36	4.87	4.93	4.89
Environmental Mitigation Flow, mgd	1.8	1.8	1.8	1.8	1.8	1.8
Wastewater Available for Recycling, mgd	1.82	2.2	2.56	3.07	3.13	3.09
Estimated amount which can be recycled, mgd	1.45	1.8	2.13	2.58	2.64	2.6
Estimated amount which can be recycled, AFY	1,630	2,017	2,381	2,892	2,955	2,915
Estimated amount which can be recycled, AF/month	136	168	198	241	246	243
Estimated amount which can be recycled, gal/min	1,020	1,260	1,480	1,800	1,840	1,810

¹ The City of Beaumont population growth is less aggressive than shown in Tables presented in Section 3 to be conservative in the amount of recycled water available.

² Source: BCVWD Non-Potable Master Plan (in progress)

City of Banning

The City of Banning provides wastewater collection, treatment and disposal of wastewater collected in the City of Banning. The City also provides potable water service and is in the process of constructing a non-potable water supply system.

The City of Banning has a secondary treatment facility that percolates effluent into the alluvium along Smith Creek southeast of the City under a permit from the Colorado River Regional Water Quality Control Board. The City has begun construction of a recycled (non-potable) water line from Sun Lakes Golf Course east to the wastewater treatment plant. The City may pump percolated wastewater (groundwater) using a retrofitted well at the wastewater treatment plant into the pipeline to serve the golf course in the future. The City has plans to upgrade the wastewater treatment plant to a modern membrane bioreactor facility to provide recycled water for the future. It is possible that some surplus recycled water from the City of Banning could be introduced into the BCVWD recycled water system at some point in the distant future. It is not under consideration at this time however.

Community of Cherry Valley

The community of Cherry Valley relies exclusively on on-site systems for wastewater treatment except for the Highland Springs Village, which is connected to the City of Beaumont's sewerage system. Currently, there is about 0.5 mgd of wastewater generated in Cherry Valley; this volume of wastewater will grow to about 0.55 mgd by 2045.

In July 2007, BCVWD prepared a Facilities Planning Study to provide wastewater collection and treatment to a portion of Cherry Valley known as the Cherry Valley Community of Interest (CVCOI). The CVCOI was the area generally north of Brookside Ave., between Bellflower St. and Nancy St. It included the Cherry Oaks and Bonita Vista Areas. Providing sewers would minimize the nitrate contribution to the Beaumont Groundwater Basin and provide a source of recycled water, which could be beneficially used. BCVWD would be the agency operating the collection system and treating the wastewater in either a separate treatment plant or through a contract with the City of Beaumont or other agency for treatment.

Although BCVWD had the power to provide wastewater collection and treatment under the Irrigation District Act under which it was formed, this power was never exercised and LAFCO required a vote of the District residents to exercise the power. The ballot measure was defeated in September 2007 and as a result, BCVWD does not currently have sewer authority.

It is unlikely that Cherry Valley will have a sewer collection system within the next 20 years and so should not be considered as being a source of recycled water at this time.

Summary

Table 6-16 (DWR Table 6-2) shows a summary of the wastewater collected within BCVWD's service area in 2020. Table 6-17 (DWR Table 6-3) shows the wastewater treatment and discharge within BCVWD's service area in 2020.

Table 6-16 (DWR Table 6-2) – Wastewater Collected within Service Area in 2020

DWR Table 6-2 Retail: Wastewater Collected Within Service Area in 2020						
<input type="checkbox"/>	There is no wastewater collection system. The supplier will not complete the table below.					
13	Percentage of 2020 service area covered by wastewater collection system (optional)					
87	Percentage of 2020 service area population covered by wastewater collection system (optional)					
Wastewater Collection			Recipient of Collected Wastewater			
Name of Wastewater Collection Agency	Wastewater Volume Metered or Estimated? <i>Drop Down List</i>	Volume of Wastewater Collected from UWMP Service Area 2020 *	Name of Wastewater Treatment Agency Receiving Collected Wastewater	Treatment Plant Name	Is WWTP Located Within UWMP Area? <i>Drop Down List</i>	Is WWTP Operation Contracted to a Third Party? (optional) <i>Drop Down List</i>
City of Beaumont	Metered	4,032	City of Beaumont	Plant No. 1	Yes	No
Total Wastewater Collected from Service Area in 2020:		4,032				
* Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES: (1) Wastewater volume is based on monthly reports to RWQCB. Except for Highland Springs Village which is sewerd by the City of Beaumont, the remainder of Cherry Valley is unsewerd. (2) 2,020 AF must be discharged for environmental mitigation leaving 2,012 AF available for recycling.						

6.6.4 Recycled Water System

CWC 10633

(c) (Describe) the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

BCVWD has an extensive network of about 40 miles of transmission and main line, non-potable (recycled water) pipelines already constructed. These are shown in solid "purple" in Figure 6-13, which also shows BCVWD's non-potable water service area. The existing system includes a 2-million-gallon non-potable water reservoir. There are about 300 existing landscape connections to the recycled water system receiving 1,647 acre-ft of water (year 2020 total). The non-potable water system was constructed from 2002 to the present.

Table 6-17 (DWR Table 6-3) – Wastewater Treatment and Discharge within Service Area in 2020

DWR Table 6-3 Retail: Wastewater Treatment and Discharge Within Service Area in 2020											
No wastewater is treated or disposed of within the UWMP service area. The supplier will not complete the table below.											
Wastewater Treatment Plant Name	Discharge Location Name or Identifier	Discharge Location Description	Wastewater Discharge ID Number (optional) ²	Method of Disposal <i>Drop down list</i>	Does This Plant Treat Wastewater Generated Outside the Service Area? <i>Drop down list</i>	Treatment Level <i>Drop down list</i>	2020 Volumes ¹				
							Wastewater Treated	Discharged Treated Wastewater	Recycled Within Service Area	Recycled Outside of Service Area	Instream Flow Permit Requirement
City of Beaumont	DP-001	Cooper's Creek	8330101001	River or creek outfall	No	Tertiary	4,032	4,032	0	0	0
City of Beaumont	DP-007	Trib of Marshal Creek	8330101001	Bay or estuary outfall	No	Tertiary	0	0	0	0	0
City of Beaumont	R-001	Tukwet GC	8330101001	Other	No	Tertiary	0	0	0	0	0
City of Beaumont	R-002	Oak Valley GC	8330101001	Other	No	Tertiary	0	0	0	0	0
City of Beaumont	R-003	BCVWD RW	8330101001	Other	No	Tertiary	0	0	0	0	0
Total							4,032	4,032	0	0	0
¹ Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3. ² If the Wastewater Discharge ID Number is not available to the UWMP preparer, access the SWRCB CWRQS regulated facility website at: https://isr.wps.waterboards.ca.gov/isr/wrqs/newIDonly/CWRQsReportServlet?inCommand=new&reportName=regulatedFacility											
NOTES: (1) City of Beaumont claims that a portion of the effluent discharged at DP-001 and DP-007 incidently recharge the Beaumont Groundwater Basin. Watermaster is still awaiting proof. The effluent does not comply with planned groundwater recharge regulations. (2) Partial reverse osmosis treatment was under construction in 2020.											

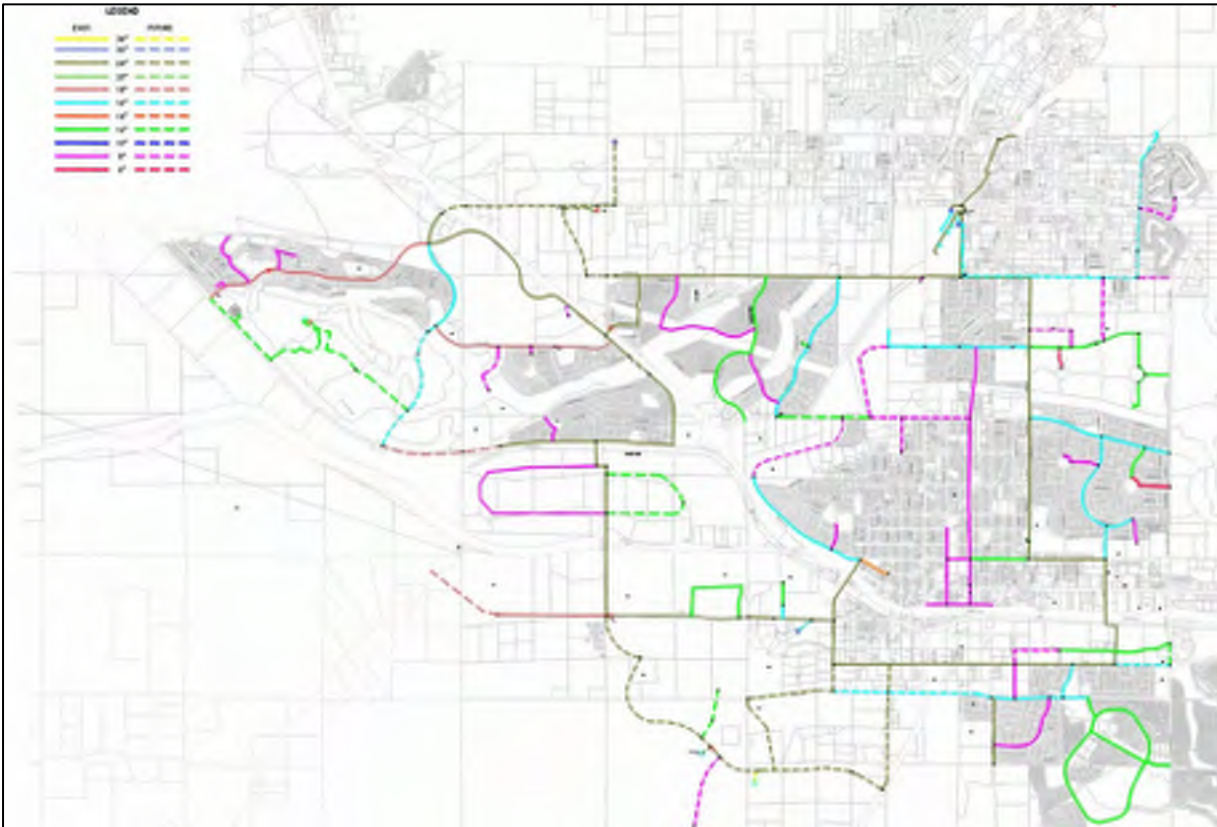
The non-potable water system consists of 3 (potentially 4 in the future) pressure zones: 2400, 2600, 2800, and 3000. The 3000 Non-potable Zone will likely not be operational for several years (if ever) as most of the current demand is in the other zones; the District is in the process of analyzing the feasibility of a 3000 pressure zone. The 2400 and 2600 Non-potable Zones are south of I-10. These pressure zones are currently supplied with potable water from the 2650 Potable Water Zone through two (2) interconnections. These zones have a current non-potable water demand of about 400 AFY.

The 2800 Non-potable Zone is supplied from the 2 MG 2800 Zone Non-potable Water Tank located at BCVWD's groundwater recharge site. The 2800 Non-potable Zone has a current average (2015 – 2020) demand of about 1,411 AFY. This is by far the highest demand zone. Since September 2015, the 2800 Non-potable Zone has been supplied with water (non-potable) from Well 26 supplemented with potable water through an air gap at the 2800 Zone Tank. Well 26 will provide supplemental water when the amount of recycled water is not sufficient to meet demand.

The non-potable water system is designed so that any surplus recycled/non-potable water could be recharged into the percolation basins at BCVWD's groundwater recharge facility to recharge the BSU. However, additional treatment and monitoring would likely be required and recharge with recycled water is not planned for several years. Figure 6-13 shows the location of the anticipated connection to the City of Beaumont Wastewater Treatment Plant. The City is in the process of repurposing two secondary clarifiers to serve as recycled water storage. A pump

station is planned to be constructed by BCVWD adjacent to the City of Beaumont Wastewater Treatment Plant site to boost recycled water into the 2800 Zone non-potable system.

Figure 6-13 – BCVWD Non-potable Water Transmission System



6.6.5 Recycled Water Beneficial Uses

CWC 10633

(Describe and quantify) the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

CWC 10633

(Describe) the projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

BCVWD's non-potable (recycled) water system principal beneficial use is landscape irrigation of parks, playgrounds, common areas, street and highway medians and athletic complexes in residential, commercial and industrial areas. As new developments construct, their landscape facilities are connected (separate metered connections) to the non-potable water system. Once recycled water is available, additional existing facilities (schools, parks, cemeteries, etc.) will be added to the system. There is one concrete ready-mix supplier that is close to the non-potable

water system. BCVWD has an agreement with the company to connect to the non-potable water system when recycled water is available.

Table 6-18 (DWR Table 6-4) shows the projected demands of recycled water for various beneficial uses from year 2020 to 2045. The quantities were determined from month-to-month analysis of recycled water supply and demand for each of the 5-year periods.

Surplus recycled water is available during the winter and early spring months. Tukwet Canyon Golf Course is in the 2600 Pressure Zone and could be served with recycled water as soon as the City is able to deliver recycled water to BCVWD at the Wastewater Treatment Plant. The Tukwet Canyon Golf Course would be served either through a connection to the golf course irrigation system or to the “lake” from BCVWD’s non-potable pipeline in Champions Drive. Oak Valley Golf Course is in the 2800 Non-potable Pressure Zone and could be served from an existing BCVWD non-potable pipeline in Oakview Drive. Both Tukwet Canyon and Oak Valley Golf Courses are overlying parties in the Beaumont Basin Adjudication and have their own wells.

The golf courses could take recycled water during the winter and early spring and “rest” their wells. As their water demand increases during the late spring, summer, and early fall, they would use their own wells for supply. The recycled water would then be used to supply BCVWD’s routine landscape demands. The benefit to BCVWD is Watermaster considers the recycled water provided to an overlying party as forbearance water and credit it to BCVWD’s storage account.

Although Table 6-18 indicates recycled water use in the BCVWD service area in 2025, much of the infrastructure is in-place and the upgraded wastewater treatment facility is nearing completion. The City and BCVWD are working to develop agreements and complete construction of pumping and other facilities needed for recycled water use prior to 2025, perhaps as soon as mid- to late-2022.

Table 6-18 (DWR Table 6-4) – Current and Projected Recycled Water Direct Beneficial Uses within Service Area – City of Beaumont Recycled Water

DWR Table 6-4 Retail: Recycled Water Direct Beneficial Uses Within Service Area										
<input type="checkbox"/> Recycled water is not used and is not planned for use within the service area of the supplier. The supplier will not complete the table below.										
Name of Supplier Producing (Treating) the Recycled Water:		City of Beaumont								
Name of Supplier Operating the Recycled Water Distribution System:		Beaumont-Cherry Valley Water District								
Supplemental Water Added in 2020 (volume) (include units):		None, BCVWD did not distribute recycled water in 2020								
Source of 2020 Supplemental Water:		N/A								
Beneficial Use Type <i>Insert additional rows if needed.</i>	Potential Beneficial Uses of Recycled Water (Describe)	Amount of Potential Uses of Recycled Water (Quantity) (AFY) ¹	General Description of 2020 Uses	Level of Treatment <i>Drop down list</i>	2020 ¹	2025 ²	2030 ²	2035 ²	2040 ²	2045 ² (opt)
Agricultural irrigation			None							
Landscape irrigation (not golf courses)			None	Advanced	0	1,731	1,909	2,224	2,358	2,424
Golf course irrigation			None	Advanced	0	471	471	471	471	471
Commercial use	Concrete mixing plant	11	None	Advanced	0	11	11	11	11	11
Industrial use			None							
Geothermal and other energy production			None							
Seawater intrusion barrier			None							
Recreational impoundment			None							
Wetlands or wildlife habitat			None							
Groundwater recharge (GPR)	Potential future project, not accounted for in this table	550	None	Advanced						
Reservoir water augmentation (RPA)			None							
Direct potable reuse			None							
Other (Description Required)			None							
Total					0	2,233	2,421	2,706	2,840	2,906
2020 Internal Reuse					0					
¹ Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.										
NOTES: The City of Beaumont is required to discharge 1.8 mgd (2,096 AFY) to maintain habitat in Cooper's Creek. Per DWR, this is not considered a beneficial use.										

BCVWD has determined there may be surplus non-potable water available from late fall to early spring to be stored locally, used as a recharge source of supply, or to supply Tukwet Canyon and Oak Valley Golf Courses to meet wintertime demands. This would amount to a maximum of 470 AFY in a wet year. Even after supplying the golf courses during the fall through the spring months, there is recycled water available which could be advance treated and recharged in BCVWD's groundwater recharge facility as indirect potable water reuse with the appropriate permits. This surplus would occur in the winter months, during which time landscape irrigation demands are lower throughout the District, see Table 6-18.

6.6.6 Planned vs. Actual Use of Recycled Water

CWC 10633

(e) (Provide) a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

BCVWD last updated its UWMP in 2015. In 2015, it was envisioned the recycled water connection to YVWD would be completed by sometime in 2015 with a projected use of approximately 1,500 AF. This did not occur because YVWD could not provide recycled water outside of their service area per the conditions in their Change Petition, and so no recycled water could be delivered. This planned connection is not moving forward, as discussed

previously in this section. Table 6-19 shows the estimated recycled water use projections of 2015 versus the actual recycled water usage in 2020.

Table 6-19 (DWR Table 6-5) – 2015 UWMP Recycled Water Use Projection Compared to 2020 Actual

Submittal Table 6-5 Retail: 2015 UWMP Recycled Water Use Projection Compared to 2020 Actual		
<input type="checkbox"/>	Recycled water was not used in 2015 nor projected for use in 2020. The supplier will not complete the table below. If recycled water was not used in 2020, and was not predicted to be in 2015, then check the box and do not complete the table.	
Beneficial Use Type	2015 Projection for 2020 ¹	2020 Actual Use ¹
<i>Insert additional rows as needed.</i>		
Agricultural irrigation		
Landscape irrigation (exo golf courses)	1,500	0
Golf course irrigation		
Commercial use		
Industrial use		
Geothermal and other energy production		
Seawater intrusion barrier		
Recreational impoundment		
Wetlands or wildlife habitat		
Groundwater recharge (IPR)		
Reservoir water augmentation (IPR)		
Direct potable reuse		
Other (Description Required)		
Total	1,500	0
¹ Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.		
NOTE: City of Beaumont is required to discharged 1.8 mgd (2,000 AFY) to maintain habitat in Cooper's Creek. Per DWR instructions, this is not considered a beneficial use.		

6.6.7 Actions to Encourage and Optimize Future Recycled Water Use

CWC 10633

(Describe the) actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

CWC 10633

(Provide a) plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

Existing Requirements

BCVWD's Rules and Regulations §4-1.1 require each applicant for water service to prepare a written application including the legal description of the parcel, water use, e.g., domestic,

irrigation, commercial, etc., and the meter size desired. Commercial and industrial applicants will need to submit the volumes of water needed. For commercial and industrial applicants, the District then determines the feasibility for recycled water. The District applies this to schools, also.

BCVWD would prepare a “Plan of Service” to document the facilities that are needed to be constructed. The Plan of Service will state if connection to the non-potable water system is required and what non-potable water facilities are needed to be installed with the development. Generally, recycled water facilities would be required if there were significant landscaped areas such as parks, schools or common areas and the project was in the recycled water service area. If annexation to the District is required, the Plan of Service is also submitted to LAFCO.

If the water service is approved by the Board of Directors, prior to construction, the developer and the District enter into a “Water Main Extension and Facilities Construction Agreement.” This is a very detailed description of the infrastructure needed and the costs, reimbursements, and other conditions. If connection to the non-potable water system is required, it is formalized in the Main Extension Agreement. It is through this process that the current system has been constructed and landscaped areas connected. This will continue for future development in the District.

The City of Beaumont Municipal Code, Title 17, §17.06.030 D. b. 11 and §17.06.030 D. c. 5 , have specific requirements to use non-potable and recycled water for landscaping when available. Riverside County Ordinance 859.2 has similar requirements.

Methods to Expand Use of Recycled Water

BCVWD is fortunate to have a non-potable water system already installed with about 300 landscape connections, operating with non-potable well water supplemented with potable water. This system is ready to convert to recycled water when available. There is no need to “market” the use of recycled water. Future developments within the City of Beaumont will be connecting to the existing system based on the Plan of Service for the specific project. These will be new connections for new landscaped areas. This would provide an increased demand of about 640 AF demand by 2045. Existing ordinances and Rules and Regulations already require this.

Table 6-20 contains a list of existing facilities which could potentially be connected to the BCVWD non-potable water system. Many of these are in close proximity to the existing non-potable water pipelines but BCVWD does not want to connect them until more non-potable (recycled) water is available. Currently, the demand for non-potable water exceeds the supply and requires potable water make-up to the system.

Table 6-20 – Potential Future Service Connections to Non-potable Water System

Facility	Estimated Amount of Recycled Water, AFY	Estimated Year of Connection
2400 Pressure Zone		
Nicklaus Park Conversion to Turfed Athletic Fields	24.6	2025
2800 Pressure Zone		
Rangle Park	2	2035
Viele St. Park (7th and Viele St.)	0.6	2035
California and 7th Park	0.8	2035
Beaumont Sports Park	51	2030
San Gorgonio Middle School & Beaumont Adult School (1591 Cherry)	24.4	2040
Noble Creek Park	57.3	2035
Mountain View Cemetery (Summit Cemetery District), 7.1 acres	17.7	2040
Brookside Elementary School	23.8	2035
Beaumont Park and Rec 650 Oak Valley Pkwy; Oak Valley Parkway Landscaping	4.3	2045
Solera HOA, 1615 Fairway Dr, Community Center and Pool	0.6	2030
City of Beaumont Street Landscaping, Cougar Way @ Palm Ave @ 1605 Palm Ct.	0.2	2030
City of Beaumont Street Landscaping, Cougar Way @ Quail Summit	0.4	2030
City of Beaumont Street Landscaping, Brookside Ave @ Howard Way	0.6	2030
Beaumont Sports Park	0.7	2030
City of Beaumont, 10th St at Orange, Park, W of Pool, Stewart Park	3.9	2035
City of Beaumont, on Orange N/o 10th St Stewart Park	8.2	2035
Rcoe-Beaumont Head Start, 600 E 8th St.	3.5	2035
Palm Elementary School Ath Field; Orange Ave, S/o 8th St	4.3	2035
SCE Maraschino Sub Sta, 4th & Viele St	2.6	2040
Sundance Community Assn, 1317 Mistletoe Dr, Walkway Easement	0.2	2045
City of Beaumont, 70 Seneca Springs Pkwy, Park at Potrero & Seneca Sprgs Pkwy	0.1	2045
M&R Beaumont Partners, Oak Valley Towne Center, 1400 Beaumont Ave.	1.5	2045
Sundance Community Association, 1107 Periwinkle Ln, Walkway Park	2.6	2045
3 Rings Ranch Entrance, end of 8th St.	10	2030
Rancho Ready Mix	11	2025
Highland Academy Charter School	5	2035
Total Existing Non-Potable Demand to be Converted to Recycled Water	261.9	

(1) Source: BCVWD Non-Potable Master Plan (in progress)

BCVWD could provide Tukwet Canyon and Oak Valley Golf Courses with recycled water during times of the year when recycled water is available. They are already included in the non-potable water demand forecast tables (Tables 6-20 and 6-21).

Table 6-21 (DWR Table 6-6) lists several projects to expand future recycled water use. Although the current non-potable water demand is about 1,647 AFY and will increase when the facilities in Table 6-20 are connected, additional non-potable water supply will be needed to meet peak demands. Furthermore, non-potable water demand will increase gradually as major developments continue to be constructed within BCVWD's service area; however the recycled water demands will decrease with increased use of water efficient landscaping requirements. These developments are residential, for the most part, and will include park and school facilities, common areas, club houses, etc. which will be connected to the non-potable water system. These will occur and BCVWD will need to increase the supply of non-potable water. Refer to Section 3 for further discussion of proposed developments in BCVWD's SOI.

The projects listed in Table 6-22 will increase the potable and non-potable supply by about 3,300 AFY, initially (based on average amounts of increased supply by project). The amount of recycled water from the City of Beaumont will likely increase over time as more homes are connected to the wastewater system.

6.7 Desalinated Water Opportunities

CWC 10631

(h) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

There are opportunities to participate in desalting projects particularly for groundwater in other regions and exchange the water for State Project Water. However, installing desalting facilities within the Beaumont Basin would not be very practical since the existing groundwater water quality is excellent. The TDS is only about 250-275 mg/L. Generally, to make desalting practical, the TDS should be in the range of 1500 mg/L or greater. The City of Beaumont is required to provide partial desalination of their recycled water to meet discharge and maximum benefit water quality objectives.

Table 6-21 (DWR Table 6-6) – Methods to Expand Future Recycled Water Use

DWR Table 6-6 Retail: Methods to Expand Future Recycled Water Use			
<input type="checkbox"/>	Supplier does not plan to expand recycled water use in the future. Supplier will not complete the table below but will provide narrative explanation.		
	Provide page location of narrative in UWMP		
Name of Action	Description	Planned Implementation Year	Expected Increase in Recycled Water Use *
<i>Add additional rows as needed</i>			
Construction of City of Beaumont Connection	Construct pumping station at City Treatment Plant.	2022	1,346
Edgar Canyon Nitrate Wells	Install extraction wells at mouth of Edgar Canyon to extract high nitrate groundwater for non-potable water system.	2030	300
San Timoteo Groundwater Capture	Install extraction wells in San Timoteo Canyon to extract wastewater which percolates from 1.8 mgd habitat mitigation flow.	2030	1,000
Total			2,646
<i>*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.</i>			
NOTES: These projects will increase the non-potable water supply which allows BCVWD to serve more non-potable water.			

6.8 Exchanges or Transfers

CWC10631

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

6.8.1 Transfers from South Mesa Water Company

BCVWD had an agreement with South Mesa Water Company (SMWC) to transfer unused rights from SMWC to BCVWD's groundwater storage account in the Beaumont Basin. The transfers first began in 2007 and totaled 13,000 AF. During the period of 2004 through 2014, the Beaumont Basin appropriators had access to a temporary surplus, established through the Adjudication, to create storage space in the basin for conjunctive use and water banking. During this time, SMWC had excess water in storage and did not need that water to meet its normal demands. They transferred this water to BCVWD to allow BCVWD to build up its own storage account. After 2014, the temporary surplus is no longer available. BCVWD has since stopped making transfers with SMWC.

6.8.2 Participation in Other Agency Water Supply Projects

BCVWD could participate in a joint project with another Southern California water agency. These projects could include groundwater treatment and desalination. But at this point, BCVWD believes this participation should be by SGPWA to increase their water supply.

Many of the groundwater basins in Southern California are impacted by excessive nitrates, high total dissolved solids, and, in some cases, volatile organic chemicals (VOCs) and perchlorate. There are a number of agencies constructing or planning to construct desalters and VOC, nitrate and perchlorate removal facilities in the area including the Santa Ana Watershed Project Authority, the Chino Basin Desalting Authority, Eastern Municipal Water District and others. BCVWD sees transfers and exchanges as very viable solution to providing long term water supplies.

6.8.3 Emergency Interties

BCVWD already has a 12-in diameter emergency intertie with the City of Banning at Highland Springs Ave. and Sun Lakes Blvd. (First St.) since the 1990s. The City of Banning's water system pressure zones closely match BCVWD's and mutual exchanges are possible.

6.9 Future Water Projects

CWC 10631

(g) ...The urban water supplier shall include a detailed description of expected future projects and programs...that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

Table 6-22 (DWR Table 6-7) presents a list of potential future projects which BCVWD could construct to increase the available water supply.

Plans for the Beaumont MDP Line 16 Project, a joint project with the Riverside County Flood Control and Water Conservation District, have been approved and construction is expected to begin late summer or early fall 2021.

These projects, when all are implemented, would yield about 3,900 AFY initially and about 6,100 AFY by year 2040. The large growth is due to increases in recycled water from the City of Beaumont as a result of development and population growth in the City of Beaumont.

6.10 Summary of Existing and Planned Sources of Water

CWC 10631

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision 10631(a).

(4) (Provide a) detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

Table 6-23 (DWR Table 6-8) summarizes BCVWD's water supply for the year 2020. Table 6-24, (DWR Table 6-9), summarizes BCVWD's projected water supply for the years 2025, 2030, 2035, 2040, and 2045.

Table 6-22 (DWR Table 6-7) – Expected Future Water Supply Projects or Programs

DWR Table 6-7 Retail: Expected Future Water Supply Projects or Programs						
<input type="checkbox"/>	No expected future water supply projects or programs that provide a quantifiable increase to the agency's water supply. Supplier will not complete the table below.					
<input type="checkbox"/>	Some or all of the supplier's future water supply projects or programs are not compatible with this table and are described in a narrative format.					
Provide page location of narrative in the UWMP						
Name of Future Projects or Programs	Joint Project with other suppliers?		Description (if needed)	Planned Implementation Year	Planned for Use in Year Type Drop Down List	Expected Increase in Water Supply to Supplier* This may be a range
	Drop Down List (y/n)	If Yes, Supplier Name				
Add additional rows as needed						
Beaumont MDP Line 16	Yes	RCFC & WCD	Const. of SD to divert water into BCVWD Recharge Facility.	2022	All Year Types	185
Connection to City of Beaumont for Recycled Water	Yes	City of Beaumont	Install storage tank, booster pumping station and interconnecting pipelines.	2022	All Year Types	1,346
Advanced Treated Recycled Water	Yes	City of Beaumont	Construct Advanced Treatment Facility and Brine Line.	2030-2035	All Year Types	300-660 (530 avg)
Misc. Urban Runoff Capture	Yes	City of Beaumont	Various recharge basin enhancements. install extraction	2030	All Year Types	200-545
Lower Edgar Canyon Non-Potable Groundwater	No		wells for high nitrate groundwater for non-potable water	2030	All Year Types	300
San Timoteo GW Extraction	Yes	City of Beaumont	Install series of wells to recapture percolated wastewater used for	2030	All Year Types	400-800 (600 avg)
*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES: Yield from the City of Beaumont Recycled Water Connection will increase to 2,915 AFY by 2045 due to increases in wastewater flows over time. Expected increase in water supply for Advanced Treated Wastewater is based on 80% recovery in the membrane						

Table 6-23 (DWR Table 6-8) – BCVWD Water Supplies – Actual Year 2020

DWR Table 6-8 Retail: Water Supplies — Actual				
Water Supply	Additional Detail on Water Supply	2020		
Drop down list May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool		Actual Volume*	Water Quality Drop Down List	Total Right or Safe Yield* (optional)
Add additional rows as needed				
Groundwater (not desalinated)	Little San Gorgonio (Edgar Canyon)	1,279	Drinking Water	2,200
Groundwater (not desalinated)	Beaumont Basin	1,962	Drinking Water	
Purchased or Imported Water	SGPWA Purchased Replacement Water	11,005	Drinking Water	
Transfers	To Banked Storage	-427		
Total		13,819		2,200
*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.				
NOTES: (1) BCVWD typically receives reallocated unused Overlying Party Rights, forbearance water for supplying potable or non-potable water to Overlying Parties, and return flow credits for importing SPW, groundwater, or recycled water per the Beaumont Basin Watermaster. This varies from year to year. (2) Does not include the 340 AF pumped for the City of Banning.				

Table 6-24 (DWR Table 6-9) – BCVWD Water Supplies – Projected

DWR Table 6-9 Retail: Water Supplies — Projected											
Water Supply	Additional Detail on Water Supply	Projected Water Supply * Report To the Extent Practicable									
Drop down list May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool		2025		2030		2035		2040		2045 (opt)	
		Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)
Add additional rows as needed											
Groundwater (not desalinated)	Little San Gorgonio Canyon	2,070	2,200	2,070	2,200	2,070	2,200	2,070	2,200	2,070	2,200
Groundwater (not desalinated)	Beaumont Basin (Reallocated unused overlier rights)	1,322		1,286		1,165		1,099		1,099	
Groundwater (not desalinated)	Beaumont Basin total forbearance water	471		547		1,387		1,542		1,542	
Groundwater (not desalinated)	Return flows	280		514		868		922		1,155	
Stormwater Use	Beaumont MDP Line 16	185		185		185		185		185	
Stormwater Use	Misc. Stormwater	0		350		350		350		350	
Purchased or Imported Water	From SGPWA for Replenishment of Beaumont Basin (Potable water)	8,868		9,300		9,966		10,717		11,281	
Recycled Water	From City of Beaumont for Landscaping	2,017		2,381		2,892		2,955		2,915	
Purchased or Imported Water	To supplement Non-Potable Water Supply (Purchased for Replenishment)	276		246		0		0		0	
Groundwater (not desalinated)	Non-Potable Groundwater at Mouth of Edgar Canyon	0		0		300		300		300	
Groundwater (not desalinated)	Non-Potable Groundwater along San Timoteo Creek	0		0		600		600		600	
Purchased or Imported Water	From SGPWA for Banking	1,500		1,200		1,000		1,000		1,000	
Purchased or Imported Water	Additional Imported Water Available from SGPWA	1,572		396		2,389		2,994		3,769	
Total		18,561	2,200	18,475	2,200	23,172	2,200	24,734	2,200	26,266	2,200
Total Imported Water Required		10,644		10,746		10,966		11,717		12,281	
Total Imported Water Available to BCVWD from SGPWA (See Table 7-8)		12,216		11,142		13,355		14,711		16,050	
*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.											
NOTES:											

6.11 Climate Change Impacts to Supply

Climate change, according to the USEPA³², refers to any significant changes in temperature, precipitation or other climate patterns lasting for extended periods of time. Throughout history, locations on the earth have experienced climate change – a notable example is the ice age, which blanketed much of the Midwestern US with glaciers. These changes are continuing to occur whether impacted by mans’ activities or purely a natural phenomenon. There is some evidence the earth’s average temperature is rising ever so slowly and this is theorized by some experts to continue for several centuries. Places have experienced changes in rainfall, reduced snowfall, changes from snow to rain, warming of the oceans, melting of icecaps and resulting sea level rises. Even small changes in temperature can result in measurable changes in climate

³² <http://www.epa.gov/climatechange/basics/> accessed 4/2/2013

and weather. The cause is theorized to be due to increases in concentration of “greenhouse gases³³” in the atmosphere.

A DWR White Paper published in 2008³⁴ on the climate change strategies for California water stated the following:

Climate change is already affecting California’s water resources. Bold steps must be taken to reduce greenhouse gas emissions. However, even if emissions ended today, the accumulation of existing greenhouse gases will continue to impact climate for years to come. Warmer temperatures, altered patterns of precipitation and runoff, and rising sea levels are increasingly compromising the ability to effectively manage water supplies, floods and other natural resources. Adapting California’s water management systems in response to climate change presents one of the most significant challenges of this century.

While the exact conditions of future climate change remain uncertain, there is no doubt about the changes that have already happened. Analysis of paleoclimatic data (such as tree-ring reconstructions of stream flow and precipitation) indicates a history of naturally and widely varying hydrologic conditions in California and the west, including a pattern of recurring and extended droughts. The average early spring snowpack in the Sierra Nevada decreased by about 10 percent during the last century, a loss of 1.5 million acre-feet of snowpack storage (one acre-foot of water is enough for one to two families for one year). During the same period, sea level rose seven inches along California’s coast. California’s temperature has risen 10F, mostly at night and during the winter, with higher elevations experiencing the highest increase. A disturbing pattern has also emerged in flood patterns; peak natural flows have increased on many of the state’s rivers during the last 50 years. At the other extreme, many Southern California cities have experienced their lowest recorded annual precipitation twice within the past decade. In a span of only two years, Los Angeles experienced both its driest and wettest years on record.

The Report further goes on to state:

What we know:

- *Historic hydrologic patterns can no longer be solely relied upon to forecast the water future;*
- *Precipitation and runoff patterns are changing, increasing the uncertainty for water supply and quality, flood management, and ecosystem functions;*
- *Significant and ongoing investments must be made in monitoring, researching, and understanding the connection between a changing climate, water resources and the environment;*

³³ Water vapor, carbon dioxide, methane, nitrous oxide and other gases which reflect light and infrared radiation back to the earth’s surface.

³⁴ State of California Department of Water Resources, (2008). Managing an Uncertain Future, Climate Change Adaptation Strategies for California Water, October.

- *Extreme climatic events will become more frequent, necessitating improvements in flood protection, drought preparedness and emergency response;*

These changes will bring challenges to water supply agencies like BCVWD and impact BCVWD in both its imported water supply and its local supply – snow fall and rainfall runoff.

6.12 Climate Change Impacts on BCVWD Imported Water Supply

The DWR 2019 Delivery Capability Report took climate change into consideration, but there are some specific issues that should be mentioned.

- Reduction in Sierra snow pack
- Rising sea levels on levee integrity

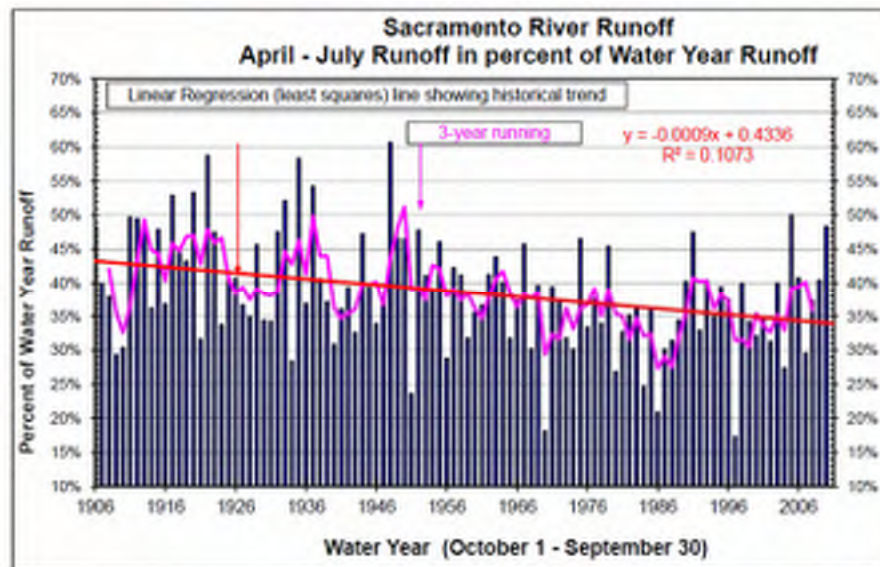
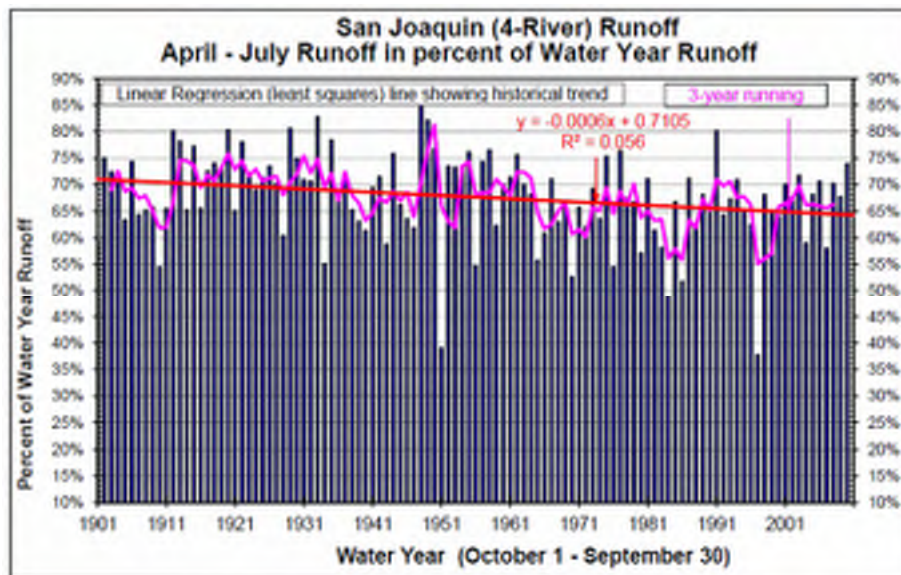
6.12.1 Reduction in Sierra Snowpack

The Sierra snowpack is California's best and least expensive reservoir. The precipitation falls as snow in the winter in the mountains building up a large "on the surface" water reservoir. During the spring and early summer, this begins to melt gradually, trickling water into surface reservoirs. These reservoirs are able to capture the water and move it downstream to users maintaining flow releases that do not threaten levees or cause flooding. The peak of the runoff period is late spring or early summer.

In 1989, the USEPA issued a report on what would happen to global temperatures with a two-fold increase in the carbon dioxide concentration in the atmosphere. The report indicated a 1.5 to 4.5°C (2.7 to 8.1°F) increase over the next 100 years if fossil fuel usage continued at the rate at the time. DWR made some very approximate estimates of what that would do to the snowpack based on a rise of 1500 ft elevation in the historical winter snowline. Assuming no change in the amount of precipitation, DWR estimated that spring snowmelt runoff would decrease by 1/3, with more occurring in the northern Sierra versus the southern Sierra where the mountains are higher in elevation and capture more high elevation snow.³⁵ These are certainly dire predictions; whether this will actually occur is uncertain.

DWR did plot the April to July runoff in both the Sacramento River and San Joaquin River, reflecting the northern and southern Sierras respectively as a percent of the water year runoff. The April to July runoff would represent the snowmelt runoff. These are shown in Figure 6-14 and Figure 6-15.

³⁵ Department of Water Resources, State of California, Roos, Maury, Chief Hydrologist. (2012). Snowpack and Snowmelt Changes, January 3.

Figure 6-14 – Sacramento River Runoff (1906-2010), April-July**Figure 6-15 – San Joaquin River Runoff (1901-2010), April-July**

There is a downward trend evident with a steeper slope in the Sacramento River validating at least the general hypothesis determined in 1989.³⁶ From DWR's data, there appears to be solid evidence that at least some changes are occurring. Maybe these are cyclical; maybe more long term; maybe very long term.

³⁶ Ibid

With global warming, things will be different. Precipitation will be principally in the form of rain. This will runoff rapidly, quickly filling the surface reservoirs DWR counts on to store water to supply users over the summer and fall until the next “season.” The rainfall runoff occurs rapidly and in large quantities bringing with it significant sediment which will eventually silt up the storage reservoirs. The reservoirs will fill up and spill, releasing the high flows into the rivers leading to the Delta, straining levees which are already unstable. This water, which previously was captured as snowfall, will be lost to the ocean. The SWP does not have the storage or conveyance facility capacity to manage all of these high flows and put them to beneficial use or convey the flows to groundwater recharge facilities for storage.

There are many legislators and members of the public opposed to surface storage. This is unfortunate because without additional surface storage, the impacts of climate change will be felt by all of the water users in the State and the Delta ecosystem.

It is likely there will be less Table A water and more Article 21 water available as the reservoirs are quickly filled with rainfall runoff. If this Article 21 can be conveyed to the Pass Area, BCVWD is in a good position to recharge this water with the expanded recharge facility. Perhaps this is sufficient to overcome the reduction in Table A water.

6.12.2 Sea Level Impact on Levees

Climate change reportedly will result in sea level rise. The higher sea level will result in greater forces on the existing levees in the Delta. The islands that comprise the Delta are now well below sea level. Levees have broken in the past due to a wide variety of reasons. They are threatened by spring floods and seismic activity. Failure of a levee is akin to a dam break. Water from the Delta rivers will rush in to flood the islands. This brings about a corresponding inflow of saline water from San Francisco Bay into the Delta contaminating the imported water flowing through the Delta with salt degrading its quality and making it potentially unusable for extended periods of time.

The levees in the Delta are weak. They were constructed over a century ago with the construction and compaction techniques of the time. They are certainly not up to today's standards and are vulnerable. Higher sea levels and higher spring flows due to the lack of snowpack will exacerbate the problems with the levees. Seismic activity during saturated condition could be devastating.

Because BCVWD can rely on the Beaumont Basin for groundwater, the District should be able to weather any short- to medium-term interruptions of imported water supply. But it will be important to make sure the storage account has adequate water.

6.13 Climate Change Impacts on BCVWD's Local Supply

Locally climate change will have similar effects.

- Reduced snow pack and higher runoff
- Increased wildfire risk
- Water demand increase

Warmer temperatures from climate change will reduce the local snowpack, but not to the degree described above for the Sierra Nevada mountains. The local snowpack is not a major supply source for BCVWD, though it does provide some gradual recharge, particularly the wells in Edgar Canyon. Higher rates of runoff can be expected with more intense storms. This could bring down substantial amounts of sediment. At this point, BCVWD is in a good position to deal with the sediment having constructed additional desilting basins at the mouth of Edgar Canyon to supplement the numerous percolation ponds and basins along the length of Edgar Canyon.

Warmer temperatures will bring an increased risk of wildfires in the watershed. Although some may consider wildfires an ecological benefit, there are some devastating consequences to water suppliers such as BCVWD. A burned watershed will result in enormous amounts of sediment moved down into the canyon streams, which could cause flooding in the canyon and flood out some of the District's well pumps. Wildfires recently burned a majority of the watershed near BCWWD, but to date, BCVWD has been able to minimize the impacts. The District has installed a water tank at the 3900 foot elevation between Edgar and Wallace Canyons and a fire protection piping loop in the vicinity of the "middle houses" to respond to brush fires in the canyon.

Water demand is expected to increase due to hotter days and nights. Irrigation water needs will increase due to potential reduction in precipitation and warmer days.

6.14 Mitigation

One of the best ways of mitigating climate change is by reducing energy consumption, particularly energy produced by fossil fuels and becoming more energy efficient. Although consumers have no control over the use of energy and fossil fuels by BCVWD directly, consumers can assist BCVWD by reducing water consumption. Supplying water to customers in the District's service area takes energy to pump the water out of the ground and pressurize it for use. The bulk of the District's supply is from the Beaumont Basin where the groundwater table is 500 or more feet below the ground surface. To boost the pressure for consumers' use requires another 200 ft or so of pumping. A substantial amount of energy is expended pumping this water. Saving water at home means saving energy; saving energy reduces greenhouse gas emissions. District energy use is discussed further in Section 6.15.

6.15 Energy Use

CWC 10631.2 (a)

In addition to the requirements of Section 10621, an urban water management plan shall include any of the following information that the urban water supplier can readily obtain:

- (1) An estimate of the amount of energy used to extract or divert water supplies*
- (2) An estimate of the amount of energy to convey water supplies to the water treatment plants or distribution systems*
- (3) An estimate of the amount of energy used to treat water supplies*
- (4) An estimate of the amount of energy used to distribute water supplies through its distribution systems*
- (5) An estimate of the amount of energy used for treated water supplies in comparison to the amount used for nontreated water supplies.*
- (6) An estimate of the amount of energy used to place water into or withdraw from storage.*
- (7) Any other energy-related information the urban water supplier deems appropriate*

As a new requirement for 2020 UWMPs, water suppliers are now required to report energy usage and related information associated with water supply extraction/diversion, distribution, conveyance, and/or treatment which can be used to calculate energy intensity. Energy intensity is defined as the amount of energy utilized in kilowatt – hours (kWh) per unit volume of water moved (i.e. extraction, conveyance). For previous UWMP updates, energy reporting was optional. DWR Table O-1C (Table 6-25 below) was used to calculate the District’s energy intensity for 2020.

Table 6-25 (DWR Table 0-1C) – BCVWD Energy Intensity

Urban Water Supplier: Beaumont Cherry Valley Water District

Table 0-1C: Recommended Energy Reporting - Multiple Water Delivery Products

Enter Start Date for Reporting Period: 1/1/2020
End Date: 12/31/2020

☐ Is upstream embedded in the water's report file

			Urban Water Supplier Operational Control				Non-Consequential Hydropower (if applicable)	
			Water Management Process					
			Extract and Divert	Place into Storage	Distribution	Total Utility	Hydropower	Net Utility
Water Volume Units	Total Volume of Water Entering Process (volume units)		14182.28		2128.89	N/A		N/A
AF	Retail Potable Deliveries (%)		70%		100%			
	Retail Non-Potable Deliveries (%)		10%					
	Agricultural Deliveries (%)		0.0%					
	Environmental Deliveries (%)		0%					
	Other (%)		10%					
	Total Percentage (must equal 100%)		100%	0%	100%	N/A	0%	N/A
	Energy Consumed (kWh)		13782417		899496	14681913		14681913
	Energy Intensity (kWh/AF)		971.8	-	294.7	N/A	805.07	N/A

Water Delivery Type	Production Volume (volume units (defined above))	Total Utility (kWh/volume)	Net Utility (kWh/volume)
Retail Potable Deliveries	12796	875.6	875.6
Retail Non-Potable Deliveries	1945	971.8	971.8
Agricultural Deliveries	0	971.8	971.8
Environmental Deliveries	0	0.0	0.0
Other	1901	971.8	971.8
All Water Delivery Types	16290.99	899.0	899.0

Quantity of Self-Generated Renewable Energy: 0 kWh

Data Quality (Estimate, Metered Data, Combination of Estimates and Metered Data): Combination of Estimates and Metered Data

Data Quality Narrative: Data gathered from metered District pump stations, wells, and metered energy charges. Deliveries derived from actual 2020 meter data.

As discussed previously in Section 3, the District's potable system consists of 11 pressure zones, 24 wells, and 14 reservoirs. Said reservoirs provide gravity supply to their respective pressure zones. The system also consists of booster pumps to pump water from lower to higher pressure zones, if necessary.

The District's preferred supply source is located in Edgar Canyon; these wells are inexpensive to operate, however they are not able to meet average day demands. As such, the bulk of the District's supply is obtained from the Beaumont Basin, which results in higher energy use due to the high powered pumps used to extract water from the deep aquifers.

Table 6-26 below provides a breakdown of the District's energy use in 2020:

Table 6-26 – BCVWD 2020 Energy Use Information

	Volume Produced/Conveyed, AF	Cost of Electricity	kWh Totals	Energy Intensity (kWh/AF)
Edgar Canyon Wells	1278.60	\$ 76,493.37	604876	473.08
Beaumont Basin Wells ¹	12903.63	\$ 1,889,333.29	13177541	1021.23
Booster Pumps	2129.89	\$ 118,000.70	839496	394.15

(1) Based on total metered production data. Approximately 340 AF was pumped on behalf of City of Banning by the District. The District was reimbursed for the pumping costs.

The District has the potential for energy savings through various projects in the near future. As discussed previously in this Section, the District will be introducing recycled water from the City of Beaumont into its non-potable system. With the recycled water system on-line, the need to supplement the non-potable system with potable water from the District's Well 26 will decrease drastically. For reference, from the District's supply projections in Table 6-24, an average of about 270 AFY of potable water will be required to supplement the non-potable system during peak demand periods (summer months) until at least 2045. In comparison, in 2020 Well 26 produced 1,376 AF into the non-potable system.

The subsequent energy savings that will occur are due to the fact that required pump head to feed the non-potable system will decrease, once the District constructs its planned recycled water booster station in the vicinity of the City of Beaumont's waste water treatment plant. Table 6-27 quantifies and summarizes the projected energy use savings described herein.

Table 6-27 – Potential Energy Use Savings

	Production (AF)	Energy Cost	Cost/AF	Energy Use (kWh)	Required Pump Head, ft	Energy Intensity (kWh/AF)
Current Conditions (2020)						
Well 26	1,377	\$ 153,769.09	\$ 111.69	1,348,371	600	979.41
Energy Intensity for Non-Potable Water (2020)						979.41
Future Conditions						
Well 26	270	\$ 30,157.05	\$ 111.69	3,468	600	12.84
Recycled Water Booster (2045)¹	2,017	\$ 131,105.00	\$ 65.00	819,406	265	406.25
Total Projected Energy Intensity for Non-Potable Water (2045)⁽²⁾						394.20

(1) Based on an average cost of \$65/AF and \$0.16/kWh for the District's existing booster pump operation.

(2) Energy intensity is a weighted average based on the percentage of each well/pump in relation to overall pumping and the energy used to deliver the produced quantity of water.

Further energy savings could occur in the future with advanced screening and direct distribution of SPW into the non-potable system.

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Section 7 – Water Supply Reliability and Drought Risk Assessment

CWC 10631

(b)(1) A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. For each source of water supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.

CWC 10635

Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the long-term total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and a drought lasting five consecutive water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier. (b) Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following:

- (1) A description of the data, methodology, and basis for one or more supply shortage conditions that are necessary to conduct a drought risk assessment for a drought period that lasts five consecutive water years, starting from the year following when the assessment is conducted.*
- (2) A determination of the reliability of each source of supply under a variety of water shortage conditions. This may include a determination that a particular source of water supply is fully reliable under most, if not all, conditions.*
- (3) A comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period.*
- (4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.*

7.1. Constraints on Water Sources

A detailed description of BCVWD's current and future water sources are described previously in Section 6. Table 7-1, below shows a summary of BCVWD's current and future water sources and identifies the factor(s) that affect the specific source's consistency of supply. Climate affects the amount of water available from most of the sources; there are some legal constraints on the Beaumont Groundwater Basin Source due to the Adjudication and contractual and environmental constraints on the imported SPW. BCVWD's sources are not affected by water quality per se, although a case could be made for the imported SPW supply and Delta water quality impacts on pumping.

Table 7-1 – Factors Resulting in Inconsistency of Supply

Water Supply Source	Cause of Inconsistent Supply				Additional Information
	Legal	Environmental	Water Quality	Climate	
Edgar Canyon Groundwater				X	
Beaumont Basin Groundwater Appropriator Rights	X				(1)
Beaumont Basin Groundwater Unused Overlier Rights	X			X	(2)
Imported State Project Water	X	X		X	(3)
Recycled Water				X	(4)
Stormwater Capture and Percolation				X	
Urban Runoff Capture and Percolation				X	
Nitrate-contaminated Groundwater from mouth of Edgar Canyon				X	

(1) After 2014, the Appropriator production rights are zero per Adjudication

(2) Reallocation of Overlier pumping rights are variable. Estimated to drop to 200 AFY by 2045.

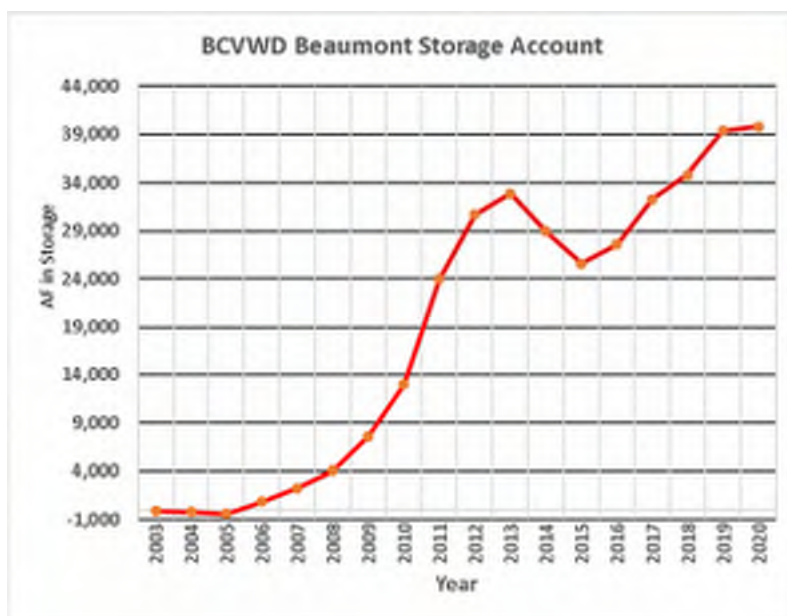
(3) SWP reliability discussed in text. 10% of Table A is available 100% of the time; adjusted per draft allocation agreement.

(4) Recycled water is not subject to any significant variations; but some drought period reductions in flow are experienced – maybe 10%. Domestic water restrictions typically have the greatest impact on outdoor water use.

In DWR's Guidebook for Urban Water Suppliers Preparing 2020 UWMP Updates, there are several standard tables that are to be completed. BCVWD believes these standard tables, if presented in the text of this Section, will be very confusing to the readers. It would be difficult for the reader to follow how the information on water supplies for various durations of dry years was developed. In lieu of the standard tables, BCVWD presents its methodology using similar tables, but not identical tables, which better explain the water source reliability and demonstrate the assessment of impacts of a single dry year and multiple dry years on BCVWD's water supply. DWR's standard tables were completed using the information from BCVWD's tables in this section and are presented along with the other DWR standard tables in Appendix D.

As background for the discussion on water supply reliability, BCVWD enjoys the benefits of a groundwater basin (Beaumont Basin) with very large storage capacity. BCVWD and its neighboring agencies in the San Geronio Pass Area can take advantage of this by banking imported water during wet years for use during extended droughts. Complementing the large storage capacity is the fact that percolation and recharge occur at relatively high rates. It is very easy to “bank” water in the Beaumont Basin. It is retained in the Basin due to well-managed groundwater levels, and the ample storage capacity. Figure 7-1 shows the amount of water BCVWD has accumulated in its storage account since 2003. Imported water began to be spread in 2006.

Figure 7-1 – BCVWD’s Beaumont Basin Storage Account



With the ability to bank water and the large “underground” reservoir, BCVWD and its neighboring agencies can withstand extended periods of drought without severe restrictions.

At the end of 2020, for example, BCVWD had 39,750 AF in storage¹. This amount in BCVWD’s storage account has seen an increase of about 14,182 AF since 2015. BCVWD can store up to 80,000 AF in the Beaumont Basin managed by the Watermaster.

In Section 6, Table 6-24 (DWR Table 6-9), a quantity of BCVWD-purchased imported water was identified as “From SGPWA for Banking.” This varied from 1,000 AFY to 1,500 AFY and is over and above the amount of imported water needed to meet demands. The purpose of this “banking water” is to build up BCVWD’s Beaumont Basin Groundwater Storage Account to be used as reserve for drought periods when adequate (as projected in Table 6-24) SPW is not available.

¹ Beaumont Basin Watermaster (2021). 2020 Annual Report Draft, Alda, Inc., Thomas Harder and Company, April

SGPWA is to supply the imported water requested in Table 6-24 (DWR Table 6-9) to meet BCVWD's needs plus the anticipated SPW for banking. If, in any year(s), either of these quantities cannot be supplied for any reason, the accumulated shortfall is expected to be delivered to BCVWD by SGPWA as soon as possible once imported water is available. In this way, BCVWD will be able to keep adequate water in storage for current (2020) needs and accommodate growth in BCVWD's service area. Looking at the quantities in Table 6-24, BCVWD anticipates banking around 28,500 AF of water over the next 25 years, which would bring BCVWD's storage account to about 68,250 AF. This is over 3 years of SPW requirements to meet demand (see Section 4 Table 4-4 (DWR Submittal Table 4-2) for 2045 projected demand). In other words, BCVWD would be able to meet year 2045 demands with no SPW for over 3.5 years. The following subsections quantify the variability in BCVWD's water sources.

7.2. Regional Supply Reliability

CWC 10620

(f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

BCVWD has a very diverse water portfolio that allows it to maintain a reliable water supply to its current and future customers. The existing sources include:

- Unadjudicated groundwater from Little San Geronio Creek (Edgar Canyon)
- Adjudicated groundwater from the Beaumont Basin
- Stormwater capture in Edgar Canyon (Little San Geronio Creek) and recharge in percolation ponds in Upper and Middle Canyon and at the Canyon mouth in recently added desilting and recharge basins
- Non-potable groundwater supplying the existing non-potable water system
- Imported State Project Water from SGPWA
- AVEK-Nickel Water leased through SGPWA
- Yuba Accord water purchased through SGPWA

Potential Future Sources described in this 2020 UWMP include:

- Recycled water from the City of Beaumont for landscape irrigation and with advanced treatment for indirect potable reuse (groundwater recharge)
- Improved recharge of captured urban runoff from Sundance development
- Non-potable groundwater from the mouth of Edgar Canyon
- Non-potable groundwater from San Timoteo Creek
- Stormwater capture and recharge via the MDP Line 16 Storm Drain (cost shared with RCFC&WCD, SAWPA grant and preparing for construction)
- Stormwater capture from Noble and Marshall Creek
- Additional urban runoff capture and recharge from developing areas

These potential sources have been described in Section 6 of this 2020 UWMP.

BCVWD's water management strategy since its formation has always been to maximize local water resources including local groundwater and capture and percolate surface flows in Little San Geronio Creek for subsequent extraction in the District's Edgar Canyon wells. With the development that occurred starting about year 2000, BCVWD began installation of a non-potable water system with the intent of using recycled water from the City of Beaumont. Currently (2020), the water demand in the non-potable system is about 12% of the total water demand. This demand is being partially met by non-potable groundwater. When recycled water becomes available, the District's non-potable demand will be primarily met with recycled water. Any additional non-potable demands will be met with non-potable groundwater.

As discussed above, BCVWD has an 80,000 AF storage account in the Beaumont Basin to purchase and store imported water when available in ample supply during wet years. In addition to SGPWA's Table A amount, there are two other sources of imported water over and that are available:

- Article 21 Water
- Turn-back Pool Water

7.2.1. SWP Article 21 Water

Article 21 Water refers to a provision in each State Water Contractor's Contract with DWR that allows each Contractor, like SGPWA, to take advantage of excess water flowing through the Delta. The individual Contractor must take the water on short notice and store it within the Contractor's facilities and the delivery of the water cannot interfere with the delivery of Table A allocations, SWP deliveries or operations. DWR has estimated that 57% of the time, the amount of Article 21 Water available will be 20,000 AF². Comparatively, in 2017 it was estimated that the 20,000 AF of Article 21 water would be available 84% of the time. For the period 2009 through 2018, average amount of Article 21 Water available was approximately 73,900 AF with a median amount of 2,500 AF.

There is generally a significant "competition" for Article 21 Water. Generally, there are greater demands from the Contractors than there is Article 21 Water available. When this happens, the available Article 21 Water is proportioned according to the Table A allocations of the interested Contractors. Based on the Contractors who typically took delivery of Article 21 Water from 2001 through 2018, the SGPWA would only get about 0.5% of the available Article 21 Water, i.e., about 12.5 AF of the median amount. During very wet years, it could be over 3,000 AF; 75% of the time, the SGPWA would receive less than 1,900 AFY of Article 21 Water based on a statistical analysis performed by BCVWD. Nevertheless, whenever Article 21 Water is available,

² State Water Project Final Delivery Capability Report 2019 (2021). Department of Water Resources, (June)

SGPWA should request as much as can be accommodated in the EBX conveyance system (64 cfs or 3,800 AF/month).

7.2.2. Turn-back Pool Water

Turn-back Pool Water is Table A water that other Contractors requested that they are unable to take delivery of. This is offered for sale at a set price.

For the period 2009 through 2018, the median and average Turn-back Pool amounts were 9,500 and 18,200 AF, respectively. This source could yield 48 AF assuming the same competition as for Article 21 Water. SGPWA should be looking at purchasing Turn-back Pool water whenever it is available.

7.2.3. Other Sources

SGPWA should be purchasing water from Valley District on a year-by-year or longer basis. Valley District does not currently need all of their Table A and it is believed that some of this is available for purchase. BCVWD may be interested in purchasing some of this for BCVWD's storage account; SGPWA should purchase any that is available. This water would be purchased by BCVWD, YVWD or the City of Banning for storage in their respective Beaumont Basin storage accounts.

7.2.4. Financing of Water Resource Needs

BCVWD has the financing in place and is collecting fees from each new residential unit or "equivalent dwelling unit" for commercial/industrial/institutional facility for new infrastructure, (transmission mains, wells, storage, treatment, local water resource development, and non-potable water facilities). BCVWD's commodity rate structure includes funding for purchase of imported SPW.

BCVWD's 2016 Potable Water Master Plan Update identifies the infrastructure needs and funding requirements to replace existing facilities which have reached the end of their useful life and construct new facilities to meet anticipated growth in the service area.

7.3. Water Service Reliability – Year Type Characterization

CWC 10631

(c)(1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

- A. an average water year,*
- B. a single dry water year,*
- C. multiple dry water years.*

The water supply quantities from BCVWD's sources for the average year were presented in Section 6. This Section will quantify the availability during various drought scenarios over the planning period:

- Normal Year – the average range of years that most closely represent the average water supply
- Single dry year -- the lowest water supply available to BCVWD, a worst case condition
- Five consecutive dry year drought – the lowest average available water supply over a 5-year period
- Six Consecutive dry years -- the lowest average available water supply over a 6-year period

7.4. Water Service Reliability Assessment

7.4.1. Groundwater

Beaumont Basin

The Beaumont Basin is managed by the Beaumont Basin Watermaster. A discussion of the principles of the Adjudication was presented previously in Section 6.

In any given year, BCVWD can pump out its stored (banked) water. The storage is replenished, at least partially, every year by forbearance water, reallocated unused Overlying Party pumping rights, return flows, and imported water, when available. The amount of imported water that can be recharged in any year depends on DWR's SWP allocation. This varies from year to year. See Figures 6-2, 6-3, and 6-4, presented previously.

Table 6-9, presented previously, showed the amount Watermaster credits to BCVWD's Beaumont Basin Storage Account annually. The amount of unused Overlying Party rights is based on a 5-year moving average and could decrease slightly during drought periods as the Overlying Parties use more well water to compensate for the lack of rainfall. The forbearance water and return flows will decrease during dry periods as users reduce water consumption.

Table 7-2 shows the estimated amount of water credited to BCVWD by Watermaster for a single or multiple dry year analysis. For the dry year analysis, it was estimated that there would be a

15% conservation effect; in other words, for dry year analysis, only 85% of average annual forbearance, reallocated Overlying Party rights, etc. would be available. In Table 7-2, the 15% reduction factor is also applied to the recycled forbearance water to account for a potential reduction in treated wastewater due to water conservation effects. This is believed to be conservative.

Return flow credits, included in Table 7-2 below, were estimated previously in Section 6. The 15% reduction factor as described above was not applied to return flow credits; return flows are dependent upon the conservation factors in effect during the year for which credits are given. See Section 6 for further discussion regarding return flows.

Table 7-2 – Summary of BCVWD’s Beaumont Storage Credits

Item	2025	2030	2035	2040	2045
Total Return Flow Credits, Reallocated Unused Overlier Rights, and Forbearance Water from Table 6-10, AFY	2,073	2,346	2,820	2,963	3,196
Expected Ground Water Available for Dry Year Analysis, AFY	1,804	2,065	2,483	2,583	2,816

Edgar Canyon

Groundwater from Edgar Canyon is affected to some degree by climate change as can be seen from the statistics in Table 6-8, presented previously. The average annual extraction from Edgar Canyon is 2,073 AFY based on records from 1983-2020. During that period of time, the minimum extracted was 1,117 AFY, which occurred in 1991. This can be considered the “Single Dry Year Water Available.” The 2-year, 3-year, 4-year, 5-year and 6-year moving averages for the extractions from 1983 -20 were determined and are presented in Table 7-3 along with the Base Period for moving averages.

Table 7-3 – Groundwater Available from Edgar Canyon for Single and Multiple Dry Year Analysis

Drought Condition (Base Years)	Average Available over the Drought Period, AFY
Single Dry Year (1991)	1,117
2 Consecutive Dry Years (1990 – 91)	1,173
3 Consecutive Dry Years (1989 – 91)	1,230
4 Consecutive Dry Years (1989 – 92)	1,267
5 Consecutive Dry Years (1988 – 92)	1,305
6 Consecutive Dry Years (1987 – 92)	1,367

7.4.2. Imported Water

The amount of imported water available from the SGPWA via the State Water Project is very climate dependent. A spreadsheet was developed using the 2019 DWR Delivery Capability Report simulation data (1922 to 2003) for SGPWA to develop an estimate of the delivery capability for the single dry year and multiple dry year reliability analysis. The 2-, 3-, 4-, 5-and 6-year moving averages of annual estimated delivery allocations were determined for the period 1922-2003. A summary of the Table A delivery percentages is shown in Table 7-4.

Table 7-4 – SGPWA SWP Delivery Capability as Percent of Table A
(2019 DWR SWP Delivery Capability Report Table 5-6)

Year	Long-term Average		Single Dry Year (1977)		Dry Periods							
					2-Year Drought (1976-1977)		4-Year Drought (1931-1934)		6-Year Drought (1987-1992)		6-Year Drought (1929-1934)	
2017 Report	2,571	62%	336	8%	1,206	29%	1,397	34%	1,203	29%	1,408	34%
2019 Report	2,414	58%	288	7%	1,311	32%	1,228	30%	1,058	26%	1,158	28%

The percentages in Table 7-4 were compared to actual SWP delivery allocations for the period 1922 to 2020. The allocations found in BCVWD's analysis of available data are indicated below:

Minimum year	5% (2015, 2020)
Minimum 2 consecutive years	12.5% (2014 - 2015)
Minimum 3 consecutive years	18% (1990 – 1992)
Minimum 4 consecutive years	26% (1988 – 1991)
Minimum 5 consecutive years	24% (1988 – 1992)
Minimum 6 consecutive years	25% (1987 – 1992)

As can be seen, the actual minimum single dry year and minimum 2 consecutive dry years are less than those from the 2019 DWR SWP Delivery Capability Report. For the reliability analysis in this 2020 UWMP, the allocation percentages in Table 7-5 will be used.

Table 7-5 – SGPWA SWP Delivery Capability as Percent of Table A
(Used for Reliability Analysis)

Dry Year(s)	Single	2-Year	3-Year	4-Year	5-Year	6-Year
Table A Annual Delivery Average Over the Drought Period, %	5	12.5	18	26	24	25

For the reliability analysis, the percentages in Table 7-5 will be applied to BCVWD's estimated available imported water supplies for any particular dry year period (see Table 6-24 for BCVWD's projected imported water requirements). The results of the reliability analysis are shown herein in Tables 7-11 through 7-16.

Section 6 described the role of the SGPWA in supplying SWP to BCVWD. By Resolution 2015-05, the SGPWA Board of Directors established an obligation to meet the future water supply needs of the region, including BCVWD. BCVWD can rely on the SGPWA to secure and deliver the imported water needed to meet BCVWD's current and future demands as set forth in this 2020 UWMP and subsequent UWMP updates in concert with DWR's Delivery Capability Reports.

7.4.3. Recycled Water

Recycled water is consistently available; although during droughts, consumers are more aware of water conservation and reduce their indoor water consumption somewhat. They are more aware of the need to do only full loads of laundry, full loads for the dishwasher etc. Agencies,

including the City of Beaumont, have observed a reduction in wastewater flows during the current drought.

BCVWD is counting on one source of recycled water: the City of Beaumont. For a single dry year, an estimate of 90% of the normal, average recycled water will be available. As the drought becomes more pervasive, the amount of recycled water is estimated to reduce further to 85% of normal. Table 7-6 provides an estimate of the available recycled water during extended dry periods. The amount of recycled water under normal conditions is derived from Tables 6-15 and 6-18, presented previously.

Table 7-6 – Estimated Recycled Water Available During Extended Dry Periods

		Year				
		2025	2030	2035	2040	2045
City of Beaumont Recycled Water Available (AFY)	% Available	2017	2381	2892	2955	2915
Single Dry Year	90%	1820	2150	2610	2660	2630
2-Years	85%	1720	2030	2460	2520	2480
3-Years	85%	1720	2030	2460	2520	2480
4-Years	85%	1720	2030	2460	2520	2480
5-Years	85%	1720	2030	2460	2520	2480
6-Years	85%	1720	2030	2460	2520	2480

7.4.4. Storm Water and Urban Runoff Reliability (Potential Projects)

Storm water and Urban Runoff quantities are very dependent on rainfall. Review of the rainfall record at Beaumont for the period 1888 – 2006 resulted in the data shown in Table 7-7. To determine the multiple dry year rainfall as a percent of the average rainfall, the 2-, 3-, 4-, 5- and 6-year moving averages of the annual rainfall was determined. Table 7-7 also lists the storm water capture projects and their estimated annual “new water” captured from Table 6-13, presented previously.

Table 7-7 – Ratio of Dry Period Precipitation to Average Precipitation at Beaumont and Estimated New Water from Storm Water Capture Projects

Dry Year (s)	Normal	Single	2 - Year	3 - Year	4 - Year	5 - Year	6 - Year
% of Annual Average		36%	45%	52%	52%	61%	63%
Facility	Estimated Average Annual Stormwater Capture, AFY						
MDP Line 16	185	66	83	96	96	113	117
Misc. Urban Runoff Basins	350	126	158	182	182	213	222
Total Stormwater Capture	535	192	241	279	278	325	339

The data from Tables 7-2 through 7-7 will be used in the Drought Risk Assessment to follow.

7.5. Water Service Reliability – Supply and Demand Comparison

CWC 10635

(a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional or local agency population projections within the service area of the urban water supplier.

Section 6 presented the Water Supply Assessment for an average or “normal” year (Table 6-24). For the normal year, there is more than enough supply to meet the demand and BCVWD can bank water in the Beaumont Basin, which will be needed during dry periods. A summary of the Water Supply Assessment for an average year is indicated below in Table 7-8:

Table 7-8 – Water Supply Assessment for Normal Year Conditions

	YEAR				
	2025	2030	2035	2040	2045
DEMAND					
Potable Water Demand, AFY	13,196	14,252	15,391	16,285	17,082
Drought Proofing, AFY	1,500	1,200	1,000	1,000	1,000
Supplemental Water to Non-Potable System, AFY	276	246	-	-	-
Non-Potable Water Demand, AFY	1,957	2,175	2,478	2,561	2,578
Total Water Demand, AFY	16,929	17,873	18,869	19,846	20,660
LOCAL SUPPLY					
Potable Groundwater					
Edgar Canyon, AFY	2,073	2,073	2,073	2,073	2,073
Beaumont Basin Groundwater Available					
Overlier Potable Forebearance, AFY	-	67	264	384	384
Overlier Non-Potable Forebearance, AFY	471	480	1,123	1,158	1,158
Reallocation of Unused Overlier Rights, AFY	1,322	1,286	1,165	1,099	1,099
Return Flow Credits, AFY	280	514	868	922	1,155
Storm Water, AFY	185	535	535	535	535
Non-Potable Groundwater					
Mouth of Edgar Canyon, AFY	-	-	300	300	300
San Timoteo Creek, AFY	-	-	600	600	600
Recycled Water Available, AFY	2,017	2,381	2,892	2,955	2,915
Subtotal Local Supply, AFY	6,348	7,335	9,820	10,027	10,220
BCVWD's Share of Imported Supply					
Table A Allocation (58%), AFY	7,877	7,184	6,653	5,860	5,248
Yuba Accord, AFY	182	166	154	135	121
AVEK Nickel, AFY	1,335	1,217	1,127	993	889
SGPWA Carryover Water, AFY	2,368	2,159	2,000	1,761	1,577
Sites Reservoir, AFY	-	-	3,037	5,623	7,911
Additional SWP Transfers/Exchanges, AFY	455	415	385	339	303
Subtotal Imported Supply (Normal Conditions), AFY	12,216	11,142	13,355	14,711	16,050
Total Supply, AFY	18,565	18,478	23,175	24,738	26,270
From (To) Banked Beaumont Basin Storage, AF	(1,636)	(605)	(4,306)	(4,892)	(5,610)

As noted in Table 7-8 above, demand totals include BCVWD's need include banking imported water to ground water storage for drought proofing. Any additional supply available after all demands have been satisfied would be recharged and added to BCVWD's storage account. However, it should be noted that the supplies as indicated in Table 6-12 previously are an estimate based on an average range of supplies available from various sources (i.e. urban runoff storm water capture, MDP Line 16) and are subject to increase or decrease dependent upon local climate conditions. Supplies also include return flow credits from the Beaumont Basin Watermaster; please see Section 6 for further discussion on return flow credits. BCVWD believes the supply estimates presented in Table 7-8 and Table 6-12 are reasonable estimates.

7.6. Drought Risk Assessment

A conservative approach was taken when considering the amount of imported supply BCVWD could expect in future conditions. BCVWD has included in its anticipated imported water supplies the anticipated Table A Allocation available (using percentages described previously in Table 7-5), as well as additional potential sources of imported water identified in SGPWA's 2020 UWMP (June 2021). In any given year, when the demand for imported water exceeds the available supply, it is reasonable to assume that the imported water will be allocated by SGPWA in proportion to each member agency's fraction of the total imported water demand without banking. A summary of the expected allocation percentages for each agency is indicated in Table 7-9, below. Percentages as indicated were determined based on a series of White Papers (White Papers No. 1 through 7) that evaluated water supply and demand for the major retailers in the SGPWA service area.

Table 7-9 – Member Agency's Percent of Available Imported Water When Demand Exceed Supply

Agency	Year				
	2025	2030	2035	2040	2045
City of Banning	0.0%	0.0%	0.0%	5.6%	5.6%
YVWD/Calimesa	7.0%	7.3%	7.9%	8.1%	8.5%
BCVWD	78.5%	71.6%	66.3%	58.4%	52.3%
Other Member Agencies	14.5%	21.1%	25.8%	27.9%	33.6%
Total	100%	100%	100%	100%	100%

In the future, other SGPWA water retailers will require greater supplies of imported water to meet growing demands. As a result, the allocation percentages described above will continue to change. BCVWD expects to update these percentages after the adoption of the 2020 UWMP updates for the other member agencies in the SGPWA service area.

For the Single Dry Year, potable and non-potable water demands in Table 7-11 did not reflect any conservation. For 2 consecutive dry years through 6 consecutive dry years, demand reductions for potable and non-potable water were included. The estimated demand reductions (as percent) that could be seen during various multiple dry years are indicated below in Table 7-10.

Table 7-10 – Estimated Demand Reductions During Various Dry Year Periods

Dry Year Analysis Period	Demand Reductions
Single Dry Year	0%
2 Consecutive Dry Years	10%
3 Consecutive Dry Years	20%
4 Consecutive Dry Years	25%
5 Consecutive Dry Years	30%
6 Consecutive Dry Years	40%

This is a reasonable assumption since there would be adequate time to implement the potential water use restrictions identified in Section 8 for a dry period lasting longer than a single year.

Tables 7-11 through 7-16 present the water service reliability assessment for:

- Single Dry Year (Table 7-11)
- 2 Consecutive Dry Years (Table 7-12)
- 3 Consecutive Dry Years (Table 7-13)
- 4 Consecutive Dry Years (Table 7-14)
- 5 Consecutive Dry Years (Table 7-15)
- 6 Consecutive Dry Years (Table 7-16)

Table 7-11 – Water Service Reliability Assessment for Single Dry Year

	YEAR				
	2025	2030	2035	2040	2045
DEMAND					
Potable Water Demand, AFY	13,196	14,252	15,391	16,285	17,082
Supplemental Water to Non-Potable System, AFY	276	246	228	278	328
Non-Potable Water Demand, AFY	1,957	2,175	2,478	2,561	2,578
Total Water Demand, AFY	15,429	16,673	18,097	19,124	19,988
LOCAL SUPPLY					
Groundwater					
Edgar Canyon, AFY	1,117	1,117	1,117	1,117	1,117
Beaumont Basin Groundwater Available					
Overlier Potable Forebearance, AFY	-	67	264	384	384
Overlier Non-Potable Forebearance, AFY	471	480	523	558	558
Reallocation of Unused Overlier Rights, AFY	1,322	1,286	1,165	1,099	1,099
Return Flow Credits, AFY	280	514	868	922	1,155
Storm Water, AFY	66	192	192	192	192
Recycled Water Available, AFY	1,820	2,150	2,610	2,660	2,630
Subtotal Local Supply, AFY	5,076	5,805	6,739	6,932	7,135
BCVWD's Share of Imported Supply					
Table A Allocation (5%), AFY	679	619	573	505	452
Yuba Accord, AFY	16	14	13	12	10
AVEK Nickel, AFY	1,335	1,217	1,127	993	889
SGPWA Carryover Water, AFY	204	186	172	152	136
Sites Reservoir, AFY	-	-	286	571	1,143
Additional SWP Transfers/Exchanges, AFY	39	36	33	29	26
Subtotal Imported Supply, AFY	2,273	2,073	2,205	2,262	2,657
Total Supply, AFY	7,349	7,878	8,944	9,195	9,792
From Banked Beaumont Basin Storage, AF	8,080	8,795	9,153	9,929	10,196

Table 7-12 – Water Service Reliability Assessment for 2 Consecutive Dry Years

	YEAR				
	2025	2030	2035	2040	2045
DEMAND					
Potable Water Demand, AFY	13,196	14,252	15,391	16,285	17,082
Supplemental Water to Non-Potable System, AFY	276	246	228	278	328
Non-Potable Water Demand, AFY	1,957	2,175	2,478	2,561	2,578
Total Water Demand, AFY	15,429	16,673	18,097	19,124	19,988
Total Water Demand (10% Demand Reduction), AFY	13,886	15,006	16,287	17,212	17,989
LOCAL SUPPLY					
Groundwater					
Edgar Canyon, AFY	1,173	1,173	1,173	1,173	1,173
Beaumont Basin Available, AFY					
Overlier Potable Forebearance, AFY	-	60	237	346	346
Overlier Non-Potable Forebearance, AFY	424	432	471	502	502
Reallocation of Unused Overlier Rights, AFY	1,190	1,157	1,049	989	989
Return Flow Credits, AFY	280	514	868	922	1,155
Storm Water, AFY	241	241	241	241	241
Recycled Water, AFY	1,720	2,030	2,460	2,520	2,480
Subtotal Local Supply , AFY	5,028	5,607	6,499	6,693	6,886
BCVWD's Share of Imported Supply					
Table A Allocation (12.5%), AFY	1,698	1,548	1,434	1,263	1,131
Yuba Accord, AFY	39	36	33	29	26
AVEK Nickel, AFY	1,335	1,217	1,127	993	889
SGPWA Carryover Water, AFY	510	465	431	380	340
Sites Reservoir, AFY	-	-	286	571	1,143
Additional SWP Transfers/Exchanges, AFY	98	90	83	73	65
Subtotal Imported Supply, AFY	3,680	3,356	3,394	3,309	3,594
Total Supply, AFY	8,708	8,963	9,893	10,002	10,481
From Banked Beaumont Basin Storage, AF	5,178	6,042	6,395	7,209	7,508
Total Withdrawn from Storage during Dry Period, AF	10,357	12,084	12,790	14,419	15,017

Table 7-13 – Water Service Reliability Assessment for 3 Consecutive Dry Years

	YEAR				
	2025	2030	2035	2040	2045
DEMAND					
Potable Water Demand, AFY	13,196	14,252	15,391	16,285	17,082
Supplemental Water to Non-Potable System, AFY	276	246	228	278	328
Non-Potable Water Demand, AFY	1,957	2,175	2,478	2,561	2,578
Total Water Demand, AFY	15,429	16,673	18,097	19,124	19,988
Total Water Demand (20% Demand Reduction), AFY	12,343	13,338	14,478	15,299	15,990
LOCAL SUPPLY					
Groundwater					
Edgar Canyon, AFY	1,230	1,230	1,230	1,230	1,230
Beaumont Basin Available, AFY					
Overlier Potable Forebearance, AFY	-	54	211	308	308
Overlier Non-Potable Forebearance, AFY	377	384	418	446	446
Reallocation of Unused Overlier Rights, AFY	1,058	1,028	932	880	880
Return Flow Credits, AFY	280	514	868	922	1,155
Storm Water, AFY	241	241	241	241	241
Recycled Water, AFY	1,720	2,030	2,460	2,520	2,480
Subtotal Local Supply , AFY	4,906	5,481	6,361	6,546	6,739
BCVWD's Share of Imported Supply					
Table A Allocation (18%), AFY	2,444	2,230	2,065	1,819	1,629
Yuba Accord, AFY	57	52	48	42	38
AVEK Nickel, AFY	1,335	1,217	1,127	993	889
SGPWA Carryover Water, AFY	735	670	621	547	490
Sites Reservoir, AFY	-	-	286	571	1,143
Additional SWP Transfers/Exchanges, AFY	141	129	119	105	94
Subtotal Imported Supply, AFY	4,712	4,297	4,265	4,077	4,282
Total Supply, AFY	9,617	9,778	10,626	10,623	11,021
From Banked Beaumont Basin Storage, AF	2,726	3,560	3,852	4,676	4,969
Total Withdrawn from Storage during Dry Period, AF	8,178	10,680	11,555	14,029	14,908

Table 7-14 – Water Service Reliability Assessment for 4 Consecutive Dry Years

	YEAR				
	2025	2030	2035	2040	2045
DEMAND					
Potable Water Demand, AFY	13,196	14,252	15,391	16,285	17,082
Supplemental Water to Non-Potable System, AFY	276	246	228	278	328
Non-Potable Water Demand, AFY	1,957	2,175	2,478	2,561	2,578
Total Water Demand, AFY	15,429	16,673	18,097	19,124	19,988
Total Water Demand (25% Demand Reduction), AFY	11,572	12,505	13,573	14,343	14,991
LOCAL SUPPLY					
Groundwater					
Edgar Canyon, AFY	1,267	1,267	1,267	1,267	1,267
Beaumont Basin Available, AFY					
Overlier Potable Forebearance, AFY	-	50	198	288	288
Overlier Non-Potable Forebearance, AFY	353	360	392	418	418
Reallocation of Unused Overlier Rights, AFY	992	964	874	825	825
Return Flow Credits, AFY	280	514	868	922	1,155
Storm Water, AFY	241	241	241	241	241
Recycled Water, AFY	1,720	2,030	2,460	2,520	2,480
Subtotal Local Supply , AFY	4,853	5,426	6,300	6,481	6,674
BCVWD's Share of Imported Supply					
Table A Allocation (26%), AFY	3,531	3,221	2,982	2,627	2,352
Yuba Accord, AFY	82	74	69	61	54
AVEK Nickel, AFY	1,335	1,217	1,127	993	889
SGPWA Carryover Water, AFY	1,061	968	896	790	707
Sites Reservoir, AFY	-	-	286	571	1,143
Additional SWP Transfers/Exchanges, AFY	204	186	172	152	136
Subtotal Imported Supply, AFY	6,212	5,666	5,533	5,193	5,282
Total Supply, AFY	11,066	11,093	11,833	11,674	11,956
From Banked Beaumont Basin Storage, AF	506	1,412	1,740	2,669	3,035
Total Withdrawn from Storage during Dry Period, AF	2,025	5,648	6,960	10,675	12,140

Table 7-15 – Water Service Reliability Assessment for 5 Consecutive Dry Years

	YEAR				
	2025	2030	2035	2040	2045
DEMAND					
Potable Water Demand, AFY	13,196	14,252	15,391	16,285	17,082
Supplemental Water to Non-Potable System, AFY	276	246	228	278	328
Non-Potable Water Demand, AFY	1,957	2,175	2,478	2,561	2,578
Total Water Demand, AFY	15,429	16,673	18,097	19,124	19,988
Total Water Demand (30% Demand Reduction), AFY	10,800	11,671	12,668	13,387	13,992
LOCAL SUPPLY					
Groundwater					
Edgar Canyon, AFY	1,305	1,305	1,305	1,305	1,305
Beaumont Basin Available, AFY					
Overlier Potable Forebearance, AFY	-	47	185	269	269
Overlier Non-Potable Forebearance, AFY	330	336	366	390	390
Reallocation of Unused Overlier Rights, AFY	926	900	816	770	770
Return Flow Credits, AFY	280	514	868	922	1,155
Storm Water, AFY	241	241	241	241	241
Recycled Water, AFY	1,720	2,030	2,460	2,520	2,480
Subtotal Local Supply , AFY	4,801	5,373	6,241	6,417	6,610
BCVWD's Share of Imported Supply					
Table A Allocation (24%), AFY	3,259	2,973	2,753	2,425	2,171
Yuba Accord, AFY	75	69	64	56	50
AVEK Nickel, AFY	1,335	1,217	1,127	993	889
SGPWA Carryover Water, AFY	980	894	827	729	653
Sites Reservoir, AFY	-	-	286	571	1,143
Additional SWP Transfers/Exchanges, AFY	188	172	159	140	126
Subtotal Imported Supply, AFY	5,837	5,324	5,216	4,914	5,032
Total Supply, AFY	10,639	10,697	11,456	11,331	11,642
From Banked Beaumont Basin Storage, AF	162	974	1,212	2,056	2,350
Total Withdrawn from Storage during Dry Period, AF	808	4,871	6,058	10,279	11,748

Table 7-16 – Water Service Reliability Assessment for 6 Consecutive Dry Years

	YEAR				
	2025	2030	2035	2040	2045
DEMAND					
Potable Water Demand, AFY	13,196	14,252	15,391	16,285	17,082
Supplemental Water to Non-Potable System, AFY	276	246	228	278	328
Non-Potable Water Demand, AFY	1,957	2,175	2,478	2,561	2,578
Total Water Demand, AFY	15,429	16,673	18,097	19,124	19,988
Total Water Demand (40% Demand Reduction), AFY	9,257	10,004	10,858	11,474	11,993
LOCAL SUPPLY					
Groundwater					
Edgar Canyon, AFY	1,367	1,367	1,367	1,367	1,367
Beaumont Basin Available, AFY					
Overlier Potable Forebearance, AFY	-	40	158	231	231
Overlier Non-Potable Forebearance, AFY	283	288	314	335	335
Reallocation of Unused Overlier Rights, AFY	793	771	699	660	660
Return Flow Credits, AFY	280	514	868	922	1,155
Storm Water, AFY	241	241	241	241	241
Recycled Water, AFY	1,720	2,030	2,460	2,520	2,480
Subtotal Local Supply , AFY	4,684	5,251	6,107	6,275	6,468
BCVWD's Share of Imported Supply					
Table A Allocation (25%), AFY	3,395	3,097	2,867	2,526	2,262
Yuba Accord, AFY	79	72	66	58	52
AVEK Nickel, AFY	1,335	1,217	1,127	993	889
SGPWA Carryover Water, AFY	1,021	931	862	759	680
Sites Reservoir, AFY	-	-	286	571	1,143
Additional SWP Transfers/Exchanges, AFY	196	179	166	146	131
Subtotal Imported Supply, AFY	6,025	5,495	5,374	5,054	5,157
Total Supply, AFY	10,709	10,747	11,482	11,329	11,625
From Banked Beaumont Basin Storage, AF	(1,452)	(743)	(623)	146	368
Total Withdrawn from Storage during Dry Period, AF	(8,709)	(4,458)	(3,740)	875	2,208

In all of the assessments, water must be extracted from BCVWD's Beaumont Basin Storage Account. Tables 7-11 through 7-16 clearly indicate the importance of maintaining substantial amounts of water in the storage account. Based on the assessment, BCVWD should keep about 12,000 AF in the storage account in order to maintain a 5-year supply as mandated by BCVWD Resolution 2015-05, if conservation measures are in effect. The total amount required to be withdrawn from banked storage will increase if conservation measures and restrictions described in Section 8 cannot be achieved. If no conservation occurs (worst case, conservative), BCVWD

will need to maintain about 52,000 AF in its storage account to meet the demands during a 5 consecutive year dry period.

A summary of the available supplies expected during a 5-year drought, beginning in 2020 are summarized in Table 7-17 below (in lieu of DWR submittal Table 7-5):

Table 7-17 – 5-Year Drought Risk Assessment

	YEAR				
	2021	2022	2023	2024	2025
DEMAND					
Potable Water Demand, AFY	12,412	12,604	12,787	12,952	13,472
Non-Potable Water Demand, AFY	1,642	1,664	1,686	1,696	1,957
Total Water Demand, AFY	14,054	14,268	14,473	14,648	15,429
Demand Reduction (%)	0%	10%	20%	25%	30%
Total Water Demand (Including Reductions), AFY	14,054	12,841	11,578	10,986	10,800
LOCAL SUPPLY					
Groundwater					
Edgar Canyon, AFY	1,117	1,173	1,232	1,267	1,305
Beaumont Basin Available, AFY					
Overlier Potable Forebearance, AFY	-	-	-	-	-
Overlier Non-Potable Forebearance, AFY	-	-	-	-	330
Reallocation of Unused Overlier Rights, AFY	2,025	1,826	1,827	2,017	926
Return Flow Credits, AFY	235	246	258	269	280
Storm Water, AFY	-	185	185	185	241
Recycled Water, AFY		1,520	1,580	1,650	1,720
Subtotal Local Supply , AFY	3,377	4,950	5,082	5,388	4,802
BCVWD's Share of Imported Supply					
Table A Allocation (%), AFY	5%	12.5%	18%	26%	24%
Table A Allocation , AFY	679	1,698	2,444	3,531	3,259
Yuba Accord, AFY	16	39	57	82	75
AVEK Nickel, AFY	1,335	1,335	1,335	1,335	1,335
SGPWA Carryover Water, AFY	204	510	735	1,061	980
Sites Reservoir, AFY	-	-	-	-	-
Additional SWP Transfers/Exchanges, AFY	39	98	141	204	188
Subtotal Imported Supply, AFY	2,273	3,680	4,712	6,212	5,837
Total Supply, AFY	5,650	8,630	9,794	11,600	10,639
From Banked Beaumont Basin Storage, AF	8,404	4,212	1,785	(614)	161
Total Withdrawn from Storage during Dry Period, AF	8,404	12,616	14,401	13,786	13,947

The results of the Drought Risk Assessment above assume that the demand reduction and conservation measures described in Section 8 are achieved.

Section 8 – Water Shortage Contingency Plan

Water shortage contingency planning is a strategic planning process to prepare for and respond to water shortages. Good planning and preparation can help maintain reliable supplies and reduce the impacts of supply interruptions.

This section describes BCVWD's water shortage contingency planning. The planning includes staged (six stages) responses to a water shortage, such as a drought, that occurs over a period of time, as well catastrophic supply interruptions, which occur suddenly.

The District's Water Shortage Contingency Plan (WSCP, see Appendix E) can be created separately from the UWMP and amended as needed without amending the corresponding UWMP. However, the most current version of the WSCP must be included as part of the UWMP when the UWMP is submitted to DWR.

8.1 Water Supply Reliability Analysis

CWC 10632

(a) (1) The analysis of water supply reliability conducted pursuant to Section 10635.

Previously discussed in Sections 6 and 7, the District currently obtains its potable and non-potable water supply from multiple sources: Edgar Canyon, groundwater from the Beaumont Basin, and purchased imported water from the SWP and other water transfers/exchanges with other retailers/agencies. In the future, the District plans to utilize recycled water from the City of Beaumont to meet most of the landscape irrigation demands, which are currently served with potable water. The District also intends to supplement its supply with captured and recharged stormwater, through various projects within the District as well as a joint project with RCFC&WCD (MDP Line 16). On average, imported water makes up 70 - 80% of the District's total water supply, with the rest coming from Edgar Canyon, and reallocated unused overlie rights from the adjudicated Beaumont Basin.

Due to the variability of the SWP's available supplies, the District typically recharges imported water to its storage account in the Beaumont Basin during periods when supply exceeds the demands in the SGPWA service area. BCVWD's storage account allows storage of up to 80,000 AF. At the end of 2020, BCVWD had 39,750 AF in its storage account.

An analysis of the reliability of the above-described sources during normal (average) and extended dry periods was presented in depth in Section 7. The results of the water supply reliability analysis demonstrate that the District can sufficiently meet the projected demands in the case of the drought or other emergency.

8.2 Annual Water Supply and Demand Assessment Procedures

Each water supplier is now required to submit an Annual Water Supply and Demand Assessment (Annual Assessment) starting July 1, 2022.

CWC 10632

(a)(2) The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:

(A) The written decision-making process that an urban water supplier will use each year to determine its water supply reliability.

(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:

(i) Current year unconstrained demand, considering weather, growth, and other influencing factors, such as policies to manage current supplies to meet demand objectives in future years, as applicable.

(ii) Current year available supply, considering hydrological and regulatory conditions in the current year and one dry year. The annual supply and demand assessment may consider more than one dry year solely at the discretion of the urban water supplier.

(iii) Existing infrastructure capabilities and plausible constraints.

(iv) A defined set of locally applicable evaluation criteria that are consistently relied upon for each annual water supply and demand assessment.

(v) A description and quantification of each source of water supply.

CWC 10632.1.

An urban water supplier shall conduct an annual water supply and demand assessment pursuant to subdivision (a) of Section 10632 and, on or before July 1 of each year, submit an annual water shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan. An urban water supplier that relies on imported water from the State Water Project or the Bureau of Reclamation shall submit its annual water supply and demand assessment within 14 days of receiving its final allocations, or by July 1 of each year, whichever is later.

8.2.1 Decision-Making Process

The Annual Assessment that is to be submitted to DWR every year would be brought to the BCVWD Board of Directors (the Board) prior to submittal for DWR consideration. BCVWD will assess each year's imported and local supplies as well as potable and non-potable demands based on its final SWP allocation, additional available imported water exchanges or transfers through SGPWA, climate, and local groundwater conditions, as determined by the Beaumont Basin Watermaster.

Based on the foregoing, BCVWD will assess the water shortage level for that year and determine the most appropriate response action(s) to encourage water conservation among its customers. BCVWD will ensure that the Annual Assessment will be submitted to the Board to allow adequate time for review and comment prior to the required DWR submittal date of July 1st (or 14 days after notification of final SWP Allocation, whichever is later), for the assessment.

8.2.2 Data Inputs and Methodologies

As required by the Water Code, the District will evaluate its available water supply reliability assuming current conditions for that year, as well as a single dry year. The data inputs and methodologies which will be used to formulate a recommendation regarding the District's supply reliability and any necessary response actions are included below:

- **Water Supply:** The District will analyze groundwater production records and final SWP allocations available for the current year, and compare projected supplies to historical averages.
- **Unconstrained Demands:** The District will analyze consumption data for the current year, and based on supply assess whether any or which shortage response action(s) are appropriate to encourage water conservation. For the upcoming year the District will utilize data from the 2020 UWMP update, as well as any newly available data regarding water consumption and population growth to project anticipated unconstrained demands.
- **Single Dry Year Demands:** Similarly, the District will compare current year consumption data with historical demand data for a single dry year, and project demands for the upcoming year.
- **Infrastructure:** The District will assess the current operating conditions of its wells and booster pumps, and recharge facilities and determine whether any maintenance will be scheduled or would likely be scheduled for the upcoming year. The District would coordinate any findings from analysis for available supplies with potential shortfalls in groundwater production if maintenance is required.

8.3 Six Standard Water Shortage Stages

CWC 10632 (a)(3)

(A) Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage. Urban water suppliers shall define these shortage levels based on the suppliers' water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. Shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, and other potential emergency events.

(B) An urban water supplier with an existing water shortage contingency plan that uses different water shortage levels may comply with the requirement in subparagraph (A) by developing and including a cross-reference relating its existing categories to the six standard water shortage levels.

The District proposes a six-stage plan of action in the event of an extended drought condition or loss of supply. The action levels for each stage are presented in the subsections that follow, and the water supply reduction stages are provided in Table 8-1. These stages could be implemented as a result of BCVWD water shortages, including reduction in imported water allocation and associated water placed previously in storage by BCVWD (i.e. conjunctive use

drought and emergency water supply), or mandatory water conservation targets by the Governor's office.

Table 8-1 (DWR Submittal Table 8-1) – Water Shortage Contingency Plan Levels

DWR Table 8-1 Water Shortage Contingency Plan Levels		
Shortage Level	Percent Shortage Range	Shortage Response Actions (Narrative description)
1	Up to 10%	Up to 10% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes voluntary public demand reduction of 10%, and community outreach encouraging conservation.
2	Up to 20%	Up to 20% reduction in normal, "long term" water supply (including conjunctive use water in storage); includes any actions from Shortage Level 1. Response actions include mandatory 10% reduction - Increased public outreach, restaurants serve water upon request, lodging must offer opt out of linen services
3	Up to 30%	Up to 30% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 and 2. Response actions include mandatory 20% reduction - limit landscape irrigation to certain number of days per week
4	Up to 40%	Up to 40% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1, 2 and 3. Response actions include mandatory 25% reduction - limit irrigation of lawns to once a week except for lawns and turf irrigate with recycled water, restrict water use for decorative water features, limit filling of pools only to cases where appropriate cover is in place
5	Up to 50%	Up to 50% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 - 4. Response actions include mandatory 30% reduction - prohibit filling of swimming pools, washing of automobiles only limited to facilities using recycled water, prohibit potable water use for construction activities, industrial water users required to reduce water use (food processing, concrete mixing plant)
6	>50%	Greater than 50% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 - 5. Response actions include mandatory 30% reduction - prohibit landscape irrigation except for irrigation with use of recycled water, industrial water users required to further reduce water use (food processing, concrete mixing plant)
NOTES:		

These stages and the percent reductions in demand are based on BCVWD's experience during the state mandated water conservation program targets comparing 2020 with a similar period in 2015, where BCVWD was able to reduce consumption by 24.3% for the period May 2015 through April 2016. This was done through the restrictions in Board of Directors Resolution 2015-05, which limited watering to two days per week due to mandatory reductions in the District's demands of 36% (when compared to 2013 water usages).

In establishing the "Stages," BCVWD has the advantage of the Beaumont Basin, its large storage capacity for banked water, and BCVWD's 80,000 AF storage account. BCVWD currently has 39,750 AF in storage, despite an average SWP allocation of only 43% for the period 2017 through 2020 (approximately 15% difference from normal, "long-term" supply). BCVWD's plan is to purchase additional imported water (when available in advance of annual need (i.e., conjunctive use purchases)) over the amount needed to meet annual demands to add to the storage account balance each year, including making up for any shortfall(s) that may occur during dry years. This results in a conjunctive use activity and hence the averaged annual water supply approach outlined herein and as identified in Table 8-1, above.

8.4 Shortage Response Actions

CWC 10632

(a)(4) Shortage response actions that align with the defined shortage levels and include, at a minimum, all of the following:

- (A) Locally appropriate supply augmentation actions.*
- (B) Locally appropriate demand reduction actions to adequately respond to shortages.*
- (C) Locally appropriate operational changes.*
- (D) Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.*
- (E) For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.*

8.4.1 Shortage Level 1 (Potential Shortage – Voluntary Reduction)

Shortage Level 1 occurs when:

- Up to a 10% reduction in normal (average), "long-term" averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages approximately 48% of regional annual supply requirements (water orders) over a two-year (or longer) period

The District declares a water shortage and imposes voluntary water conservation. In this shortage level, the District shall notify all its customers that water use reduction is highly encouraged. The District will recommend a voluntary 10% water use reduction based on an established base year to be determined by the District at the time Stage 1 is implemented. At the same time, the District shall implement its own public awareness program to encourage the

efficient use of water. This will be accomplished by bill stuffers, website information, and social media postings.

8.4.2 Shortage Level 2 (Minor Shortage – Mandatory Reduction)

Shortage Level 2 occurs when:

- Up to a 20% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 38% up to 48% over a three-year (or longer) period.

During Stage 2, all efforts to encourage conservation would remain in effect, however a 10% reduction in demand would be mandatory. Public outreach continues to occur, however an increase in public awareness is achieved through coordination with the City of Beaumont, Riverside County, and SGPWA. In addition, restaurants are required to only serve water to patrons upon request, and lodging facilities must allow guests to opt out of linen services.

8.4.3 Shortage Level 3 (Moderate Shortage – Mandatory Reduction)

Shortage Level 3 occurs when:

- Up to a 30% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 28% up to a 38% over a three-year (or longer) period

Restrictions up to Shortage Level 3 will still be mandatory. At this point, the District will initiate water restrictions similar to Resolution 2015-05 and require a 20% reduction in demand from an established base year. In this stage, the District will impose restrictions similar to Resolution 2015-05: but limit lawn watering to two times per week (assigned days based on street address) and no filling of new swimming pools. Topping off swimming pools is permitted. No new construction meters will be approved. Use of recycled or non-potable water for construction activities will be encouraged. The District may adopt financial incentives to encourage efficient water use. Public awareness programs will expand to schools.

8.4.4 Shortage Level 4 (Severe Shortage – Mandatory Reduction)

Shortage Level 4 occurs when:

- Up to a 40% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 18% and 28%, over a three-year (or longer) period

Restrictions up to Shortage Level 4 will still be mandatory. In this shortage level, the District will impose restrictions similar to Resolution 2015-05 to require a 25% reduction in demand, but make more stringent including limiting lawn watering to once a week except for lawns and turf irrigated with recycled or non-potable water. No filling of swimming pools; topping off swimming

pools may be permitted. Hand watering of plantings is permitted two days per week if using a hose with a shut-off nozzle. Restrict water use for decorative water features. The District may adopt financial incentives to encourage efficient water use. Stricter enforcement penalties will be developed. At this Stage, the District will appoint a Water Conservation Advisory Committee. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to reduce water use.

8.4.5 Shortage Level 5 (Critical Shortage – Mandatory Reduction)

Shortage Level 5 occurs when:

- Up to a 50% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 8% up to 18%, over a four-year (or longer) period, or

Restrictions up to Shortage Level 5 will still be mandatory. In this shortage, the District will impose restrictions similar to Resolution 2015-05 but prohibit lawn watering except for lawns and turf irrigated with recycled or non-potable water. No filling of swimming pools; topping off only permitted on covered pools. Hand watering of plantings is permitted one day per week, if using a hose with a shut-off nozzle. Washing of automobiles limited only to facilities using recycled water. Use of potable water for construction will be prohibited; only recycled or non-potable water may be used for construction activities, as determined by the Board of Directors. Trucking recycled water may be necessary for grading and construction activities. The District will adopt financial incentives to encourage efficient water use. Stricter enforcement penalties will be developed. The Water Conservation Advisory Committee will continue to function. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to reduce water use.

8.4.6 Shortage Level 6 (Extreme Shortage – Mandatory Reduction)

Shortage Level 6 occurs when:

- A greater than 50% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages less than 8%, over a four-year (or longer) period, or

Restrictions up to Shortage Level 6 will still be mandatory. In this shortage level, the District will impose restrictions similar to Resolution 2015-05. No topping off swimming pools. Use of potable water for construction will be prohibited; only recycled or non-potable water may be used for construction activities, as determined by the Board of Directors. Trucking recycled water may be necessary for grading and construction activities. “Will serve” letters or annexations will not be approved by the Board of Directors. The District will adopt financial

incentives to encourage efficient water use. Stricter enforcement penalties will be developed. The Water Conservation Advisory Committee will continue to function. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to further reduce water use.

8.5 Impacts of Shortage Level Response Actions

Table 8-2 below quantifies the percent of demand reduction for each shortage response action in relation to its associated shortage taken.

Table 8-2 (DWR Submittal Table 8-2) – Demand Reduction Actions

DWR Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUdata online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only</i> <i>Drop Down List</i>
Add additional rows as needed				
All	Improve Customer Billing	1%	Continue to provide customers with detailed breakdowns of water use and encourage water use efficiency	No
All	Expand Public Information Campaign	1%		
All	Landscape - Restrict or prohibit runoff from landscape irrigation	2-5%	Part of BCVWD's Water Waste Provisions	No
All	Other - Prohibit use of potable water for washing hard surfaces	2-5%	Part of BCVWD's Water Waste Provisions - prohibits watering of concrete	No
All	Other - Require automatic shut of hoses	2-5%		No
2	CII - Lodging establishment must offer opt out of linen service	2-5%		No
2	CII - Restaurants may only serve water upon request	2-5%		No
2	Water Features - Restrict water use for decorative water features, such as fountains	1-3%		No
3	Landscape - Limit landscape irrigation to specific days	10-15%	2 days per week	Yes
3	Other	5%	Public awareness programs expanded to schools	No
4	Landscape - Limit landscape irrigation to specific days	5-10%	1 day per week, addition 5-10% reduction in shortage gap	Yes
5	Pools - Allow filling of swimming pools only when an appropriate cover is in place.	1-2%	Topping off existing pools with cover	No
5	Water Features - Restrict water use for decorative water features, such as fountains	1-2%		No
5	Other - Prohibit use of potable water for construction and dust control	5-15%	Dependent upon size of construction operations and duration of construction	Yes
5	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	10-15%		Yes
5	CII - Other CII restriction or prohibition	10-15%	Work with high demand commercial/industrial water users to reduce water use	Yes
6	Moratorium or Net Zero Demand Increase on New Connections	10-20%	Dependent upon development conditions, Board of Directors to suspend approval of "Will Serve Letters"	Yes
NOTES:				

8.5.1 Supply Augmentation

Table 8-3 (DWR Submittal Table 8-3) – Supply Augmentation

DWR Table 8-3: Supply Augmentation and Other Actions			
Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>
<i>Add additional rows as needed</i>			
All	Expand Public Information Campaign	1-5%	
All	Improve Customer Billing	1-5%	
All	Other Actions (describe)	5-10%	Continue to work with to install drought tolerant, low water using plantings
2 - 6	Stored Emergency Supply	25-50%	BCVWD has the ability to withdraw groundwater from its storage account in the Beaumont Basin.
4	Other Purchases	5-10%	Work with SGPWA to obtain additional imported water supply
NOTES:			

Table 8-3 presents some consumption reduction methods, separate from the restrictions and prohibitions, presented previously.

- **Expand Public Information** – BCVWD should work with SGPWA and the other retailers in the San Gorgonio Pass to develop a consistent, region-wide message that could include regular articles in the local newspapers, displays at major events, low water using garden workshops, etc. Expand into the schools and service clubs. Work with the high-volume water users in the commercial/retail/industrial area to determine if there are water reduction opportunities.
- **Improved Customer Billing** – Continue providing customers with their historic usage for the past year in graphical format (bar charts) with target levels for water conservation. Provide data on other typical customers in the District's service area.
- **Rebates for Irrigation Efficiency Improvements** – BCVWD should work with SGPWA to provide rebates to improve irrigation efficiency including drip systems and smart controllers. Replacement of spray nozzles with rotating nozzles reduces water consumption significantly and prevents overspray.
- **Rebates for Turf Replacement** – BCVWD should work with SGPWA to provide rebates to convert turf areas to low water using drought tolerant plantings.

- **Other Methods Not on DWR's List:**

- Work further with the City of Beaumont, County of Riverside, and developers to install drought tolerant, low water using plantings in common areas and street medians. Reduce turf and planted areas in new home construction.
- Work with the City and HOA's to evaluate the potential for converting existing street median and common area turf areas to drought tolerant, low water using plantings.
- Begin using recycled water for landscape irrigation. This method has the greatest potential for reducing potable water use in the BCVWD service area.
- Restrict construction water use to non-potable water.
- Implement more tiers in the rate structure to reflect the cost for purchase of imported water as a result of higher use.

8.6 Operational Changes

One of the water conservation measures that can be used to reduce water loss is implementing automatic meter readings. With the use of automatic meters, water leaks would be easy to locate as the water meter would continuously run throughout the night. This knowledge would allow District staff to inform the residents of the situation and further actions could then be taken to fix the leak and ultimately, conserve water. Currently (2020), BCVWD is working through a Capital Improvement Project which includes installing automatic meters throughout the service area, but has not been fully converted.

The District currently does not perform extensive main flushing or any hydrant flow testing; there is minimal need to adjust District operations to conserve unmetered water.

8.7 Emergency Response Plan

The most recently published Emergency Response Plan (ERP) is from 2011. Currently (2020), District staff is in the process of updating this ERP to define procedures for modern emergencies, as well as assessing the District's plan for responding to catastrophic water supply interruption. The 2011 ERP defines the procedures that District staff is to complete in the case of various emergencies including, but not limited to:

- Medical Emergencies
- Flooding
- Snow/Ice Damage
- Earthquakes
- Tornados

The District performs routine maintenance and assessment of the operating conditions off all its facilities, in order to ensure minimal opportunities for supply shortages or supply interruptions. As the District continues to grow, it will continue to refine its maintenance procedures to continue to provide reliable supplies to its customers.

8.8 Seismic Risk Assessment and Mitigation Plan

CWC 10632.5

- (a) *In addition to the requirements of paragraph (3) of subdivision (a) of Section 10632, beginning January 1, 2020, the plan shall include a seismic risk assessment and mitigation plan to assess the vulnerability of each of the various facilities of a water system and mitigate those vulnerabilities.*
- (b) *An urban water supplier shall update the seismic risk assessment and mitigation plan when updating its urban water management plan as required by Section 10621.*
- (c) *An urban water supplier may comply with this section by submitting, pursuant to Section 10644, a copy of the most recent adopted local hazard mitigation plan or multihazard mitigation plan under the federal Disaster Mitigation Act of 2000 (Public Law 106-390) if the local hazard mitigation plan or multihazard mitigation plan addresses seismic risk.*

8.8.1 BCVWD Facilities

The center of the District's service area is located approximately 8 to 10 miles south of the San Andreas Fault. If a major earthquake were to occur along the San Andreas Fault in the Pass area, many of the BCVWD's facilities could be affected.

In order to minimize possible damage due to a significant earthquake, the District's Cherry Tanks, Upper Edgar Tank, Taylor Tank, the Vineland Tanks and the Hannon Tank are all equipped with flexible connectors (EBBA Iron Flex-tends) for movement during an earthquake. Upper Edgar, Cherry Tank III, Vineland II and III, and Taylor Tank are all anchored to their ring wall foundation and have been designed to resist seismic shaking. These are all relatively new tanks constructed since the year 2000 and designed and constructed to recent AWWA standards. These tanks should be capable of resisting significant earthquake shaking. BCVWD's other tanks were designed according to AWWA standards in effect at the time they were constructed; but over time the design standards have improved and become more stringent. The greatest vulnerability will be with the older steel tanks located in the northern part of the District's service area in Cherry Valley.

Experience with other earthquakes, e.g., Landers, magnitude 7.3 (1992), has shown steel water tanks survive but do suffer some minor structural damage. Observations of some of the water tanks showed the inlet/outlet piping sheared off and some "elephant footing" of the side wall occurred but the tanks remained intact. This is what would be expected with BCVWD's older tanks. The newer tanks should survive with little or no damage. The older tanks should be able to be put back into service within a week, if not sooner.

Wells and well pumps could be damaged during a very severe earthquake, but they should be able to be returned to service within a month depending on the availability of replacement parts and equipment to repair the pumps.

Piping breaks could be expected to occur, but these can be repaired quickly. BCVWD has an inventory of repair clamps, fittings and pipe as well as staff and equipment to make these repairs.

BCVWD has also constructed emergency “interties” at various locations along Highland Springs Road so that water can be supplied in either direction between the City of Banning and BCVWD.

8.9 Communication Protocols

CWC 10632 (a)(5)

Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all of the following:

(A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.

(B) Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.

(C) Any other relevant communication

The communication protocol procedure currently relies in the 2011 ERP. After BCVWD has completely assessed the situation and determined that further actions are to be put into effect, coordinating with the public and other entities are the next steps to be taken. In the near future, BCVWD will use the Annual Assessment that is to be reported to DWR as a tool to address each year’s supplies and demands to help determine the appropriate response. In the most recent drought, each BCVWD resident was mailed letters informing them of the issues and the steps that need to be taken to conserve water. For future emergencies, the residents will be emailed the water conservation letters along with their bill to reduce costs. The public information that is to be sent out will be a notice informing them of the situation (e.g. the shortage level the District is currently in), the steps that BCVWD is taking to conserve water, and the steps that each resident should follow to do their part in reducing the water demand.

The District is also actively providing information on its website for public consumption to inform customers of ways to reduce consumption, as well as to update them in the case of an emergency as determined by the State or by the Board of Directors.

8.10 Compliance and Enforcement

CWC 10632 (a)(6)

For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.

BCVWD does not have a standard enforcement procedure during “normal” supply years, however, does have a plan that adjusts rates during drought declarations and also for enforcing water conservation measures during the periods of a drought. BCVWD is currently in the process of converting over standard water meters to automatic meters. This would allow District staff to determine what residents may have water leaks and address the issues in a timely manner. It would also allow District staff to enforce the demand reduction actions that require residents to only water on certain days of the week. The severity of the enforcement would increase as the Shortage Levels increase. Many of the water reduction actions such as requiring customers repair leaks in a timely manner and restricting water use for decorative fountains would require further actions by the District to enforce. Discussions on how to enforce demand reduction actions such as these are still in discussion to determine the most efficient method. The repercussions that are to take place are listed below under Legal Authorities for first-, second-, and third-time offenders.

8.11 Legal Authorities

CWC 10632 (a)(7)

(A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.

(B) A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1. [see below]

(C) A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code. Water Code Section Division 1, Section 350

Declaration of water shortage emergency condition. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

BCVWD has provisions within its Rules and Regulations to establish charges for excessive water use. Currently, the District has a 3-tiered rate structure. For single family residences the tier structure ranges from 0 – 16 HCF (Tier 1), 17-34 HCF (Tier 2) and greater than 34 HCF (Tier 3). The unit price for water use increases with each tier. For multi-family residential, the unit price is a single set rate with no tier structure. BCVWD could increase these charges, initiate consumption surcharges for excessive use to cover the additional cost of imported replacement water, and/or provide for additional tiers upon proper notification and following the

procedures established by Proposition 218. This is not something that can be done on short notice, however.

BCVWD has “water waster” provisions in Part 15 of its Rules and Regulations.

“15-1 PROHIBITION OF WATER WASTER – No person, firm, or corporation shall use, deliver, or apply waters received from this District in any manner that causes the loss, waste, or the applications of water for unbeneficial purposes. Within the meaning of this Regulation, any waters that are allowed to escape, flow, and run into areas which do not make reasonable beneficial use of such water, including but not limited to streets, gutters, drains, channels, and uncultivated lands, shall be presumed to be wasted contrary to the prohibitions of these Rules and Regulations.

1) Upon the first failure of any person, firm, or corporation to comply, this District shall serve or mail a warning notice upon any person determined to be in violation of these Rules and Regulations.

2) Upon the second failure of any person, firm, or corporation to so comply, the water charges of any such consumer shall be doubled until full compliance with these Rules or Regulations has been established to the satisfaction of the Board of Directors of the District.

3) Upon the third failure of any person, firm, or corporation to so comply, the District shall terminate water service to any connection through which waters delivered by the District are wasted in violation of these Rules and Regulations.”

In Resolution 2016-05, there was a list of financial penalties for violation of the water restrictions in the Resolution.

- Upon the first failure of any person, firm, or corporation to comply, the District shall serve or mail a warning notice upon any person determined to be in violation of the District's Rules and Regulations.
- Upon the second failure of any person, firm, or corporation to so comply, the water charges of any such customer shall be doubled until full compliance with the District's Rules and Regulations has been established to the satisfaction of the Board of Directors of the District.
- Upon the third failure of any person, firm, or corporation to so comply, the District shall terminate water service to any connection through which waters delivered by the District are wasted in violation of the District's Rules and Regulations.

8.12 Water Shortage Contingency Resolution

Resolution No. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT (DISTRICT) ADOPTING WATER USE RESTRICTIONS TO PROTECT THE WATER SYSTEM AND RATEPAYERS OF BEAUMONT-CHERRY VALLEY WATER DISTRICT

WHEREAS, the District's Operations Policies and Procedures Manual, Part III, Section 1.E., District Emergency Declaration allows the General Manager, in consultation with the Board of Directors President, the ability to declare a "District Emergency" with ratification by the Board of Directors within fourteen days (14) at a regular, special or emergency Board meeting; and

WHEREAS, the District is experiencing water shortages of significant impact which results in a District emergency relating to water supply, therefore;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors that full support is given to the General Manager to make the appropriate recommendations which may include increased restrictions on watering days and hours, restrictions on washing vehicles, etc., restrictions on large water users, restrictions on flushing of water lines, restrictions on the filling of swimming pools, and increases in the current penalties for not complying with water conservation restrictions for the duration of the emergency, and urge full support and cooperation from the ratepayers of the District.

ADOPTED this ____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Director _____, President of the
Board of Directors of the Beaumont-Cherry
Valley Water District

Director _____, Secretary to the
Board of Directors of the Beaumont-Cherry
Valley Water District

8.13 Financial Consequences of WSCP

CWC 10632 (a)(8)

A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:

(A) A description of potential revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(B) A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(C) A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1. [retail urban suppliers only]

Rather than identify the financial impacts of each prohibition on BCVWD's financial position, the impacts will be assessed on a "percent reduction in water demand" basis.

The District's current water rate structure includes a service (meter) charge (bimonthly, regardless of how much water is used), and a 3-tiered commodity. For single family residences the tier structure ranges from 0 – 16 HCF (Tier 1), 17-34 HCF (Tier 2) and greater than 34 HCF (Tier 3). The unit price for water use increases with each tier. For multi-family residential, the unit price is a single set rate with no tier structure. This accounts for the generally lower family incomes in multi-family residences. In addition, there is a power surcharge and an imported water surcharge per 100 cu ft of water used.

During times of drought, the revenue from the commodity charge and the power and imported water surcharges would be reduced by an amount equal to the water conservation effort. The meter charge would not be affected. But, the reduction in water consumption will also reduce the power consumption needed to pump and produce water and reduce the need for imported water, essentially balancing out the reduction in imported water surcharge revenue.

To further offset any revenue losses, the District also has a drought surcharge policy in place. Please see Figure 8-1 below:

Figure 8-1 – BCVWD Drought Surcharge Policy

5-1.4 DROUGHT SURCHARGES				
In the event that the District activates water supply drought rates, customers will be notified in advance of the below surcharges. Drought rates are generally triggered by the declaration of a specific water shortage by the California Department of Water Resources, or alternatively, by the District's Board of Directors.				
The Surcharge Rate below is additive to the current Commodity Rate, per unit of water, at the date of presentation. The Surcharge Rate in effect is dependent on the drought stage declared.				
	Stage 1	Stage 2	Stage 3	Stage 4
Reduction in Use	10%	20%	30%	40%
Surcharge	\$0.17	\$0.36	\$0.60	\$0.92

Although the District is proposing 6 Shortage Levels as part of the WSCP, the existing drought surcharges can still be applied. For example, “Stage 1” in the District’s drought surcharges policy correlates to a 10% reduction in use; the drought surcharge identified would be applied to Shortage Level 1 previously described in this section.

For 2020, the adopted budget estimated \$3.4 million in fixed meter (service) charges and \$5.2 million in water sales revenue including agricultural water sales and construction water sales (commodity charge). Water importation surcharges were budgeted at \$3.5 million and SCE power surcharge at \$1.6 million. So total “variable” revenue would be approximately \$13.68 million. The fixed meter (service) charges would not be affected by a reduction in water sales. All the other revenues and expenses would be.

Assuming a water reduction of 25% is required for a 2-month long-term interruption, the annual reduction would be $(2/12) * 25\%$ or 4.2%. The resultant loss in water sales revenue would be \$575,000, i. e. $0.042 * \$13.68$ million; the reduction, electricity and imported water purchase would be \$215,000. The net would be an annual loss of revenue of \$360,000.

A 50% reduction in water demand for a period of 1 month would result in a similar net annual revenue loss of \$360,000.

The costs above do not include additional staff overtime that may be required providing notifications, production, publication, and mailing of notices, updates, water conservation messages, inspection, and enforcement. An estimate of \$25,000 for each “event” is reasonable to cover these costs. The total annual impact could be in the \$225,000 to \$250,000 range.

The BCVWD audited Financial Report for 2020 showed BCVWD with over \$176.4 million in net assets of which \$29.1 million was in unrestricted funds. The impact of a net \$175,000 loss due to a water reduction of 25% over a 2-month period (or 50% for a 1-month period), or even another 10% reduction on an annual basis will not affect BCVWD’s operation. The \$476,000 is less than 4% of the District’s unrestricted cash assets. As a result, no special action is needed.

8.14 Monitoring, Reporting, and WSCP Refinement Procedures

CWC 10632 (a)(9)

For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance and to meet state reporting requirements.

CWC 10632 (a)(10)

Reevaluation and improvement procedures for systematically monitoring and evaluating the functionality of the water shortage contingency plan in order to ensure shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed.

When the higher Shortage levels are declared, the demand will be closely monitored by District staff on a month-to-month basis to compare the projected water reduction with the actual values. If the District staff finds that the demand reduction actions are not meeting the projected

volumes, it will be reassessed and brought to the Board to determine if a higher Shortage Level should be put into effect. There will need to be a few months in between announcing the different shortage levels as it is expected to take some time before the results are shown, however, District staff will be monitoring it closely.

8.15 Special Water Feature Distinction

CWC 10632 (b)

For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

In Table 8-2, swimming pools are separate and distinct from “water features.” Water features include decorative ponds, water hazards on golf courses, artificial waterfalls, and fountains. Golf course water hazard ponds that serve as irrigation reservoirs or balancing ponds, supplied with private wells are not covered by BCVWD’s water restrictions. BCVWD water restrictions do not apply to water features supplied by private wells.

Stock ponds for animal watering are not covered under the swimming pool or water feature restrictions. Recycled and non-potable water may be used without restriction in water features and ponds if approved for use.

8.16 Plan Adoption, Submittal and Availability

CWC 10632 (c)

The urban water supplier shall make available the water shortage contingency plan prepared pursuant to this article to its customers and any city or county within which it provides water supplies no later than 30 days after adoption of the water shortage contingency plan.

The District’s WSCP was adopted following the same process as the District’s 2020 UWMP update. Both the WSCP and the UWMP were adopted by the Board of Directors, submitted to DWR for review, and implemented.

The District scheduled a public hearing for review of the 2020 UWMP, which included the WSCP, on July 22, 2021. At such time, the City of Beaumont requested a continuance of the public hearing for 30 days. On August 26, 2021, the Board of Directors directed District staff to make appropriate changes and/or corrections based on public comments, and made a motion to adopt the UWMP and the WSCP. The District made the adopted WSCP available to the public on the District’s website no later than 30 days after it was adopted.

The District will notify the public of any amendments made to the adopted WSCP.

SAMPLE ADOPTION RESOLUTION

RESOLUTION 20__-__

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
ADOPTING THE WATER SHORTAGE CONTINGENCY
PLAN**

WHEREAS, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water Management Planning Act) during the 1983-84 Regular Session, and as amended subsequently, which mandates that every water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, prepare a Water Shortage Contingency Plan (WSCP); and

WHEREAS, BCVWD is an urban water supplier delivering more than 10,000 acre-feet of water annually to over 19,000 connections; and

WHEREAS, pursuant to recent amendments to the Urban Water Management Planning Act, Water Code Section 10610 et. seq., urban water suppliers are required to adopt and electronically submit their WSCPs to the Department of Water Resources (DWR) by July 1, 20__; and

WHEREAS, as required by the Water Code, a Notice of Intent to Update the BCVWD 20__ Urban Water Management Plan including the WSCP was distributed on MONTH DD, 20__ to the cities, counties, agencies and interested parties within the BCVWD service area, and notice of public hearing and availability for public inspection of the Plan was posted on MONTH DD, 20__, and the draft 20__ UWMP was posted to the BCVWD website for public inspection on MONTH DD, 20__, and

WHEREAS, as required by the Water Code, notification of the public hearing and circulation of the draft plan was also published in the Beaumont Record-Gazette on MONTH DD, 20__ and MONTH DD, 20__ pursuant to Government Code §6066; and

WHEREAS, the properly noticed public hearing was held by the BCVWD Board of Directors on MONTH DD, 20__; and

WHEREAS, the BCVWD Board of Directors has reviewed and considered the purposes and requirements of the UWMP Act, the contents of the WSCP, and the documentation in support of the WSCP, and has determined that the factual analysis and conclusions set forth in the WSCP are legally sufficient,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District:

1. The Water Shortage Contingency Plan is hereby adopted, including modifications to the Plan made after the Public Hearing by the General Manager limited to (i) de minimis refinements, and (ii) such changes to address public input received (if any) at the Public Hearing.
2. The General Manager is hereby authorized and directed to file the Water Shortage Contingency Plan immediately after its adoption with the California Department of Water Resources, and within thirty (30) days to the California State Library - Government Publications Section, and any city or county within which the District provides water supplies.
3. The General Manager is hereby authorized and directed to take any necessary actions to implement and administer the Water Shortage Contingency Plan and to provide recommendations to the Board of Directors regarding necessary budgets, procedures, rules, regulations, or further actions to carry out the effective and equitable implementation of the WSCP.

ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

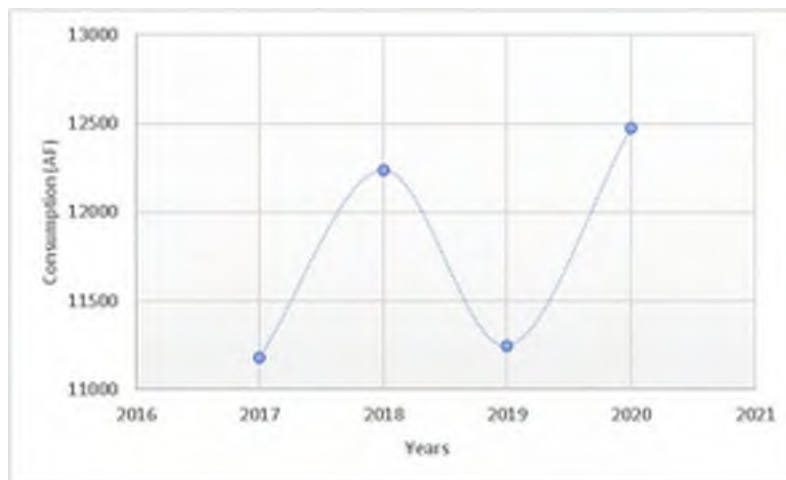
Director _____, President
of the Board of Directors of Beaumont-
Cherry Valley Water District

Director _____, Secretary
to the Board of Directors of Beaumont-
Cherry Valley Water District

Section 9 – Demand Management Measures

The goal of this Demand Management Measures (DMM) section is to provide a comprehensive description of the water conservation programs that BCVWD has implemented, is currently implementing, or plans to implement in order to ensure its customers use water wisely and the District meets its urban water use targets. During the period 2017 through 2020, the total consumption of BCVWD has been fluctuating around 11,000 AFY to 12,500 AFY, however, no water conservation measures were implemented during this time period.

Figure 9-1 – Total Consumption from 2017 to 2020



The section in the CWC addressing DMMs was significantly modified in 2014 to simplify, clarify and update the DMM reporting requirements. This was done by reducing the 14 specific measures in previous UWMPs to 6 more general requirements plus an “other” category.

9.1 Demand Management Measures for Retail Agencies

CWC 10631

(e) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1)(A) For an urban retail water supplier, as defined in Section 10608.12, a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years. The narrative shall describe the water demand management measure that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

(B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

(i) Water waste prevention ordinances.

(ii) Metering.

(iii) Conservation pricing.

(iv) Public education and outreach.

(v) Programs to assess and manage distribution system real loss.

(vi) Water conservation program coordination and staffing support.

(vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.

9.1.1 Water Waste Prevention Ordinances

Section 9.6a. of the District's Rules Governing Water Service states the following:

It is a violation of these Regulations:

3) To cause or permit the waste of water from the water system or to maintain or cause or permit to be maintained any leaky outlets, apparatus or plumbing fixtures through which water is permitted to waste;

4) To use water for washing sidewalks and driveways in a manner that prevents the usual and customary use of public streets and sidewalks by others;

5) To permit water sprinklers to spray onto sidewalks and streets or to permit water to run from the consumer's property onto public sidewalks and streets to cause risk and/or damage to the public or to public and private property;

Section 15-1 of the District's Rules Governing Water Service states the following:

No person, firm or corporation shall use, deliver, or apply waters received from this District in any manner that causes the loss, waste, or the application of water for unbeneficial purposes. Within the meaning of this Regulation, any waters that are allowed to escape, flow, and run into areas which do not make reasonable beneficial use of such waters, including but not limited to streets, gutters, drains, channels, and uncultivated lands, shall be presumed to be wasted contrary to the prohibitions of these Rules and Regulations.

The Regulations for Water Service have a series of warnings/penalties. The first notice is a written warning; the second offense results in a doubling of the water charges until full compliance is attained. After the third offense, the District can terminate water service to the customer.

BCVWD Board of Directors adopted Resolution No. 2016-05 implementing water use restrictions. The resolution prohibits, among others:

- Use of potable water on driveways and sidewalks
- No washing of cars unless the hose has a shutoff valve
- Serving of water to restaurant guests unless specifically requested
- No irrigation within a rain event or 48 hours afterwards
- Giving hotel/motel guests the option of reusing their own towels
- No fountain use except recirculating type

In addition, the District set up a “water waster hotline” which would accept anonymous calls. Customer Service Representatives would respond to these calls and request one of the District’s operations staff to investigate. Calls were taken for leaks, water running in gutters, etc.

Implementation: The District had adopted this resolution and to date, has not rescinded it. Additionally, recycled water shall be used wherever available.

9.1.2 Metering

CWC 526

Notwithstanding any other provisions of law, an urban water supplier that, on or after January 1, 2004, receives water from the federal Central Valley Project under a water service contract or subcontract... shall do both of the following:

On or before January 1, 2013, install water meters on all service connections to residential and nonagricultural commercial buildings... located within its service area.

CWC 527

An urban water supplier that is not subject to Section 526 shall do both the following:

Install water meters on all municipal and industrial service connections located within its service area on or before January 1, 2025.

All of BCVWD’s services are metered. This includes all residential, commercial/retail, industrial, institutional and landscape irrigation connections. In addition, BCVWD meters construction water taken from hydrants and street sweeping and vector truck water. On-site fire services are metered to prevent theft. BCVWD has a regular program of replacing meters. Meters are read every other month; landscape and other high-volume users are read monthly.

BCVWD had some Automatic Meter Reading (AMR) systems installed when they first came available. These are now in the process of being replaced as part of an automatic meter reading/ automatic meter infrastructure (AMI) project over the next two years with newer, more effective AMR devices and an associated AMI system. These can be very effective at identifying leaks at the customer service side and reduce meter reading time.

Implementation: The District is currently working through a Capital Replacement Project to convert all meters with AMR/AMI technology.

9.1.3 Conservation Pricing

BCVWD has recently adopted an updated rate schedule (effective 3/1/2020) that includes the following:

- Service (meter) charge which depends on the size of the meter. The larger the meter, the larger the bi-monthly service charge
- Commodity charge which is three tiered. For single family residences from 0 – 16 HCF (Tier 1), 17-34 HCF (Tier 2) and greater than 34 HCF (Tier 3). The unit price for water use increases with each tier. For multi-family residential, the unit price is a single set rate with no tier structure. This accounts for the generally lower family incomes in multi-family residences.
- SCE Power Charge per HCF is a pass-through cost as incurred from SCE to cover the cost of pumping power. This pass-through cost is applied to all water sold.
- State Project Water Charge per HCF is a pass-through cost as incurred from SGPWA to cover the cost of importing SPW.
- Drought Pricing increases based upon commodity usage to UWMP to promote conservation goals set forth in this UWMP during drought conditions.

Implementation: BCVWD performed a Water Financial Plan and Utility Rate Study in 2019, which became effective March 1, 2020. The Rate Study adjusted pricing tiers and further considers the costs associated with providing service to each ratepayer based on their respective usage of the District's system.

9.1.4 Public Education and Outreach

BCVWD provides water conservation literature in the lobby where customers pay their bills or enter for District Board Meetings. The District's website <https://bcvwd.org/water-conservation-tips/> has over one hundred water conservation tips.

All new customers requesting water service are provided information about water conservation and water restrictions by the Customer Service Representatives.

The District presently does not make a special effort to promote water conservation at local schools as the local area water wholesaler (SGPWA) provides for these activities. District staff are available on an "as requested" basis to explain the benefits of water conservation and its importance on the community.

Implementation: The public information programs are on-going, and information is provided as needed. District staff may consider coordinating with School District staff, events where information packets on water conservation and water savings techniques can be distributed to students. Once recycled water is available and provided to the schools, BCVWD will be much

more active with the schools as part of the on-site inspections and working with the school's on-site recycled water site supervisor. This could evolve into a regular presentation to all entering freshmen and transfer students to educate them in the recycled water system and the need for water conservation programs.

9.1.5 Programs to Assess and Manage Distribution System Real Loss

Much of the BCVWD water system is new having been installed within the last 20 years or so with the housing boom. Older leak-prone lines are being replaced as part of a Facilities Replacement activity. BCVWD has developed and funded a Capital Facilities Replacement Program to replace aging and leaking pipes over the next 5 to 19 years. Water distribution lines are routinely checked and/or tested for leaks; when leaks are found they are promptly repaired.

BCVWD annually performs a distribution system water audit comparing the amount of water produced from wells to the amount of water used by consumers (as reported by metering readings). The District meters construction water and private fire systems. Very little water is unmetered. After allowing for authorized unmetered uses such as firefighting, main flushing, and public use; it can be assumed that the remaining unmetered water is explained by inaccurate meter readings, malfunctioning valves and leakage, and theft. The District has very little unaccounted-for or non-revenue water.

To save water, the District does not perform hydrant flow testing. Fire flow verification is performed on the District's calibrated computer model.

Implementation: The District has an ongoing schedule to inspect facilities and periodically calibrate master water meters. The District has already implemented leak detection measures. Water system audits are generally done at least once a year.

9.1.6 Water Conservation Program Coordination and Staffing Support

The District presently does not have a designated conservation coordinator. All conservation and water use restriction information is provided by the District's Customer Service Representatives. BCVWD has been operating at reduced staff levels to keep expenditures to a minimum so that water rates are maintained at a low rate. It is very difficult to justify such a position when BCVWD staff has been reduced to a minimum.

Implementation: The District is a small agency and funding a full-time water conservation coordinator would have significant financial impacts – perhaps as much as \$5 per household per year for just salary and benefits. The District identifies opportunities regionally are currently being supported through the SGPWA.

9.2 Other Demand Management Measures

9.2.1 Conversion to Recycled Water

Currently, there are about 300 landscape irrigation connections connected to the District's non-potable water system. The District has installed over 40 miles of non-potable water transmission mains and a 2 MG reservoir for non-potable water. The system is separated such that one part (larger part) is currently served by non-potable water Well No. 26, supplemented as needed by potable water discharged from the District's domestic water system through an air gap into the 2 MG reservoir.

The portion of the system which is south of I-10 is currently pressurized with potable water from the Hannon (2650 Zone Potable Water Tank). However, this will be converted to non-potable water system supplies within the next two years via installation of two or more non-potable water pressure reducing stations.

Negotiations are on-going with the City of Beaumont for delivery and receipt of recycled water from their treatment plant. Any recycled water which is introduced into the system will offset the existing potable water demand on a gallon for gallon basis. Currently, about 1,650 acre-ft/yr (measured through the irrigation meters) is supplied to the landscape irrigation services. The potable demand will be reduced once recycled water is available.

9.2.2 Implementation or Scheduled Implementation

Recycled water will most likely be introduced into the non-potable water system before 2025.

9.3 Reporting Implementation

9.3.1 Implementation Over the Past Five Years

CWC 10631

(e) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1)(A) For an urban retail water supplier, ...a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years.

Beaumont is one of the fastest growing cities in Riverside County. Over the past five years, BCVWD has worked cooperatively with many developers to implement water efficient homes. More homes are now being built with artificial turf and/or drought tolerant irrigation systems to reduce irrigation and the overall demand of water. The District is converting all of the meters over to AMR to assist the District in monitoring water leaks. All commercial customers are in the process of being converted over to AMR/AMI as they require much higher demand than residential customers. Over the past five years, BCVWD has not made extended efforts to

promote water conservation in local schools; however, it has provided outreach presentations to the local schools when requested.

9.3.2 Implementation to Achieve Water Use Targets

CWC 10631

(e)(1)(A) For an urban retail water supplier, as defined in Section 10608.12, a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years. The narrative shall describe the water demand management measure that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

To achieve the SB X7-7 water use targets in Section 5, BCVWD intends to continue and expand implementation of DMM reporting, presented above. In the future, the District may look to partnering and possibly cost sharing with SGPWA for rebate programs. Large and small wholesalers have provided and managed rebate programs on behalf of their member retailers. Both parties benefit.

Within BCVWD's service area, about 75 percent of the housing units have been built since 1990; so they have reduced water use plumbing fixtures. In Cherry Valley, the residences have on-site wastewater disposal systems; those homeowners tend to be older (average age of approximately 46±) which provides for lower indoor water use due to fewer people in the residences and said owners having adult children. Consequently, low flush toilet rebate programs would not be effective.

With over 70 percent of the housing stock in Beaumont constructed since 2000, there is likely not much opportunity for replacement of dishwashers or washing machines with more water efficient machines. Most of the developers are very conscious of water use and are installing these highly efficient devices in their new models.

There may be opportunity for replacement of dishwashers and washing machines in Cherry Valley where the housing stock is older, and the residences are on septic tanks however, said dishwasher and washing machine flow to septic tanks are considered 100-year return flow to the groundwater basins, therefore said water is already provided for as part of the various groundwater basins safe yield calculations.

The implementation of new landscape ordinances at the state and local level will help reduce outdoor water use. Requirements for smart irrigation controllers on new housing will go a long way to reduce outdoor water use. BCVWD believes the greatest opportunity for water savings is conversion of street medians and common area turf areas to more drought tolerant planting materials and converting these irrigated areas to recycled water. The use of recycled water for landscape irrigation is key to BCVWD meeting the water use target.

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Section 10 – Plan Adoption, Submittal and Implementation

This section describes the public notification, plan adoption, submittal and implementation of BCVWD's 2020 UWMP.

The Draft 2020 UWMP was completed on July 9, 2021 and was available for a 10-day public review prior to the public hearing. Copies of the Draft 2020 UWMP were available at the BCVWD District Office, 560 Magnolia Avenue, Beaumont, CA 92223 during regular business hours and was posted on BCVWD's website <http://www.bcvwd.org/>.

A public hearing was held on July 22, 2021, at BCVWD's Board Room, 560 Magnolia Avenue, Beaumont, CA 92223. Board member and public comments and testimony were taken, and staff considered all comments and revise the 2020 UWMP, as necessary. The City of Beaumont requested a 30 day continuance of the public hearing. The Final UWMP was adopted by the Board of Directors through a resolution at a meeting at the BCVWD office held on August 26, 2021. The Final 2020 UWMP was submitted to DWR within 30 days of Board approval. The Final Adopted 2020 UWMP was made available to the public and posted on the District's website within 30 days of submission to DWR.

The 2020 UWMP is intended to serve as a general, flexible, open-ended document that periodically can be updated to reflect changes in service area growth and demands, available water supply and conservation policies and practices. The plan will guide the Board and staff through the year 2025 when the UWMP is required to be updated again.

10.1 Inclusion of All 2020 Data

BCVWD's 2020 UMWP includes all water use and planning data from calendar year 2020.

10.2 Notice of Public Hearing

BCVWD held a public hearing on July 22, 2021, prior to having the Board of Directors adopt the Plan. The public hearing provided an opportunity for the public to provide input to the plan before it was adopted. The Board of Directors considered all public input. The hearing was noticed to the nearby cities, the County of Riverside, the County of San Bernardino, and public. Copies of the notification letters are in Appendix G.

10.2.1 Notice of Cities and Counties

CWC 10621

(b) Every urban water supplier required to prepare a plan shall... at least 60 days prior to the public hearing on the plan ... notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan.

CWC 10642

...The urban water supplier shall provide notice of the time and place of a hearing to any city or county within which the supplier provides water supplies. Notices by a local public agency pursuant to this section shall be provided pursuant to Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code. A privately owned water supplier shall provide an equivalent notice within its service area...

Table 10-1 is a checklist for the notification of cities and counties required by DWR; Table 10-2 is a summary of agencies and notifications.

Table 10-1 – Notification to Cities and Counties

Table 10-1 Retail: Notification to Cities and Counties		
City Name	60 Day Notice	Notice of Public Hearing
<i>Add additional rows as needed</i>		
Beaumont	Yes	Yes
Banning	Yes	Yes
Yucaipa	Yes	Yes
Calimesa	Yes	Yes
County Name <i>Drop Down List</i>	60 Day Notice	Notice of Public Hearing
<i>Add additional rows as needed</i>		
Riverside County	Yes	Yes
San Bernardino County	Yes	Yes
NOTES:		

The 60-day Notification was sent out March 30, 2021, more than 60 days prior to the public hearing. A copy of the Notification Letter is included in Appendix G. A public hearing for written and oral comments on the 2020 UWMP was held on July 22, 2021 and August 26, 2021. Notice of the hearing followed Government Code 6066.

Table 10-2 – Coordination with Appropriate Agencies, Groups and Organizations

Agency, Group or Organization	Notice of Intent to Update	Sent Public Hearing and Intention to Adopt UWMP	Sent copy of draft UWMP Update	Attended public meetings	Commented on the draft UWMP Update	Sent Final UWMP Update
City of Beaumont	●	Published in the Record-Gazette	On District Website (www.bcvwd.org)	●	●	On District Website (www.bcvwd.org)
City of Banning	●					
City of Yucaipa	●					
City of Calimesa	●					
YVWD	●					
South Mesa WC	●					
County of Riverside Flood Control	●					
Riverside County LAFCO	●					
Eastern MWD	●					
SAWPA	●					
SGPWA	●			●		
San Bernardino County LAFCO	●					
Beaumont Unified School District	●					
Beaumont Cherry Valley Parks and Recreation	●					
CVAN	●					
Riverside BIA	●					
General Public				●		

10.2.2 Notice to the Public

CWC 10642

...Prior to adopting either [the plan or water shortage contingency plan], the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon. Prior to any of these hearings, notice of the time and place of the hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code [see below]. The urban water supplier shall provide notice of the time and place of a hearing to any city or county within which the supplier provides water supplies.

Government Code section 6066

Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.

Copies of the Public Hearing Notice and dates of publication are included in Appendix G. A public hearing was held on July 22, 2021 and August 26, 2021 at the BCVWD District Office, Board Room, 560 Magnolia Avenue, Beaumont CA 92223. Copies of the 2020 UWMP were available at the office during regular business hours. It was also published on BCVWD's website <http://www.bcvwd.org/>.

10.3 Public Hearing and Adoption

CWC 10642

...Prior to adopting either, the [plan or water shortage contingency plan], the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon.

CWC 10608.26

(a) In complying with this part, an urban retail water supplier shall conduct at least one public hearing to accomplish all of the following:

- (1) Allow community input regarding the urban retail water supplier's implementation plan for complying with this part.*
- (2) Consider the economic impacts of the urban retail water supplier's implementation plan for complying with this part.*
- (3) Adopt a method, pursuant to subdivision (b) of Section 10608.20 for determining its urban water use target.*

BCVWD provided information on their baseline water use targets and implementation plan required in the Urban Water Conservation Act of 2009.

A public hearing was held on July 22, 2021 and August 26, 2021.

Both oral and written comments were taken by District staff; Mark Swanson PE, senior engineer with BCVWD, presented the findings of the 2020 UWMP. When the public hearing was closed, the Board will gave direction to staff to consider all comments and make revisions to the 2020 UWMP Update as required and made a motion to adopt the 2020 UWMP.

The 2020 UWMP was revised by staff to incorporate comments from the public hearings. The revised UWMP was made available to the general public at the District Office and posted on the District's website within 30 days of submission to DWR.

10.4 Plan Submittal

CWC 10621

(e) Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021...

CWC 10644

(a)(1) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption.

CWC 10635

(c) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

BCVWD's 2020 UWMP will be submitted to DWR within 30 days of adoption and as close to July 1, 2021, as practical. The submittal will be electronic using DWR's WUE data submittal tool.

A hard copy or CD will be submitted to the California State Library within 30 days of adoption. The addresses are:

California State Library Government Publications Section
P.O. Box 942837 Sacramento, CA 94237-0001
Attention: Coordinator, Urban Water Management Plans

Or if hand carried --

California State Library Government Publications Section
914 Capitol Mall
Sacramento, CA 95814

10.5 Public Availability

CWC 10645

- (a) Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.*
- (b) Not later than 30 days after filing a copy of its water shortage contingency plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.*

BCVWD will, within 30 days of filing with DWR, make the plan available to the public at the District's office at 560 Magnolia Avenue, Beaumont, CA 92223 during normal business hours. It will also be posted on the District's website in pdf form for reading/downloading by the public.

10.6 Amending an Adopted UWMP

CWC 10621

(d) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

CWC 10644

(a)(1) Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

CWC 10644 (b)

If an urban water supplier revises its water shortage contingency plan, the supplier shall submit to the department a copy of its water shortage contingency plan prepared...no later than 30 days after adoption, in accordance with protocols for submission and using electronic reporting tools developed by the department.

If the 2020 UWMP or the 2020 WSCP require an amendment, any amendments or changes will be adopted and filed as described above.

Appendix A
California Water Code
Urban Water Management Planning

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California Water Code Division 6, Part 2.6.

CHAPTER 1. General Declaration and Policy Section 10610 - 10610.4

10610.

This part shall be known and may be cited as the “Urban Water Management Planning Act.”

10610.2.

(a) The Legislature finds and declares all of the following:

- (1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.
- (2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.
- (3) A long-term, reliable supply of water is essential to protect the productivity of California’s businesses and economic climate, and increasing long-term water conservation among Californians, improving water use efficiency within the state’s communities and agricultural production, and strengthening local and regional drought planning are critical to California’s resilience to drought and climate change.
- (4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years now and into the foreseeable future, and every urban water supplier should collaborate closely with local land-use authorities to ensure water demand forecasts are consistent with current land-use planning.
- (5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.
- (6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.
- (7) Water quality regulations are becoming an increasingly important factor in water agencies’ selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.
- (8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.
- (9) The quality of source supplies can have a significant impact on water management strategies and supply reliability.

(b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

10610.4.

The Legislature finds and declares that it is the policy of the state as follows:

- (a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.
- (b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.
- (c) Urban water suppliers shall be required to develop water management plans to achieve the efficient use of available supplies and strengthen local drought planning.

CHAPTER 2. Definitions
Section 10611 - 10618

10611.

Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

10611.3.

“Customer” means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

10611.5.

“Demand management” means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

10612.

“Drought risk assessment” means a method that examines water shortage risks based on the driest five-year historic sequence for the agency’s water supply, as described in subdivision (b) of Section 10635.

10613.

“Efficient use” means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

10614.

“Person” means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

10615.

“Plan” means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area’s characteristics and its capabilities to efficiently use and conserve

water. The plan shall address measures for residential, commercial, governmental, and industrial water demand management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

10616.

“Public agency” means any board, commission, county, city and county, city, regional agency, district, or other public entity.

10616.5.

“Recycled water” means the reclamation and reuse of wastewater for beneficial use.

10617.

“Urban water supplier” means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

10617.5.

“Water shortage contingency plan” means a document that incorporates the provisions detailed in subdivision (a) of Section 10632 and is subsequently adopted by an urban water supplier pursuant to this article.

10618.

“Water supply and demand assessment” means a method that looks at current year and one or more dry year supplies and demands for determining water shortage risks, as described in Section 10632.1.

CHAPTER 3. Urban Water Management Plans

Article 1 – General Provisions

Section 10620 – 10621

10620.

(a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

(b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

(c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.

- (d)
 - (1) An urban water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation, efficient water use, and improved local drought resilience.
 - (2) Notwithstanding paragraph (1), each urban water supplier shall develop its own water shortage contingency plan, but an urban water supplier may incorporate, collaborate, and otherwise share information with other urban water suppliers or other governing entities participating in an areawide, regional, watershed, or basinwide urban water management plan, an agricultural management plan, or groundwater sustainability plan development.
 - (3) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.
- (e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.
- (f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

10621.

- (a) Each urban water supplier shall update its plan at least once every five years on or before July 1, in years ending in six and one, incorporating updated and new information from the five years preceding each update.
- (b) Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days before the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.
- (c) An urban water supplier regulated by the Public Utilities Commission shall include its most recent plan and water shortage contingency plan as part of the supplier's general rate case filings.
- (d) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).
- (e) Each urban water supplier shall update and submit its 2015 plan to the department by July 1, 2016.
- (f) Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021.

ARTICLE 2. – Contents of Plans

Section 10630 – 10634

10630.

It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied, while accounting for impacts from climate change.

10630.5.

Each plan shall include a simple lay description of how much water the agency has on a reliable basis, how much it needs for the foreseeable future, what the agency's strategy is for meeting its water needs, the challenges facing the agency, and any other information necessary to provide a general understanding of the agency's plan.

10631.

A plan shall be adopted in accordance with this chapter that shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other social, economic, and demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available. The description shall include the current and projected land uses within the existing or anticipated service area affecting the supplier's water management planning. Urban water suppliers shall coordinate with local or regional land use authorities to determine the most appropriate land use information, including, where appropriate, land use information obtained from local or regional land use authorities, as developed pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a), providing supporting and related information, including all of the following:

(1) A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. For each source of water supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.

(2) When multiple sources of water supply are identified, a description of the management of each supply in correlation with the other identified supplies.

(3) For any planned sources of water supply, a description of the measures that are being undertaken to acquire and develop those water supplies.

(4) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information:

(A) The current version of any groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720), any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific

authorization for groundwater management for basins underlying the urban water supplier's service area.

(B) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For a basin that has not been adjudicated, information as to whether the department has identified the basin as a high- or medium-priority basin in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to coordinate with groundwater sustainability agencies or groundwater management agencies listed in subdivision (c) of Section 10723 to maintain or achieve sustainable groundwater conditions in accordance with a groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720).

(C) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(D) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(d) (1) For an urban retail water supplier, quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, based upon information developed pursuant to subdivision (a), identifying the uses among water use sectors, including, but not necessarily limited to, all of the following:

(A) Single-family residential.

(B) Multifamily.

(C) Commercial.

(D) Industrial.

(E) Institutional and governmental.

(F) Landscape.

(G) Sales to other agencies.

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(J) Distribution system water loss.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

- (3) (A) The distribution system water loss shall be quantified for each of the five years preceding the plan update, in accordance with rules adopted pursuant to Section 10608.34.
- (B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association.
- (C) In the plan due July 1, 2021, and in each update thereafter, data shall be included to show whether the urban retail water supplier met the distribution loss standards enacted by the board pursuant to Section 10608.34.
- (4) (A) Water use projections, where available, shall display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.
- (B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following:
- (i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections.
 - (ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.
- (e) Provide a description of the supplier's water demand management measures. This description shall include all of the following:
- (1) (A) For an urban retail water supplier, as defined in Section 10608.12, a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years. The narrative shall describe the water demand management measures that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.
- (B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:
- (i) Water waste prevention ordinances.
 - (ii) Metering.
 - (iii) Conservation pricing.
 - (iv) Public education and outreach.
 - (v) Programs to assess and manage distribution system real loss.
 - (vi) Water conservation program coordination and staffing support.
 - (vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.
- (2) For an urban wholesale water supplier, as defined in Section 10608.12, a narrative description of the items in clauses (ii), (iv), (vi), and (vii) of subparagraph (B) of paragraph

(1), and a narrative description of its distribution system asset management and wholesale supplier assistance programs.

(f) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use, as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in normal and single-dry water years and for a period of drought lasting five consecutive water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

(g) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

(h) An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (f). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (f).

10631.1.

(a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.

(b) It is the intent of the Legislature that the identification of projected water use for single-family and multifamily residential housing for lower income households will assist a supplier in complying with the requirement under Section 65589.7 of the Government Code to grant a priority for the provision of service to housing units affordable to lower income households.

10631.2.

(a) In addition to the requirements of Section 10631, an urban water management plan shall include any of the following information that the urban water supplier can readily obtain:

- (1) An estimate of the amount of energy used to extract or divert water supplies.
- (2) An estimate of the amount of energy used to convey water supplies to the water treatment plants or distribution systems.
- (3) An estimate of the amount of energy used to treat water supplies.
- (4) An estimate of the amount of energy used to distribute water supplies through its distribution systems.
- (5) An estimate of the amount of energy used for treated water supplies in comparison to the amount used for nontreated water supplies.

(6) An estimate of the amount of energy used to place water into or withdraw from storage.

(7) Any other energy-related information the urban water supplier deems appropriate.

(b) The department shall include in its guidance for the preparation of urban water management plans a methodology for the voluntary calculation or estimation of the energy intensity of urban water systems. The department may consider studies and calculations conducted by the Public Utilities Commission in developing the methodology.

(c) The Legislature finds and declares that energy use is only one factor in water supply planning and shall not be considered independently of other factors.

10632.

(a) Every urban water supplier shall prepare and adopt a water shortage contingency plan as part of its urban water management plan that consists of each of the following elements:

(1) The analysis of water supply reliability conducted pursuant to Section 10635.

(2) The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:

(A) The written decisionmaking process that an urban water supplier will use each year to determine its water supply reliability.

(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:

(i) Current year unconstrained demand, considering weather, growth, and other influencing factors, such as policies to manage current supplies to meet demand objectives in future years, as applicable.

(ii) Current year available supply, considering hydrological and regulatory conditions in the current year and one dry year. The annual supply and demand assessment may consider more than one dry year solely at the discretion of the urban water supplier.

(iii) Existing infrastructure capabilities and plausible constraints.

(iv) A defined set of locally applicable evaluation criteria that are consistently relied upon for each annual water supply and demand assessment.

(v) A description and quantification of each source of water supply.

(3) (A) Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage. Urban water suppliers shall define these shortage levels based on the suppliers' water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. Shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, and other potential emergency events.

(B) An urban water supplier with an existing water shortage contingency plan that uses different water shortage levels may comply with the requirement in

- subparagraph (A) by developing and including a cross-reference relating its existing categories to the six standard water shortage levels.
- (4) Shortage response actions that align with the defined shortage levels and include, at a minimum, all of the following:
- (A) Locally appropriate supply augmentation actions.
 - (B) Locally appropriate demand reduction actions to adequately respond to shortages.
 - (C) Locally appropriate operational changes.
 - (D) Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.
 - (E) For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.
- (5) Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all of the following:
- (A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.
 - (B) Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.
 - (C) Any other relevant communications.
- (6) For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.
- (7) (A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.
- (B) A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1.
- (C) A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code.
- (8) A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:
- (A) A description of potential revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).
 - (B) A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(C) A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1.

(9) For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance and to meet state reporting requirements.

(10) Reevaluation and improvement procedures for systematically monitoring and evaluating the functionality of the water shortage contingency plan in order to ensure shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed.

(b) For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

(c) The urban water supplier shall make available the water shortage contingency plan prepared pursuant to this article to its customers and any city or county within which it provides water supplies no later than 30 days after adoption of the water shortage contingency plan.

10632.1.

An urban water supplier shall conduct an annual water supply and demand assessment pursuant to subdivision (a) of Section 10632 and, on or before July 1 of each year, submit an annual water shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan. An urban water supplier that relies on imported water from the State Water Project or the Bureau of Reclamation shall submit its annual water supply and demand assessment within 14 days of receiving its final allocations, or by July 1 of each year, whichever is later.

10632.2.

An urban water supplier shall follow, where feasible and appropriate, the prescribed procedures and implement determined shortage response actions in its water shortage contingency plan, as identified in subdivision (a) of Section 10632, or reasonable alternative actions, provided that descriptions of the alternative actions are submitted with the annual water shortage assessment report pursuant to Section 10632.1. Nothing in this section prohibits an urban water supplier from taking actions not specified in its water shortage contingency plan, if needed, without having to formally amend its urban water management plan or water shortage contingency plan.

10632.3.

It is the intent of the Legislature that, upon proclamation by the Governor of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions, the board defer to implementation of locally adopted water shortage contingency plans to the extent practicable.

10632.5.

(a) In addition to the requirements of paragraph (3) of subdivision (a) of Section 10632, beginning January 1, 2020, the plan shall include a seismic risk assessment and mitigation plan

to assess the vulnerability of each of the various facilities of a water system and mitigate those vulnerabilities.

(b) An urban water supplier shall update the seismic risk assessment and mitigation plan when updating its urban water management plan as required by Section 10621.

(c) An urban water supplier may comply with this section by submitting, pursuant to Section 10644, a copy of the most recent adopted local hazard mitigation plan or multihazard mitigation plan under the federal Disaster Mitigation Act of 2000 (Public Law 106-390) if the local hazard mitigation plan or multihazard mitigation plan addresses seismic risk.

10633.

The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

(a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

(b) A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

(c) A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

(d) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

(e) The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

(f) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

(g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

10634.

The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

ARTICLE 2.5. – Water Service Reliability
Section 10635 – 10635

10635.

(a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the long-term total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and a drought lasting five consecutive water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

(b) Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following:

- (1) A description of the data, methodology, and basis for one or more supply shortage conditions that are necessary to conduct a drought risk assessment for a drought period that lasts five consecutive water years, starting from the year following when the assessment is conducted.
- (2) A determination of the reliability of each source of supply under a variety of water shortage conditions. This may include a determination that a particular source of water supply is fully reliable under most, if not all, conditions.
- (3) A comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period.
- (4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

(c) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

(d) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.

(e) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

ARTICLE 3. – Adoption and Implementation of Plans

Section 10640 – 10645

10640.

(a) Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630). The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

(b) Every urban water supplier required to prepare a water shortage contingency plan shall prepare a water shortage contingency plan pursuant to Section 10632. The supplier shall likewise periodically review the water shortage contingency plan as required by paragraph (10) of subdivision (a) of Section 10632 and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

10641.

An urban water supplier required to prepare a plan or a water shortage contingency plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

10642.

Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of both the plan and the water shortage contingency plan. Prior to adopting either, the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon. Prior to any of these hearings, notice of the time and place of the hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of a hearing to any city or county within which the supplier provides water supplies. Notices by a local public agency pursuant to this section shall be provided pursuant to Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing or hearings, the plan or water shortage contingency plan shall be adopted as prepared or as modified after the hearing or hearings.

10643.

An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

10644.

(a) (1) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

(2) The plan, or amendments to the plan, submitted to the department pursuant to paragraph (1) shall be submitted electronically and shall include any standardized forms, tables, or displays specified by the department.

(b) If an urban water supplier revises its water shortage contingency plan, the supplier shall submit to the department a copy of its water shortage contingency plan prepared pursuant to subdivision (a) of Section 10632 no later than 30 days after adoption, in accordance with protocols for submission and using electronic reporting tools developed by the department.

(c) (1) (A) Notwithstanding Section 10231.5 of the Government Code, the department shall prepare and submit to the Legislature, on or before July 1, in the years ending in seven and two, a report summarizing the status of the plans and water shortage contingency plans adopted pursuant to this part. The report prepared by the department shall identify the exemplary elements of the individual plans and water shortage contingency plans. The department shall provide a copy of the report to each urban water supplier that has submitted its plan and water shortage contingency plan to the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans and water shortage contingency plans submitted pursuant to this part.

(B) The department shall prepare and submit to the board, on or before September 30 of each year, a report summarizing the submitted water supply and demand assessment results along with appropriate reported water shortage conditions and the regional and statewide analysis of water supply conditions developed by the department. As part of the report, the department shall provide a summary and, as appropriate, urban water supplier specific information regarding various shortage response actions implemented as a result of annual supplier-specific water supply and demand assessments performed pursuant to Section 10632.1.

(C) The department shall submit the report to the Legislature for the 2015 plans by July 1, 2017, and the report to the Legislature for the 2020 plans and water shortage contingency plans by July 1, 2022.

(2) A report to be submitted pursuant to subparagraph (A) of paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(d) The department shall make available to the public the standard the department will use to identify exemplary water demand management measures.

10645.

(a) Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

(b) Not later than 30 days after filing a copy of its water shortage contingency plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

CHAPTER 4. Miscellaneous Provisions

Section 10650 – 10657

10650.

Any actions or proceedings, other than actions by the board, to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

(a) An action or proceeding alleging failure to adopt a plan or a water shortage contingency plan shall be commenced within 18 months after that adoption is required by this part.

(b) Any action or proceeding alleging that a plan or water shortage contingency plan, or action taken pursuant to either, does not comply with this part shall be commenced within 90 days after filing of the plan or water shortage contingency plan or an amendment to either pursuant to Section 10644 or the taking of that action.

10651.

In any action or proceeding to attack, review, set aside, void, or annul a plan or a water shortage contingency plan, or an action taken pursuant to either by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

10652.

The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of actions taken pursuant to Section 10632. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing Section 10632, or any project for expanded or additional water supplies.

10653.

The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the board and the Public Utilities Commission, for the preparation of water management plans, water shortage contingency plans, or conservation plans; provided, that if the board or the Public Utilities Commission requires additional information concerning water conservation, drought response measures, or financial conditions to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan that complies with analogous federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

10654.

An urban water supplier may recover in its rates the costs incurred in preparing its urban water management plan, its drought risk assessment, its water supply and demand assessment, and

its water shortage contingency plan and implementing the reasonable water conservation measures included in either of the plans.

10655.

If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

10656.

An urban water supplier is not eligible for a water grant or loan awarded or administered by the state unless the urban water supplier complies with this part.

10657.

The department may adopt regulations regarding the definitions of water, water use, and reporting periods, and may adopt any other regulations deemed necessary or desirable to implement this part. In developing regulations pursuant to this section, the department shall solicit broad public participation from stakeholders and other interested persons.

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Appendix B
Adoption Resolution

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RESOLUTION 2021-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT ADOPTING THE 2020 URBAN WATER MANAGEMENT PLAN

WHEREAS, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water Management Planning Act) during the 1983-84 Regular Session, and as amended subsequently, which mandates that every water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, prepare an Urban Water Management Plan and update it as required, the primary objective of which is to plan for the conservation and efficient use of water; and

WHEREAS, BCVWD is an urban water supplier delivering more than 10,000 acre-feet of water annually to more than 19,000 connections; and

WHEREAS, in accordance with Water Code Section 10621, the UWMP is to be updated every five years to assess the reliability of water sources over a 20-year planning horizon, and is to be submitted to the Department of Water Resources for review and acceptance by July 1, 2021; and

WHEREAS, as required by the Water Code, a Notice of Intent to Update the BCVWD 2020 Urban Water Management Plan was distributed on March 30, 2021 to the cities, counties, agencies and interested parties within the BCVWD service area, and notice of public hearing and availability for public inspection of the Plan was posted on July 9, 2021, and the draft 2020 UWMP was posted to the BCVWD website for public inspection on July 9, 2021; and

WHEREAS, as required by the Water Code, notification of the public hearing and circulation of the draft plan was also published in the Beaumont Record-Gazette on July 9, 2021 and July 16, 2021 pursuant to Government Code §6066; and

WHEREAS, the properly noticed public hearing was held by the BCVWD Board of Directors on July 22, 2021 and continued to August 26, 2021,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District:

1. The 2020 Urban Water Management Plan is hereby adopted, including modifications to the 2020 Urban Water Management Plan made after the Public Hearing by the General Manager limited to (i) de minimis refinements, and (ii) such changes to address public input received (if any) at the Public Hearing.
2. The General Manager is hereby authorized and directed to file the 2020 Urban Water Management Plan immediately after its adoption with the California Department of Water Resources, and within thirty (30) days to the California State Library - Government Publications Section, and any city or county within which the District provides water supplies.
3. The General Manager is hereby authorized and directed to take any necessary actions to implement and administer the 2020 Urban water Management Plan.

ADOPTED this 26th day of August, 2021, by the following vote:

AYES: Hoffman, Ramirez, Slawson, Williams

NOES:

ABSTAIN:

ABSENT: Covington

ATTEST:



Director Daniel Slawson, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment: BCVWD 2020 Urban Water Management Plan

RESOLUTION 2021-14

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT ADOPTING THE WATER SHORTAGE CONTINGENCY PLAN

WHEREAS, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water Management Planning Act) during the 1983-84 Regular Session, and as amended subsequently, which mandates that every water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, prepare a Water Shortage Contingency Plan (WSCP); and

WHEREAS, BCVWD is an urban water supplier delivering more than 10,000 acre-feet of water annually to more than 19,000 connections; and

WHEREAS, pursuant to recent amendments to the Urban Water Management Planning Act, Water Code Section 10610 et. seq., urban water suppliers are required to adopt and electronically submit their WSCPs to the Department of Water Resources (DWR) by July 1, 2021; and

WHEREAS, as required by the Water Code, a Notice of Intent to Update the BCVWD 2020 Urban Water Management Plan including the WSCP was distributed on March 30, 2021 to the cities, counties, agencies and interested parties within the BCVWD service area, and notice of public hearing and availability for public inspection of the Plan was posted on July 9, 2021, and the draft 2020 UWMP was posted to the BCVWD website for public inspection on July 9, 2021, and

WHEREAS, as required by the Water Code, notification of the public hearing and circulation of the draft plan was also published in the Beaumont Record-Gazette on July 9, 2021 and July 16, 2021 pursuant to Government Code §6066; and

WHEREAS, the properly noticed public hearing was held by the BCVWD Board of Directors on July 22, 2021 and continued to August 26, 2021; and

WHEREAS, the BCVWD Board of Directors has reviewed and considered the purposes and requirements of the UWMP Act, the contents of the WSCP, and the documentation in support of the WSCP, and has determined that the factual analysis and conclusions set forth in the WSCP are legally sufficient,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District:

1. The Water Shortage Contingency Plan is hereby adopted, including modifications to the Plan made after the Public Hearing by the General Manager limited to (i) de minimis refinements, and (ii) such changes to address public input received (if any) at the Public Hearing.
2. The General Manager is hereby authorized and directed to file the Water Shortage Contingency Plan immediately after its adoption with the California Department of Water Resources, and within thirty (30) days to the California State Library - Government Publications Section, and any city or county within which the District provides water supplies.

3. The General Manager is hereby authorized and directed to take any necessary actions to implement and administer the Water Shortage Contingency Plan and to provide recommendations to the Board of Directors regarding necessary budgets, procedures, rules, regulations, or further actions to carry out the effective and equitable implementation of the WSCP.

ADOPTED this 26th day of August, 2021, by the following vote:

AYES: Hoffman, Ramirez, Slawson, Williams

NOES:

ABSTAIN:

ABSENT: Covington

ATTEST:



Director Daniel Slawson, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment: BCVWD 2020 Water Shortage Contingency Plan

Appendix C
2020 Urban Water Management Plan Checklist

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Retail	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Section & Figure/Page/Table Number
x	Chapter 1	10615	A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities.	Introduction and Overview	Section 1.1,
x	Chapter 1	10630.5	Each plan shall include a simple description of the supplier's plan including water availability, future requirements, a strategy for meeting needs, and other pertinent information. Additionally, a supplier may also choose to include a simple description at the beginning of each chapter.	Summary	
x	Section 2.2	10620(b)	Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.	Plan Preparation	Section 2.4.2
x	Section 2.6	10620(d)(2)	Coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.	Plan Preparation	Section 2.4.2, Table 2-5
x	Section 2.6.2	10642	Provide supporting documentation that the water supplier has encouraged active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan and contingency plan.	Plan Preparation	Appendix G
x	Section 2.6, Section 6.1	10631(h)	Retail suppliers will include documentation that they have provided their wholesale supplier(s) - if any - with water use projections from that source.	System Supplies	Section 2.4.1, Appendix H
x	Section 3.1	10631(a)	Describe the water supplier service area.	System Description	Section 3.2, Figure 3-1
x	Section 3.3	10631(a)	Describe the climate of the service area of the supplier.	System Description	Section 3.3, Table 3-2
x	Section 3.4	10631(a)	Provide population projections for 2025, 2030, 2035, 2040 and optionally 2045.	System Description	Section 3.1, Table 3-1
x	Section 3.4.2	10631(a)	Describe other social, economic, and demographic factors affecting the supplier's water management planning.	System Description	Section 3.5
x	Sections 3.4 and 5.4	10631(a)	Indicate the current population of the service area.	System Description and Baselines and Targets	Section 3.1, Table 3-1
x	Section 3.5	10631(a)	Describe the land uses within the service area.	System Description	Section 3.8, Figure 3-7
x	Section 4.2	10631(d)(1)	Quantify past, current, and projected water use, identifying the uses among water use sectors.	System Water Use	Section 4.2, Table 4-1, Table 4-3, Table 4-4
x	Section 4.2.4	10631(d)(3)(C)	Retail suppliers shall provide data to show the distribution loss standards were met.	System Water Use	Section 4.2.4, Table 4-2
x	Section 4.2.6	10631(d)(4)(A)	In projected water use, include estimates of water savings from adopted codes, plans and other policies or laws.	System Water Use	Section 4.2.6, Table 4-7
x	Section 4.2.6	10631(d)(4)(B)	Provide citations of codes, standards, ordinances, or plans used to make water use projections.	System Water Use	Section 4.2.6
x	Section 4.3.2.4	10631(d)(3)(A)	Report the distribution system water loss for each of the 5 years preceding the plan update.	System Water Use	Section 4.2.4, Table 4-2
x	Section 4.4	10631.1(a)	Include projected water use needed for lower income housing projected in the service area of the supplier.	System Water Use	Section 4.3, Table 4-6
x	Section 4.5	10635(b)	Demands under climate change considerations must be included as part of the drought risk assessment.	System Water Use	Section 4.4, Section 7
x	Chapter 5	10608.20(e)	Retail suppliers shall provide baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.	Baselines and Targets	Section 5.1, Table 5-1
x	Chapter 5	10608.24(a)	Retail suppliers shall meet their water use target by December 31, 2020.	Baselines and Targets	Section 5.2, Table 5-2, Table 5-3
	Section 5.1	10608.36	Wholesale suppliers shall include an assessment of present and proposed future measures, programs, and policies to help their retail water suppliers achieve targeted water use reductions.	Baselines and Targets	N/A
x	Section 5.2	10608.24(d)(2)	If the retail supplier adjusts its compliance GPCD using weather normalization, economic adjustment, or extraordinary events, it shall provide the basis for, and data supporting the adjustment.	Baselines and Targets	N/A
x	Section 5.5	10608.22	Retail suppliers' per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use of the 5 year baseline. This does not apply if the suppliers base GPCD is at or below 100.	Baselines and Targets	Section 5.1, Table 5-1
x	Section 5.5 and Appendix E	10608.4	Retail suppliers shall report on their compliance in meeting their water use targets. The data shall be reported using a standardized form in the SBX7-7 2020 Compliance Form.	Baselines and Targets	Section 5.2, , Table 5-3, Appendix D
x	Sections 6.1 and 6.2	10631(b)(1)	Provide a discussion of anticipated supply availability under a normal, single dry year, and a drought lasting five years, as well as more frequent and severe periods of drought.	System Supplies	Section 7.2, Section 7.4
x	Sections 6.1	10631(b)(1)	Provide a discussion of anticipated supply availability under a normal, single dry year, and a drought lasting five years, as well as more frequent and severe periods of drought, <i>including changes in supply due to climate change</i> .	System Supplies	Section 7.2, Section 7.4
x	Section 6.1	10631(b)(2)	When multiple sources of water supply are identified, describe the management of each supply in relationship to other identified supplies.	System Supplies	Section 7.2 - Section 7.4
x	Section 6.1.1	10631(b)(3)	Describe measures taken to acquire and develop planned sources of water.	System Supplies	Section 6
x	Section 6.2.8	10631(b)	Identify and quantify the existing and planned sources of water available for 2020, 2025, 2030, 2035, 2040 and optionally 2045.	System Supplies	Section 6.10, Table 6-24
x	Section 6.2	10631(b)	Indicate whether groundwater is an existing or planned source of water available to the supplier.	System Supplies	Section 6.1, Table 6-1
x	Section 6.2.2	10631(b)(4)(A)	Indicate whether a groundwater sustainability plan or groundwater management plan has been adopted by the water supplier or if there is any other specific authorization for groundwater management. Include a copy of the plan or authorization.	System Supplies	Section 6.3.4, Appendix F
x	Section 6.2.2	10631(b)(4)(B)	Describe the groundwater basin.	System Supplies	Section 6.3.
x	Section 6.2.2	10631(b)(4)(B)	Indicate if the basin has been adjudicated and include a copy of the court order or decree and a description of the amount of water the supplier has the legal right to pump.	System Supplies	Section 6.3.4, Appendix F
x	Section 6.2.2.1	10631(b)(4)(B)	For unadjudicated basins, indicate whether or not the department has identified the basin as a high or medium priority. Describe efforts by the supplier to coordinate with sustainability or groundwater agencies to achieve sustainable groundwater conditions.	System Supplies	N/A
x	Section 6.2.2.4	10631(b)(4)(C)	Provide a detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years	System Supplies	Section 6.3.6, Table 6-7
x	Section 6.2.2	10631(b)(4)(D)	Provide a detailed description and analysis of the amount and location of groundwater that is projected to be pumped.	System Supplies	Section 6.3, Table 6-9, Table 6-24
x	Section 6.2.7	10631(c)	Describe the opportunities for exchanges or transfers of water on a short-term or long- term basis.	System Supplies	Section 6.8
x	Section 6.2.5	10633(b)	Describe the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.	System Supplies (Recycled Water)	Section 6.6.3, Table 6-15
x	Section 6.2.5	10633(c)	Describe the recycled water currently being used in the supplier's service area.	System Supplies (Recycled Water)	Section 6.6.6, Table 6-19
x	Section 6.2.5	10633(d)	Describe and quantify the potential uses of recycled water and provide a determination of the technical and economic feasibility of those uses.	System Supplies (Recycled Water)	Section 6.6.3, Section 6.6.5, Table 6-15, Table 6-18
x	Section 6.2.5	10633(e)	Describe the projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected.	System Supplies (Recycled Water)	Section 6.6.3, Section 6.6.5, Table 6-15, Table 6-19
x	Section 6.2.5	10633(f)	Describe the actions which may be taken to encourage the use of recycled water and the projected results of these actions in terms of acre-feet of recycled water used per year.	System Supplies (Recycled Water)	Section 6.6.7
x	Section 6.2.5	10633(g)	Provide a plan for optimizing the use of recycled water in the supplier's service area.	System Supplies (Recycled Water)	Section 6.6.7
x	Section 6.2.6	10631(g)	Describe desalinated water project opportunities for long-term supply.	System Supplies	Section 6.7, Table 6-21
x	Section 6.2.5	10633(a)	Describe the wastewater collection and treatment systems in the supplier's service area with quantified amount of collection and treatment and the disposal methods.	System Supplies (Recycled Water)	Section 6.6.3, Section 6.6.4, Table 6-17
x	Section 6.2.8, Section 6.3.7	10631(f)	Describe the expected future water supply projects and programs that may be undertaken by the water supplier to address water supply reliability in average, single-dry, and for a period of drought lasting 5 consecutive water years.	System Supplies	Section 7.4
x	Section 6.4 and Appendix O	10631.2(a)	The UWMP must include energy information, as stated in the code, that a supplier can readily obtain.	System Suppliers, Energy Intensity	Section 6.15, Table 6-25, Table 6-26

Retail	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Section & Figure/Page/Table Number
x	Section 7.2	10634	Provide information on the quality of existing sources of water available to the supplier and the manner in which water quality affects water management strategies and supply reliability	Water Supply Reliability Assessment	Section 6.2.5, Section 6.3.3
x	Section 7.2.4	10620(f)	Describe water management tools and options to maximize resources and minimize the need to import water from other regions.	Water Supply Reliability Assessment	Section 7.2
x	Section 7.3	10635(a)	Service Reliability Assessment: Assess the water supply reliability during normal, dry, and a drought lasting five consecutive water years by comparing the total water supply sources available to the water supplier with the total projected water use over the next 20 years.	Water Supply Reliability Assessment	Section 7.5, Table 7-11 - 7-16
x	Section 7.3	10635(b)	Provide a drought risk assessment as part of information considered in developing the demand management measures and water supply projects.	Water Supply Reliability Assessment	Section 7.6, Table 7-17
x	Section 7.3	10635(b)(1)	Include a description of the data, methodology, and basis for one or more supply shortage conditions that are necessary to conduct a drought risk assessment for a drought period that lasts 5 consecutive years.	Water Supply Reliability Assessment	Section 7.6
x	Section 7.3	10635(b)(2)	Include a determination of the reliability of each source of supply under a variety of water shortage conditions.	Water Supply Reliability Assessment	Section 7.4
x	Section 7.3	10635(b)(3)	Include a comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period.	Water Supply Reliability Assessment	Section 7.6, Table 7-11 - 7-16
x	Section 7.3	10635(b)(4)	Include considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.	Water Supply Reliability Assessment	Section 7
x	Chapter 8	10632(a)	Provide a water shortage contingency plan (WSCP) with specified elements below.	Water Shortage Contingency Planning	Section 8, Appendix E
x	Chapter 8	10632(a)(1)	Provide the analysis of water supply reliability (from Chapter 7 of Guidebook) in the WSCP	Water Shortage Contingency Planning	Section 8.1, Appendix E
x	Section 8.10	10632(a)(10)	Describe reevaluation and improvement procedures for monitoring and evaluation the water shortage contingency plan to ensure risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented.	Water Shortage Contingency Planning	Section 8.2, Appendix E
x	Section 8.2	10632(a)(2)(A)	Provide the written decision-making process and other methods that the supplier will use each year to determine its water reliability.	Water Shortage Contingency Planning	Section 8.2, Appendix E
x	Section 8.2	10632(a)(2)(B)	Provide data and methodology to evaluate the supplier's water reliability for the current year and one dry year pursuant to factors in the code.	Water Shortage Contingency Planning	Section 8.2, Appendix E
x	Section 8.3	10632(a)(3)(A)	Define six standard water shortage levels of 10, 20, 30, 40, 50 percent shortage and greater than 50 percent shortage. These levels shall be based on supply conditions, including percent reductions in supply, changes in groundwater levels, changes in surface elevation, or other conditions. The shortage levels shall also apply to a catastrophic interruption of supply.	Water Shortage Contingency Planning	Section 8.3, Table 8-1, Appendix E
x	Section 8.3	10632(a)(3)(B)	Suppliers with an existing water shortage contingency plan that uses different water shortage levels must cross reference their categories with the six standard categories.	Water Shortage Contingency Planning	Section 8.3, Appendix E
x	Section 8.4	10632(a)(4)(A)	Suppliers with water shortage contingency plans that align with the defined shortage levels must specify locally appropriate supply augmentation actions.	Water Shortage Contingency Planning	Section 8.4 - Section 8.6, Appendix E
x	Section 8.4	10632(a)(4)(B)	Specify locally appropriate demand reduction actions to adequately respond to shortages.	Water Shortage Contingency Planning	Section 8.4 - Section 8.5, Appendix E
x	Section 8.4	10632(a)(4)(C)	Specify locally appropriate operational changes.	Water Shortage Contingency Planning	Section 8.6, Appendix E
x	Section 8.4	10632(a)(4)(D)	Specify additional mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions are appropriate to local conditions.	Water Shortage Contingency Planning	Section 8.10, Section 8.11, Appendix E
x	Section 8.4	10632(a)(4)(E)	Estimate the extent to which the gap between supplies and demand will be reduced by implementation of the action.	Water Shortage Contingency Planning	Section 8.5, , Table 8-2, Appendix E
x	Section 8.4.6	10632.5	The plan shall include a seismic risk assessment and mitigation plan.	Water Shortage Contingency Plan	Section 8.8, Appendix E
x	Section 8.5	10632(a)(5)(A)	Suppliers must describe that they will inform customers, the public and others regarding any current or predicted water shortages.	Water Shortage Contingency Planning	Section 8.9, Appendix E
x	Section 8.5 and 8.6	10632(a)(5)(B) 10632(a)(5)(C)	Suppliers must describe that they will inform customers, the public and others regarding any shortage response actions triggered or anticipated to be triggered and other relevant communications.	Water Shortage Contingency Planning	Section 8.9, Appendix E
x	Section 8.6	10632(a)(6)	Retail supplier must describe how it will ensure compliance with and enforce provisions of the WSCP.	Water Shortage Contingency Planning	Section 8.10, Section 8.11, Appendix E
x	Section 8.7	10632(a)(7)(A)	Describe the legal authority that empowers the supplier to enforce shortage response actions.	Water Shortage Contingency Planning	Section 8.10, Section 8.11, Appendix E
x	Section 8.7	10632(a)(7)(B)	Provide a statement that the supplier will declare a water shortage emergency Water Code Chapter 3.	Water Shortage Contingency Planning	Section 8.9, Appendix E
x	Section 8.7	10632(a)(7)(C)	Provide a statement that the supplier will coordinate with any city or county within which it provides water for the possible proclamation of a local emergency.	Water Shortage Contingency Planning	Section 8.9, Appendix E
x	Section 8.8	10632(a)(8)(A)	Describe the potential revenue reductions and expense increases associated with activated shortage response actions.	Water Shortage Contingency Planning	Section 8.13, Appendix E
x	Section 8.8	10632(a)(8)(B)	Provide a description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions.	Water Shortage Contingency Planning	Section 8.13, Figure 8-1, Appendix E
x	Section 8.8	10632(a)(8)(C)	Retail suppliers must describe the cost of compliance with Water Code Chapter 3.3: Excessive Residential Water Use During Drought	Water Shortage Contingency Planning	Section 8.13, Appendix E
x	Section 8.9	10632(a)(9)	Retail suppliers must describe the monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance.	Water Shortage Contingency Planning	Section 8.14, Appendix E
x	Section 8.11	10632(b)	Analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas.	Water Shortage Contingency Planning	Section 8.15, Appendix E
x	Sections 8.12 and 10.4	10635(c)	Provide supporting documentation that Water Shortage Contingency Plan has been, or will be, provided to any city or county within which it provides water, no later than 30 days after the submission of the plan to DWR.	Plan Adoption, Submittal, and Implementation	Appendix G
x	Section 8.12	10632(c)	Make available the Water Shortage Contingency Plan to customers and any city or county where it provides water within 30 after adopted the plan.	Water Shortage Contingency Planning	Section 8.16, Appendix E
	Sections 9.1 and 9.3	10631(e)(2)	Wholesale suppliers shall describe specific demand management measures listed in code, their distribution system asset management program, and supplier assistance program.	Demand Management Measures	Section 9.1
x	Sections 9.2 and 9.3	10631(e)(1)	Retail suppliers shall provide a description of the nature and extent of each demand management measure implemented over the past five years. The description will address specific measures listed in code.	Demand Management Measures	Section 9.3.1
x	Chapter 10	10608.26(a)	Retail suppliers shall conduct a public hearing to discuss adoption, implementation, and economic impact of water use targets (recommended to discuss compliance).	Plan Adoption, Submittal, and Implementation	Section 10
x	Section 10.2.1	10621(b)	Notify, at least 60 days prior to the public hearing, any city or county within which the supplier provides water that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. Reported in Table 10-1.	Plan Adoption, Submittal, and Implementation	Section 10.2.1
x	Section 10.4	10621(f)	Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021.	Plan Adoption, Submittal, and Implementation	Section 10.4
x	Sections 10.2.2, 10.3, and 10.5	10642	Provide supporting documentation that the urban water supplier made the plan and contingency plan available for public inspection, published notice of the public hearing, and held a public hearing about the plan and contingency plan.	Plan Adoption, Submittal, and Implementation	Section 10.5, Appendix G
x	Section 10.2.2	10642	The water supplier is to provide the time and place of the hearing to any city or county within which the supplier provides water.	Plan Adoption, Submittal, and Implementation	Section 10.2
x	Section 10.3.2	10642	Provide supporting documentation that the plan and contingency plan has been adopted as prepared or modified.	Plan Adoption, Submittal, and Implementation	Appendix B
x	Section 10.4	10644(a)	Provide supporting documentation that the urban water supplier has submitted this UWMP to the California State Library.	Plan Adoption, Submittal, and Implementation	Appendix K
x	Section 10.4	10644(a)(1)	Provide supporting documentation that the urban water supplier has submitted this UWMP to any city or county within which the supplier provides water no later than 30 days after adoption.	Plan Adoption, Submittal, and Implementation	Appendix G
x	Sections 10.4.1 and 10.4.2	10644(a)(2)	The plan, or amendments to the plan, submitted to the department shall be submitted electronically.	Plan Adoption, Submittal, and Implementation	Appendix G
x	Section 10.5	10645(a)	Provide supporting documentation that, not later than 30 days after filing a copy of its plan with the department, the supplier has or will make the plan available for public review during normal business hours.	Plan Adoption, Submittal, and Implementation	Appendix G
x	Section 10.5	10645(b)	Provide supporting documentation that, not later than 30 days after filing a copy of its water shortage contingency plan with the department, the supplier has or will make the plan available for public review during normal business hours.	Plan Adoption, Submittal, and Implementation	Appendix G
x	Section 10.6	10621(c)	If supplier is regulated by the Public Utilities Commission, include its plan and contingency plan as part of its general rate case filings.	Plan Adoption, Submittal, and Implementation	N/A
x	Section 10.7.2	10644(b)	If revised, submit a copy of the water shortage contingency plan to DWR within 30 days of adoption.	Plan Adoption, Submittal, and Implementation	

Appendix D
Department of Water Resources
Standardized Data Submittal
Tables

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California Department of Water Resources Submittal Data Tables

DWR Table 2-1 Retail Only: Public Water Systems			
Public Water System Number	Public Water System Name	Number of Municipal Connections 2020	Volume of Water Supplied 2020 *
<i>Add additional rows as needed</i>			
3310002	Beaumont-Cherry Valley Water District	19,635	12,492
TOTAL		19,635	12,492
* Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.			
NOTES: Total Volume of Water Supplied includes both Potable and Non-Potable Water			

DWR Table 2-2: Plan Identification			
Select Only One	Type of Plan		Name of RUWMP or Regional Alliance <i>if applicable</i> (select from drop down list)
<input checked="" type="checkbox"/>	Individual UWMP		
	<input type="checkbox"/>	Water Supplier is also a member of a RUWMP	
	<input checked="" type="checkbox"/>	Water Supplier is also a member of a Regional Alliance	
<input type="checkbox"/>	Regional Urban Water Management Plan (RUWMP)		
NOTES: BGVWD is a member of the San Geronio Pass Regional Water Alliance, which was formed in 2014; SGRPWA did not prepare a 2020 Integrated Regional Water Management			

DWR Table 2-3: Supplier Identification	
Type of Supplier (select one or both)	
<input type="checkbox"/>	Supplier is a wholesaler
<input checked="" type="checkbox"/>	Supplier is a retailer
Fiscal or Calendar Year (select one)	
<input checked="" type="checkbox"/>	UWMP Tables are in calendar years
<input type="checkbox"/>	UWMP Tables are in fiscal years
If using fiscal years provide month and date that the fiscal year begins (mm/dd)	
Units of measure used in UWMP * (select from drop down)	
Unit	AF
<i>* Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.</i>	
NOTES:	

DWR Table 2-4 Retail: Water Supplier Information Exchange
The retail Supplier has informed the following wholesale supplier(s) of projected water use in accordance with Water Code Section 10631.
Wholesale Water Supplier Name
<i>Add additional rows as needed</i>
San Geronio Pass Water Agency
NOTES:

DWR Table 3-1 Retail: Population - Current and Projected						
Population Served	2020	2025	2030	2035	2040	2045(<i>opt</i>)
	59,258	66,149	73,739	81,906	88,532	94,556
NOTES:						

DWR Table 4-1 Retail: Demands for Potable and Non-Potable ¹ Water - Actual			
Use Type	2020 Actual		
Drop down list May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool	Additional Description (as needed)	Level of Treatment When Delivered Drop down list	Volume (AF)
Add additional rows as needed			
Single Family		Drinking Water	8,580
Multi-Family		Drinking Water	339
Commercial	Estimated	Drinking Water	197
Industrial		Drinking Water	172
Institutional/Governmental	Estimated	Drinking Water	1,020
Landscape	Potable water only	Drinking Water	193
Landscape	Non-potable water only	Other Non-Potable Water	1,647
Agricultural irrigation		Drinking Water	51
Losses	Estimated	Drinking Water	1,326
Sales/Transfers/Exchanges to other Suppliers	⁽²⁾ Production on behalf of City of Banning	Drinking Water	364
Other	Metered construction, street sweeping, etc.	Drinking Water	293
TOTAL			13,818
¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4.			
² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.			
NOTES: (1) Total does not include additional imported water for banking to storage. (2) 364 AF was pumped on behalf of the City of Banning			

DWR Table 4-2 Retail: Use for Potable and Non-Potable ¹ Water - Projected						
Use Type	Additional Description (as needed)	Projected Water Use (AF) <i>Report To the Extent that Records are Available</i>				
<u>Drop down list</u> May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool		2025	2030	2035	2040	2045 (opt)
Add additional rows as needed						
Single Family		9,302	10,047	10,849	11,479	12,041
Multi-Family		367	397	429	454	476
Commercial		214	231	249	264	276
Industrial		186	201	217	230	241
Institutional/Governmental		1,106	1,194	1,290	1,365	1,431
Agricultural irrigation		55	60	64	68	72
Landscape	Potable Water	209	226	244	258	271
Other	Metered construction and street sweeping water etc.	318	343	370	392	411
Other Non-Potable	Raw water to supplement non-potable water system (used for irrigation)	276	246	0	0	0
Groundwater recharge	Imported raw water banked for future extractions during dry periods. Does NOT include imported water to meet Adjudication replacement obligations.	1,500	1,200	1,000	1,000	1,000
Losses	Estimated	1,439	1,553	1,679	1,775	1,863
TOTAL		14,972	15,698	16,391	17,285	18,082
¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4.						
² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES: (1) Projected water use by sector based off of water demand distribution by sector for 2020. (2)Groundwater recharge quantities are planned quantities to build and maintain 5-year supply per BCVWD Resolution No. 2014-05; landscape demand will be met with recycled water and supplemented with other non-potable water as needed.						

DWR Table 4-3 Retail: Total Water Use (Potable and Non-Potable) - In Units of AF						
	2020	2025	2030	2035	2040	2045 (opt)
Potable Water, Raw, Other Non-potable <i>From Tables 4-1R and 4-2 R</i>	13,818	14,972	15,698	16,391	17,285	18,082
Recycled Water Demand ¹ <i>From Table 6-4</i>	0	1,957	2,175	2,478	2,561	2,578
TOTAL WATER USE	13,818	16,929	17,873	18,869	19,846	20,660
¹ Recycled water demand fields will be blank until Table 6-4 is complete ² Long term storage means water placed into groundwater or surface storage that is not removed from storage in the same year. Supplier may deduct recycled water placed in long-term storage from their reported demand. This value is manually entered into Table 4-3.						
NOTES: (1) The recycled water demand includes the forecast amount used on landscaping irrigated by the non-potable water system. Source of recycled water is the City of Beaumont. Also includes a portion of the golf course irrigation demands of 268 and 203 AFY for Tukwet Canyon and Oak Valley Greens, respectively. (2) Total includes additional imported water for banking to storage. (3) Total includes estimated losses.						

DWR Table 4-4 Retail: Last Five Years of Water Loss Audit Reporting	
Reporting Period Start Date (mm/yyyy)	Volume of Water Loss (AF) ^{1,2}
01/2020	1326(1)
01/2019	992 (2)
01/2018	1236 (2)
01/2017	872 (2)
01/2016	913 (3)
¹ Taken from the field "Water Losses" (a combination of apparent losses and real losses) from the AWWA worksheet. ² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.	
NOTES: (1) Estimated for 2020 (2) Computed utilizing the American Water Works Association Method (3) Estimated	

DWR Table 4-5 Retail Only: Inclusion in Water Use Projections	
Are Future Water Savings Included in Projections? (Refer to Appendix K of UWMP Guidebook) <i>Drop down list (y/n)</i>	No
If "Yes" to above, state the section or page number, in the cell to the right, where citations of the codes, ordinances, or otherwise are utilized in demand projections are found.	
Are Lower Income Residential Demands Included In Projections? <i>Drop down list (y/n)</i>	Yes
NOTES:	

**Submittal Table 5-1 Baselines and Targets Summary
From SB X7-7 Verification Form**
Retail Supplier or Regional Alliance Only

Baseline Period	Start Year *	End Year *	Average Baseline GPCD*	Confirmed 2020 Target*
10-15 year	1999	2008	302	242
5 Year	2004	2008	291	

**All cells in this table should be populated manually from the supplier's SBX7-7 Verification Form and reported in Gallons per Capita per Day (GPCD)*

NOTES:

DWR Table 5-2: 2020 Compliance From SB X7-7 2020 Compliance Form <i>Retail Supplier or Regional Alliance Only</i>				
2020 GPCD			2020 Confirmed Target GPCD*	Did Supplier Achieve Targeted Reduction for 2020? Y/N
Actual 2020 GPCD*	2020 TOTAL Adjustments*	Adjusted 2020 GPCD* <i>(Adjusted if applicable)</i>		
188	0	188	242	Yes
*All cells in this table should be populated manually from the supplier's SBX7-7 2020 Compliance Form and reported in Gallons per Capita per Day (GPCD)				
NOTES:				

DWR Table 6-1 Retail: Groundwater Volume Pumped						
<input type="checkbox"/>	Supplier does not pump groundwater. The supplier will not complete the table below.					
<input type="checkbox"/>	All or part of the groundwater described below is desalinated.					
Groundwater Type <i>Drop Down List</i> <i>May use each category multiple times</i>	Location or Basin Name	2016*	2017*	2018*	2019*	2020*
<i>Add additional rows as needed</i>						
Alluvial Basin	Little San Gorgonio Creek	1,493	1,271	1,436	1,308	1,279
Alluvial Basin	Beaumont Basin	9,123	10,183	12,329	11,202	12,904
TOTAL		10,616	11,454	13,765	12,510	14,183
* <i>Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.</i>						
NOTES: Little San Gorgonio Creek, also known as Edgar Canyon, is a mix of shallow alluvial deposits and fractured rock aquifer.						

DWR Table 6-2 Retail: Wastewater Collected Within Service Area in 2020						
<input type="checkbox"/>	There is no wastewater collection system. The supplier will not complete the table below.					
13	Percentage of 2020 service area covered by wastewater collection system <i>(optional)</i>					
87	Percentage of 2020 service area population covered by wastewater collection system <i>(optional)</i>					
Wastewater Collection			Recipient of Collected Wastewater			
Name of Wastewater Collection Agency	Wastewater Volume Metered or Estimated? <i>Drop Down List</i>	Volume of Wastewater Collected from UWMP Service Area 2020 *	Name of Wastewater Treatment Agency Receiving Collected Wastewater	Treatment Plant Name	Is WWTP Located Within UWMP Area? <i>Drop Down List</i>	Is WWTP Operation Contracted to a Third Party? <i>(optional)</i> <i>Drop Down List</i>
City of Beaumont	Metered	4,032	City of Beaumont	Plant No. 1	Yes	Yes
Total Wastewater Collected from Service Area in 2020:		4,032				
* Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES: (1) Wastewater volume is based on monthly reports to RWQCB. Except for Highland Springs Village which is sewered by the City of Beaumont, the remainder of Cherry Valley is unsewered. (2) 2,020 AF must be discharged for environmental mitigation leaving 2,012 AF available for recycling.						

DWR Table 6-3 Retail: Wastewater Treatment and Discharge Within Service Area in 2020											
<input type="checkbox"/> No wastewater is treated or disposed of within the UWMP service area. The supplier will not complete the table below.											
Wastewater Treatment Plant Name	Discharge Location Name or Identifier	Discharge Location Description	Wastewater Discharge ID Number (optional) ¹	Method of Disposal <i>Drop down list</i>	Does This Plant Treat Wastewater Generated Outside the Service Area? <i>Drop down list</i>	Treatment Level <i>Drop down list</i>	2020 Volumes ¹				
							Wastewater Treated	Discharged Treated Wastewater	Recycled Within Service Area	Recycled Outside of Service Area	Instream Flow Permit Requirement
City of Beaumont	DP-001	Cooper's Creek	8330101001	River or creek outfall	No	Tertiary	4,032	4,032	0	0	0
City of Beaumont	DP-007	Trib of Marshal Creek	8330101001	Bay or estuary outfall	No	Tertiary	0	0	0	0	0
City of Beaumont	R-001	Tulwet GC	8330101001	Other	No	Tertiary	0	0	0	0	0
City of Beaumont	R-002	Dak Valley GC	8330101001	Other	No	Tertiary	0	0	0	0	0
City of Beaumont	R-003	BCVWD RW	8330101001	Other	No	Tertiary	0	0	0	0	0
Total							4,032	4,032	0	0	0

¹ Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.

² If the Wastewater Discharge ID Number is not available to the UWMP preparer, access the SWRCB CIWQS regulated facility website at <https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?inCommand=retel&reportName=RegulatedFacility>

NOTES: (1) City of Beaumont claims that a portion of the effluent discharged at DP-001 and DP-007 incidently recharge the Beaumont Groundwater Basin. Watermaster is still awaiting proof. The effluent does not comply with planned groundwater recharge regulations. (2) Partial reverse osmosis treatment was under construction in 2020.

DWR Table 6-4 Retail: Recycled Water Direct Beneficial Uses Within Service Area										
<input type="checkbox"/> Recycled water is not used and is not planned for use within the service area of the supplier. The supplier will not complete the table below.										
Name of Supplier Producing (Treating) the Recycled Water:		City of Beaumont								
Name of Supplier Operating the Recycled Water Distribution System:		Beaumont-Cherry Valley Water District								
Supplemental Water Added in 2020 (volume): Include units:		None, BCVWD did not distribute recycled water in 2020								
Source of 2020 Supplemental Water:		NA								
Beneficial Use Type <i>Insert additional rows if needed.</i>	Potential Beneficial Uses of Recycled Water (Describe)	Amount of Potential Uses of Recycled Water (Quantity) (AF) ¹	General Description of 2020 Uses	Level of Treatment <i>Drop-down list</i>	2020 ¹	2025 ¹	2030 ¹	2035 ¹	2040 ¹	2045 ¹ (opt)
Agricultural irrigation			None							
Landscape irrigation (excl. golf courses)			None	Advanced	0	1,475	1,693	1,996	2,679	2,096
Golf course irrigation			None	Advanced	0	471	471	471	471	471
Commercial use	Concrete mixing plant	11	None	Advanced	0	11	11	11	11	11
Industrial use			None							
Geothermal and other energy production			None							
Seawater intrusion barrier			None							
Recreational impoundment			None							
Wetlands or wildlife habitat			None							
Groundwater recharge (GPR)	Potential future project, not accounted for in this table	530	None	Advanced						
Reservoir water augmentation (RPA)			None							
Direct potable reuse			None							
Other (Description Required)			None							
Total					0	1,957	2,175	2,478	2,561	2,578
2020 Internal Reuse					0					

¹ Units of measure (AF, CCF, MG) must remain consistent throughout the UWWMP as reported in Table 2-3.

NOTES: The City of Beaumont is required to discharge 1.8 mgd (2,006 AFY) to maintain habitat in Cooper's Creek. Per DWR, this is not considered a beneficial use.

DWR Table 6-5 Retail: 2015 UWMP Recycled Water Use Projection Compared to 2020 Actual		
<input type="checkbox"/>	Recycled water was not used in 2015 nor projected for use in 2020. The supplier will not complete the table below. If recycled water was not used in 2020, and was not predicted to be in 2015, then check the box and do not complete the table.	
Beneficial Use Type	2015 Projection for 2020 ¹	2020 Actual Use ¹
<i>Insert additional rows as needed.</i>		
Agricultural irrigation		
Landscape irrigation (exc golf courses)	1,500	0
Golf course irrigation		
Commercial use		
Industrial use		
Geothermal and other energy production		
Seawater intrusion barrier		
Recreational impoundment		
Wetlands or wildlife habitat		
Groundwater recharge (IPR)		
Reservoir water augmentation (IPR)		
Direct potable reuse		
Other (Description Required)		
Total	1,500	0
¹ Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.		
NOTE: City of Beaumont is required to discharged 1.8 mgd (2,000 AFY) to maintain habitat in Cooper's Creek. Per DWR instructions, this is not considered a beneficial use.		

DWR Table 6-6 Retail: Methods to Expand Future Recycled Water Use			
<input type="checkbox"/>		Supplier does not plan to expand recycled water use in the future. Supplier will not complete the table below but will provide narrative explanation.	
		Provide page location of narrative in UWMP	
Name of Action	Description	Planned Implementation Year	Expected Increase in Recycled Water Use *
<i>Add additional rows as needed</i>			
Construction of City of Beaumont Connection	Construct pumping station at City Treatment Plant.	2022	1,346
Edgar Canyon Nitrate Wells	Install extraction wells at mouth of Edgar Canyon to extract high nitrate groundwater for non-potable water system.	2030	300
San Timoteo Groundwater Capture	Install extraction wells in San Timoteo Canyon to extract wastewater which percolates from 1.8 mgd habitat mitigation flow.	2030	600
Total			2,246
<i>*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.</i>			
NOTES: These projects will increase the non-potable water supply which allows BCVWD to serve more non-potable water.			

DWR Table 6-7 Retail: Expected Future Water Supply Projects or Programs						
<input type="checkbox"/>	No expected future water supply projects or programs that provide a quantifiable increase to the agency's water supply. Supplier will not complete the table below.					
<input type="checkbox"/>	Some or all of the supplier's future water supply projects or programs are not compatible with this table and are described in a narrative format.					
Provide page location of narrative in the UWMP						
Name of Future Projects or Programs	Joint Project with other suppliers?		Description (if needed)	Planned Implementation Year	Planned for Use in Year Type <i>Drop Down List</i>	Expected Increase in Water Supply to Supplier* <i>This may be a range</i>
	<i>Drop Down List (y/n)</i>	<i>If Yes, Supplier Name</i>				
Add additional rows as needed						
Beaumont MDP Line 16	Yes	RCFC & WCD	Const. of SD to divert water into BCVWD Recharge Facility.	2022	All Year Types	185
Connection to City of Beaumont for Recycled Water	Yes	City of Beaumont	Install storage tank, booster pumping station and interconnecting pipelines.	2022	All Year Types	1,346
Advanced Treated Recycled Water	Yes	City of Beaumont	Construct Advanced Treatment Facility and Brine Line.	2030-2035	All Year Types	300-660 (530 avg)
Misc. Urban Runoff Capture	Yes	City of Beaumont	Various recharge basin enhancements, install extraction	2030	All Year Types	200-545
Lower Edgar Canyon Non-Potable Groundwater	No		wells for high nitrate groundwater for non-potable water	2030	All Year Types	300
San Timoteo GW Extraction	Yes	City of Beaumont	Install series of wells to recapture percolated wastewater used for	2030	All Year Types	400-800 (600 avg)
*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES: Yield from the City of Beaumont Recycled Water Connection will increase to 2,915 AFY by 2045 due to increases in wastewater flows over time. Expected increase in water supply for Advanced Treated Wastewater is based on 80% recovery in the membrane						

DWR Table 6-8 Retail: Water Supplies — Actual				
Water Supply	Additional Detail on Water Supply	2020		
Drop down list May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool		Actual Volume*	Water Quality Drop Down List	Total Right or Safe Yield* (optional)
Add additional rows as needed				
Groundwater (not desalinated)	Little San Gorgonio (Edgar Canyon)	1,279	Drinking Water	2,200
Groundwater (not desalinated)	Beaumont Basin	1,962	Drinking Water	
Purchased or Imported Water	SGPWA Purchased Replacement Water	11,005	Drinking Water	
Transfers	To Banked Storage	-427		
Total		13,819		2,200
<i>*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.</i>				
NOTES: (1) BCVWD typically receives reallocated unused Overlying Party Rights, forbearance water for supplying potable or non-potable water to Overlying Parties, and return flow credits for importing SPW, groundwater, or recycled water per the Beaumont Basin Watermaster. This varies from year to year. (2) Does not include the 340 AF pumped for the City of Banning.				

DWR Table 6-9 Retail: Water Supplies — Projected											
Water Supply	Additional Detail on Water Supply	Projected Water Supply * Report To the Extent Practicable									
Drop down list May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool		2025		2030		2035		2040		2045 (opt)	
		Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)
Add additional rows as needed											
Groundwater (not desalinated)	Little San Gorgonio Canyon	2,070	2,200	2,070	2,200	2,070	2,200	2,070	2,200	2,070	2,200
Groundwater (not desalinated)	Beaumont Basin (Reallocated unused overlier rights)	1,322		1,286		1,165		1,099		1,099	
Groundwater (not desalinated)	Beaumont Basin total forbearance water	471		547		1,387		1,542		1,542	
Groundwater (not desalinated)	Return flows	280		514		868		922		1,155	
Stormwater Use	Beaumont MDP Line 16	185		185		185		185		185	
Stormwater Use	Misc. Stormwater	0		350		350		350		350	
Purchased or Imported Water	From SGPWA for Replenishment of Beaumont Basin (Potable water)	8,868		9,300		9,966		10,717		11,281	
Recycled Water	From City of Beaumont for Landscaping	2,017		2,381		2,892		2,955		2,915	
Purchased or Imported Water	To supplement Non-Potable Water Supply (Purchased for Replenishment)	276		246		0		0		0	
Groundwater (not desalinated)	Non-Potable Groundwater at Mouth of Edgar Canyon	0		0		300		300		300	
Groundwater (not desalinated)	Non-Potable Groundwater along San Timoteo Creek	0		0		600		600		600	
Purchased or Imported Water	From SGPWA for Banking	1,500		1,200		1,000		1,000		1,000	
Purchased or Imported Water	Additional Imported Water Available from SGPWA	1,572		396		2,389		2,994		3,769	
Total		18,561	2,200	18,475	2,200	23,172	2,200	24,734	2,200	26,266	2,200
Total Imported Water Required		10,644		10,746		10,966		11,717		12,281	
Total Imported Water Available to BCVWD from SGPWA (See Table 7-8)		12,216		11,142		13,355		14,711		16,050	
*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.											
NOTES:											

DWR Table 7-1A Retail: Basis of Water Year Data (Reliability Assessment)			
Year Type	Base Year If not using a calendar year, type in the last year of the fiscal, water year, or range of years, for example, water year 2019-2020, use 2020	Available Supplies if Year Type Repeats	
		<input type="checkbox"/>	Quantification of available supplies is not compatible with this table and is provided elsewhere in the UWMP. Location _____
		<input checked="" type="checkbox"/>	Quantification of available supplies is provided in this table as either volume only, percent only, or both.
		Volume Available *	% of Average Supply
Average Year		2073	100%
Single-Dry Year	1991	1117	54%
Consecutive Dry Years 2nd Year	1990	1173	57%
Consecutive Dry Years 3rd Year	1989	1230	59%
Consecutive Dry Years 4th Year	1989	1267	61%
Consecutive Dry Years 5th Year	1988	1305	63%
Consecutive Dry Years 5th Year	1987	1367	66%
Supplier may use multiple versions of Table 7-1 if different water sources have different base years and			
<p><i>*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.</i></p>			
NOTES: Multiple versions of Table 7-1 are used. This version indicates supplies from Edgar Canyon.			

DWR Table 7-1B Retail: Basis of Water Year Data (Reliability Assessment)			
Year Type	Base Year If not using a calendar year, type in the last year of the fiscal, water year, or range of years, for example, water year 2019-2020, use 2020	Available Supplies if Year Type Repeats	
		<input type="checkbox"/>	Quantification of available supplies is not compatible with this table and is provided elsewhere in the UWMP. Location _____
		<input checked="" type="checkbox"/>	Quantification of available supplies is provided in this table as either volume only, percent only, or both.
		Volume Available *	% of Average Supply
Average Year		10034	100%
Single-Dry Year	2014	865	9%
Consecutive Dry Years 2nd Year	2014	2163	22%
Consecutive Dry Years 3rd Year	1990	3114	31%
Consecutive Dry Years 4th Year	1988	4498	45%
Consecutive Dry Years 5th Year	1988	4152	41%
Consecutive Dry Years 6th Year	1987	4325	43%
<i>Supplier may use multiple versions of Table 7-1 if different water sources have different base years and</i>			
<p>*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.</p>			
<p>NOTES: Multiple versions of Table 7-1 are used. This version indicates SGPWA's available supplies from the State Water Project.</p>			

DWR Table 7-2 Retail: Normal Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045 (Opt)
Supply totals (autofill from Table 6-9)	18,561	18,475	23,172	24,734	26,266
Demand totals (autofill from Table 4-3)	16,929	17,873	18,869	19,846	20,660
Difference	1,632	602	4,303	4,888	5,606
NOTES: (1) Demand totals includes all potable and non-potable demand, plus any recycled water demand from golf courses. Totals also include imported water supplies (demands) for additional groundwater banking. See Section 4 for more detail.					

DWR Table 7-3 Retail: Single Dry Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045 (Opt)
Supply totals*	7,349	7,878	8,944	9,195	9,792
Demand totals*	15,429	16,673	18,097	19,124	19,988
Difference	(8,080)	(8,795)	(9,153)	(9,929)	(10,196)
*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.					
NOTES: (1) The difference between the Supply and Demand will be supplemented with water from the Beaumont Basin. (2) Demand totals do not include additional groundwater banking as described in Table 4-3					

DWR Table 7-4 Retail: Multiple Dry Years Supply and Demand Comparison						
		2025*	2030*	2035*	2040*	2045* (Opt)
First year	Supply totals	7,349	7,878	8,944	9,195	9,792
	Demand totals	15,429	16,673	18,097	19,124	19,988
	Difference	(8,080)	(8,795)	(9,153)	(9,929)	(10,196)
Second year	Supply totals	8,708	8,963	9,893	1,002	10,481
	Demand totals	13,886	15,006	16,287	17,212	17,989
	Difference	(5,178)	(6,043)	(6,394)	(16,210)	(7,508)
Third year	Supply totals	9,617	9,778	10,626	10,623	11,021
	Demand totals	12,343	13,338	14,478	15,299	15,990
	Difference	(2,726)	(3,560)	(3,852)	(4,676)	(4,969)
Fourth year	Supply totals	11,006	11,093	11,833	11,674	11,956
	Demand totals	11,572	12,505	13,573	14,343	14,991
	Difference	(566)	(1,412)	(1,740)	(2,669)	(3,035)
Fifth year	Supply totals	10,639	10,697	11,456	11,331	11,642
	Demand totals	10,800	11,671	12,668	13,387	13,992
	Difference	(161)	(974)	(1,212)	(2,056)	(2,350)
Sixth year (optional)	Supply totals	10,709	10,747	11,482	11,329	11,625
	Demand totals	9,257	10,004	10,858	11,474	11,993
	Difference	1,452	743	624	(145)	(368)
*Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.						
NOTES: The difference between the Supply and Demand will be supplemented with water from the Beaumont Basin.						

DWR Table 7-5: Five-Year Drought Risk Assessment Tables to address Water Code Section 10635(b)	
2021	Total
Total Water Use	14,054
Total Supplies	5,650
Surplus/Shortfall w/o WSCP Action	(8,404)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	8404
WSCP - use reduction savings benefit	0
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	0%
2022	Total
Total Water Use	14,268
Total Supplies	8,630
Surplus/Shortfall w/o WSCP Action	(5,638)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	4211
WSCP - use reduction savings benefit	1,427
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	10%
2023	Total
Total Water Use	14,473
Total Supplies	9,794
Surplus/Shortfall w/o WSCP Action	(4,679)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	1785
WSCP - use reduction savings benefit	2,895
Revised Surplus/(shortfall)	1
Resulting % Use Reduction from WSCP action	20%
2024	Total
Total Water Use	14,648
Total Supplies	11,600
Surplus/Shortfall w/o WSCP Action	(3,048)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	
WSCP - use reduction savings benefit	3,662
Revised Surplus/(shortfall)	614
Resulting % Use Reduction from WSCP action	25%
2025	Total
Total Water Use	15,429
Total Supplies	10,639
Surplus/Shortfall w/o WSCP Action	(4,790)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	161
WSCP - use reduction savings benefit	4,629
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	30%

DWR Table 8-1

Water Shortage Contingency Plan Levels

Shortage Level	Percent Shortage Range	Shortage Response Actions (Narrative description)
1	Up to 10%	Up to 10% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes voluntary public demand reduction of 10%, and community outreach encouraging conservation.
2	Up to 20%	Up to 20% reduction in normal, "long term" water supply (including conjunctive use water in storage); includes any actions from Shortage Level 1. Response actions include mandatory 10% reduction - Increased public outreach, restaurants serve water upon request, lodging must offer opt out of linen services
3	Up to 30%	Up to 30% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 and 2. Response actions include mandatory 20% reduction - limit landscape irrigation to certain number of days per week
4	Up to 40%	Up to 40% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1, 2 and 3. Response actions include mandatory 25% reduction - limit irrigation of lawns to once a week except for lawns and turf irrigate with recycled water, restrict water use for decorative water features, limit filling of pools only to cases where appropriate cover is in place
5	Up to 50%	Up to 50% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 - 4. Response actions include mandatory 30% reduction - prohibit filling of swimming pools, washing of automobiles only limited to facilities using recycled water, prohibit potable water use for construction activities, industrial water users required to reduce water use (food processing, concrete mixing plant)
6	>50%	Greater than 50% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 - 5. Response actions include mandatory 30% reduction - prohibit landscape irrigation except for irrigation with use of recycled water, industrial water users required to further reduce water use (food processing, concrete mixing plant)

NOTES:

DWR Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUData online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only</i> <i>Drop Down List</i>
Add additional rows as needed				
All	Improve Customer Billing	1%	Continue to provide customers with detailed breakdowns of water use and encourage water use efficiency	No
All	Expand Public Information Campaign	1%		
All	Landscape - Restrict or prohibit runoff from landscape irrigation	2-5%	Part of BCVWD's Water Waste Provisions	No
All	Other - Prohibit use of potable water for washing hard surfaces	2-5%	Part of BCVWD's Water Waste Provisions - prohibits watering of concrete	No
All	Other - Require automatic shut of hoses	2-5%		No
2	CII - Lodging establishment must offer opt out of linen service	2-5%		No
2	CII - Restaurants may only serve water upon request	2-5%		No
2	Water Features - Restrict water use for decorative water features, such as fountains	1-3%		No
3	Landscape - Limit landscape irrigation to specific days	10-15%	2 days per week	Yes
3	Other	5%	Public awareness programs expanded to schools	No
4	Landscape - Limit landscape irrigation to specific days	5-10%	1 day per week, addition 5-10% reduction in shortage gap	Yes
5	Pools - Allow filling of swimming pools only when an appropriate cover is in place.	1-2%	Topping off existing pools with cover	No
5	Water Features - Restrict water use for decorative water features, such as fountains	1-2%		No
5	Other - Prohibit use of potable water for construction and dust control	5-15%	Dependent upon size of construction operations and duration of construction	Yes
5	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	10-15%		Yes
5	CII - Other CII restriction or prohibition	10-15%	Work with high demand commercial/industrial water users to reduce water use	Yes
6	Moratorium or Net Zero Demand Increase on New Connections	10-20%	Dependent upon development conditions, Board of Directors to suspend approval of "Will Serve Letters"	Yes
NOTES:				

DWR Table 8-3: Supply Augmentation and Other Actions			
Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>
<i>Add additional rows as needed</i>			
All	Expand Public Information Campaign	1-5%	
All	Improve Customer Billing	1-5%	
All	Other Actions (describe)	5-10%	Continue to work with to install drought tolerant, low water using plantings
2 - 6	Stored Emergency Supply	25-50%	BCVWD has the ability to withdraw groundwater from its storage account in the Beaumont Basin.
4	Other Purchases	5-10%	Work with SGPWA to obtain additional imported water supply
NOTES:			

DWR Table 10-1 Retail: Notification to Cities and Counties		
City Name	60 Day Notice	Notice of Public Hearing
<i>Add additional rows as needed</i>		
Beaumont	Yes	Yes
Banning	Yes	Yes
Yucaipa	Yes	Yes
Calimesa	Yes	Yes
County Name <i>Drop Down List</i>	60 Day Notice	Notice of Public Hearing
<i>Add additional rows as needed</i>		
Riverside County	Yes	Yes
San Bernardino County	Yes	Yes
NOTES:		

California Department of Water Resources SB X7-7 Forms

SB X7-7 Table 0: Units of Measure Used in 2020 UWMP*
<i>(select one from the drop down list)</i>
Acre Feet
<i>*The unit of measure must be consistent throughout the UWMP, as reported in Submittal Table 2-3.</i>
NOTES:

SB X7-7 Table 2: Method for 2020 Population Estimate	
Method Used to Determine 2020 Population (may check more than one)	
<input type="checkbox"/>	1. Department of Finance (DOF) or American Community Survey (ACS)
<input type="checkbox"/>	2. Persons-per-Connection Method
<input type="checkbox"/>	3. DWR Population Tool
<input checked="" type="checkbox"/>	4. Other DWR recommends pre-review
NOTES:	

SB X7-7 Table 3: 2020 Service Area Population	
2020 Compliance Year Population	
2020	59,258
NOTES:	

SB X7-7 Table 4: 2020 Gross Water Use							
Compliance Year 2020	2020 Volume Into Distribution System	2020 Deductions					2020 Gross Water Use
	<i>This column will remain blank until SB X7-7 Table 4-A is completed.</i>	Exported Water *	Change in Dist. System Storage* (+/-)	Indirect Recycled Water <i>This column will remain blank until SB X7-7 Table 4-B is completed.</i>	Water Delivered for Agricultural Use*	Process Water <i>This column will remain blank until SB X7-7 Table 4-D is completed.</i>	
	12,492			-		-	12,492
* Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.							
NOTES:							

SB X7-7 Table 5: 2020 Gallons Per Capita Per Day (GPCD)		
2020 Gross Water <i>Fm SB X7-7 Table 4</i>	2020 Population <i>Fm SB X7-7 Table 3</i>	2020 GPCD
12,492	59,258	188
NOTES:		

SB X7-7 Table 9: 2020 Compliance							
Actual 2020 GPCD ¹	Optional Adjustments to 2020 GPCD					2020 Confirmed Target GPCD ^{1, 2}	Did Supplier Achieve Targeted Reduction for 2020?
	Enter "0" if Adjustment Not Used			TOTAL Adjustments ¹	Adjusted 2020 GPCD ¹ <i>(Adjusted if applicable)</i>		
	Extraordinary Events ¹	Weather Normalization ¹	Economic Adjustment ¹				
188	-	-	-	-	188	242	YES
¹ All values are reported in GPCD							
² 2020 Confirmed Target GPCD is taken from the Supplier's SB X7-7 Verification Form Table SB X7-7, 7-F.							
NOTES:							

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Appendix E
BCVWD 2020 Water Shortage
Contingency Plan

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Water Shortage Contingency Plan



Beaumont-Cherry Valley Water District
560 Magnolia Avenue, Beaumont, CA 92223

September 2021

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Water Shortage Contingency Plan

Overview

The Beaumont Cherry Valley Water District (BCVWD or District) has prepared this Water Shortage Contingency Plan (WSCP) in order to prepare for and respond to potential water supply shortages and constraints in accordance with recent changes to the California Water Code's (CWC) Urban Water Management Planning Act. Good planning and preparation can help maintain reliable supplies and reduce the impacts of supply interruptions.

This Plan describes BCVWD's water shortage contingency planning, and replaces the WSCP which was adopted with BCVWD's 2015 UWMP update on January 11, 2017. The planning includes staged (six stages or shortage levels) responses to a water shortage, such as a drought, that occurs over a period of time, as well catastrophic supply interruptions, which occur suddenly.

1 Water Supply Reliability Analysis

CWC 10632

(a) (1) The analysis of water supply reliability conducted pursuant to Section 10635.

1.1 BCVWD Water Supply Portfolio

BCVWD's overall water supply portfolio includes imported State Project Water (SPW) (recharged and/or taken from banked storage), groundwater from Little San Geronio Creek (Edgar Canyon) and the Beaumont Basin, and non-potable groundwater from the Beaumont Basin. The District has a total of 24 wells (1 well is a standby). One of the wells, Well 26, can pump into either the potable water or the non-potable water system. Currently, it is pumping into the non-potable water system. The Beaumont Basin is adjudicated and managed by the Beaumont Basin Watermaster. BCVWD augments its groundwater supply with imported SPW (or other sources) from the San Geronio Pass Water Agency (SGPWA) which is recharged at BCVWD's recharge facility.

The wells in Edgar Canyon provide about 15-20% percent of the total annual supply; the rest is pumped from wells in the Beaumont Basin supplemented by recharged imported water. BCVWD's total well capacity (Edgar Canyon and Beaumont Basin) is about 27.5 mgd with the largest well out of service, which is greater than the current 21.6 mgd maximum day demand (2020).

With the majority of the District's water supply sourced from the SPW (or other sources), the District's supply is subject to varying reliability dependent upon climate conditions in the State. As indicated above, the District purchases imported water from the SGPWA. One of the State's water contractors, SGPWA has a contract with DWR for a maximum total volume of 17,300

acre-feet per year (AFY). Typically, SGPWA can rely on an allocation from the SWP of about 58% of its max contract amount, or 10,034 AF. Of this amount, BCVWD may purchase its share, which is based on the proportion of SPW purchased by other retailers in the SGPWA's service area. The SGPWA is also actively seeking additional opportunities for water transfers or exchanges from other agencies which have a surplus in supply. Any supply secured by SGPWA additional to its Table A Allocation would also be able to be purchased by BCVWD based on the proportion of volume purchased by other retailers in the area.

In the future, the District plans to utilize recycled water from the City of Beaumont to meet most of the landscape irrigation demands, which are currently served with potable water. The District also intends to supplement its supply with captured and recharged stormwater, through various projects within the District as well as a joint project with RCFC&WCD (MDP Line 16).

1.2 Past, Current, and Projected Demand

The District provides potable and non-potable water to a total of approximately 19,215 residential, commercial, industrial, institutional and agricultural accounts in the City of Beaumont and the unincorporated community of Cherry Valley in Riverside and San Bernardino Counties. The bulk of the District's total demand is residential demand (in 2020, single family residential water demand made up approximately 70% of the total demand). Approximately 11% of the District's demand for 2020 was from commercial, industrial, and institutional accounts (CII). Non-potable landscape irrigation demands made up approximately 12% of the District's total demand. In 2020, the District's total water demand (potable and non-potable) was 13,818 AF. This demand includes metered data only and miscellaneous losses.

The current estimated population served by the District is 59,000. The City of Beaumont is currently experiencing rapid growth and is expected to nearly double in population by 2045. Cherry Valley, however, is not anticipated to be subject to substantial growth. Based on the projected populations in the District's service area, it is estimated that the total (potable, non-potable and recycled) water demands will increase to about 20,660 AFY by 2045 (including estimated losses). This results in an increase in demand of about 30% over the next 25 years.

1.3 Normal and Dry Year Reliability Analysis

As part of the District's 2020 UWMP update, an analysis was performed to assess the potential water supplies available over the next 25 years under normal conditions, as well as the condition of a single and multiple dry years. The single and five consecutive dry year analysis was based primarily on historical SPW deliveries to BCVWD, as imported water makes up the majority of the District's supply. The District also considered how single or five consecutive dry years would affect projected stormwater capture efforts, as well as the availability of recycled water. Please see Section 8 of the District's 2020 UWMP for the methodologies used to prepare this assessment.

Table 1 below indicates the District's projected supplies and demands over the next 25 years under normal (average) conditions.

Table 1 – Normal Year Supply and Demand Comparison

Table 1: Normal Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045
Supply totals, AF	18,561	18,475	23,172	24,734	26,266
Demand total, AF	16,929	17,873	18,869	19,846	20,660
Surplus (shortfall), AF	1,632	602	4,303	4,888	5,606
NOTES: (1) Demand totals includes all potable and non-potable demand, plus any recycled water demand from golf courses. Totals also include imported water supplies (demands) for additional groundwater banking.					

As can be seen in Table 1, the District can anticipate a surplus in supply over the next 25 years. It is noted that included in the demand totals is the District's need for additional imported water for drought proofing. Any additional surplus would also be added to the District's storage account in the Beaumont Basin.

Table 2 below indicates the District's projected supplies and demands over the next 25 years under single dry year conditions.

Table 2 – Single Dry Year Supply and Demand Comparison

Table 2: Single Dry Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045
Supply totals, AF	7,349	7,878	8,944	9,195	9,792
Demand totals, AF	15,429	16,673	18,097	19,124	19,988
Surplus (shortfall), AF	(8,080)	(8,795)	(9,153)	(9,929)	(10,196)
NOTES: (1)The difference between the Supply and Demand will be supplemented with water from the Beaumont Basin. (2) Demand totals do not include additional groundwater banking.					

During single dry year conditions, it is expected that the District's supply will need to be supplemented with water from the storage account in the Beaumont Basin. It is noted that there will be no additional demands for groundwater banking during dry years.

In the analysis of the District's water service reliability, the projected supplies and demands were for multiple dry years were also considered. Please see Table 3 below.

Table 3 – Multiple Dry Years Supply and Demand Comparison

Table 3: Multiple Dry Years Supply and Demand Comparison						
		2025	2030	2035	2040	2045
First year	Supply totals	7,349	7,878	8,944	9,195	9,792
	Demand totals	15,429	16,673	18,097	19,124	19,988
	Difference	(8,080)	(8,795)	(9,153)	(9,929)	(10,196)
Second year	Supply totals	8,099	8,409	9,093	8,978	8,933
	Demand totals	13,886	15,006	16,287	17,212	17,989
	Difference	(5,787)	(6,597)	(7,194)	(8,234)	(9,056)
Third year	Supply totals	8,741	8,979	9,600	9,400	9,295
	Demand totals	12,343	13,338	14,478	15,299	15,990
	Difference	(3,602)	(4,359)	(4,878)	(5,899)	(6,695)
Fourth year	Supply totals	9,800	9,939	10,478	10,161	9,970
	Demand totals	11,572	12,505	13,573	14,343	14,991
	Difference	(1,772)	(2,566)	(3,095)	(4,182)	(5,021)
Fifth year	Supply totals	9,471	9,631	10,184	9,891	9,721
	Demand totals	10,800	11,671	12,668	13,387	13,992
	Difference	(1,329)	(2,040)	(2,484)	(3,496)	(4,271)
NOTES: The difference between the Supply and Demand will be supplemented with water from the Beaumont Basin.						

During single dry year conditions, it is expected that the District's supply will need to be supplemented with water from the storage account in the Beaumont Basin. It is noted that there will be no additional demands for groundwater banking during dry years.

In the analysis of the District's water service reliability, the projected supplies and demands were for multiple dry years were also considered. Please see Table 3 above.

In Section 8 of the 2020 UWMP, the District also prepared a Drought Risk Assessment, which analyzes the supplies and demands over the next 5 years, assuming that 2021 is the first year of a five consecutive year drought. In the Drought Risk Assessment supply augmentation

benefits and the reduction savings benefits outlined in this WSCP hereon are assumed. Please see Table 4 below:

Table 4 – Drought Risk Assessment

Drought Risk Assessment Water Use/Supplies	Demand and Supplies (AFY)				
	2021	2022	2023	2024	2025
Total Water Use	14,054	14,268	14,473	14,648	15,429
Total Supplies	5,650	8,630	9,794	11,600	10,639
Surplus (shortfall) w/o WSCP Action	(8,404)	(5,638)	(4,679)	(3,048)	(4,790)
Planned WSCP Actions					
WSCP - supply augmentation benefit	8404	4211	1784	0	161
WSCP - use reduction savings benefit	0	1,427	2,895	3,662	4,629
Revised Surplus	0	0	0	614	0
Resulting % Use Reduction from WSCP Action	0%	10%	20%	25%	30%

2 Annual Water Supply and Demand Assessment Procedures

Each water supplier is now required to submit an Annual Water Supply and Demand Assessment (Annual Assessment) starting July 1, 2022.

CWC 10632

(a)(2) The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:

(A) The written decision-making process that an urban water supplier will use each year to determine its water supply reliability.

(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:

(i) Current year unconstrained demand, considering weather, growth, and other influencing factors, such as policies to manage current supplies to meet demand objectives in future years, as applicable.

(ii) Current year available supply, considering hydrological and regulatory conditions in the current year and one dry year. The annual supply and demand assessment may consider more than one dry year solely at the discretion of the urban water supplier.

(iii) Existing infrastructure capabilities and plausible constraints.

(iv) A defined set of locally applicable evaluation criteria that are consistently relied upon for each annual water supply and demand assessment.

(v) A description and quantification of each source of water supply.

CWC 10632.1.

An urban water supplier shall conduct an annual water supply and demand assessment pursuant to subdivision (a) of Section 10632 and, on or before July 1 of each year, submit an annual water shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan. An urban water supplier that relies on imported water from the State Water Project or the Bureau of Reclamation shall submit its annual water supply and demand assessment within 14 days of receiving its final allocations, or by July 1 of each year, whichever is later.

2.1 Decision-Making Process

The Annual Assessment that is to be submitted to DWR every year would be brought to the BCVWD Board of Directors (Board) prior to submittal for DWR consideration. BCVWD will assess each year's imported and local supplies as well as potable and non-potable demands based on its final SWP allocation, additional available imported water exchanges or transfers through SGPWA, climate, and local groundwater conditions, as determined by the Beaumont Basin Watermaster.

Based on the foregoing, BCVWD will assess the water shortage level for that year and determine the most appropriate response action(s) to encourage water conservation among its customers. BCVWD will ensure that the Annual Assessment will be submitted to the Board to allow adequate time for review and comment prior to the required DWR submittal date of July 1st (or 14 days after notification of final SWP Allocation, whichever is later), for the assessment.

A summary of the District's proposed decision-making process for preparing and adopting the Annual Assessment is indicated in Table 5 below:

Table 5 – Annual Water Supply and Demand Assessment Decision Making Process

	Activity
December - April	Annual water supply and demand review
April - May	Prepare Annual Water Supply and Demand Assessment based on findings of supply and demand review. Present Assessment to General Manager for review.
May	Public notification of the intent to adopt Annual Water Supply and Demand Assessment at the June Board of Directors meeting.
June	Presentation of findings in the Annual Water Supply and Demand Assessment and necessary shortage response actions to the Board of Directors for Approval by Resolution.
July 1st (or 14 days from Notification of Final Allocation, whichever is later)	Submittal of final adopted Annual Water Supply and Demand Assessment to the State of California Department of Water Resources.

2.2 Data Inputs and Methodologies

As required by the Water Code, the District will evaluate its available water supply reliability assuming current conditions for that year, as well as a single dry year. The data inputs and methodologies which will be used to formulate a recommendation regarding the District's supply reliability and any necessary response actions are included below:

- **Water Supply:** The District will analyze groundwater production records and final SWP allocations available for the current year, and compare projected supplies to historical averages.
- **Unconstrained Demands:** The District will analyze consumption data for the current year, and based on supply assess whether any or which shortage response action(s) are appropriate to encourage water conservation. For the upcoming year the District will utilize data from the 2020 UWMP update, as well as any newly available data regarding water consumption and population growth to project anticipated unconstrained demands.
- **Single Dry Year Demands:** Similarly, the District will compare current year consumption data with historical demand data for a single dry year, and project demands for the upcoming year.

- Infrastructure: The District will assess the current operating conditions of its wells and booster pumps, and recharge facilities and determine whether any maintenance will be scheduled or would likely be scheduled for the upcoming year. The District would coordinate any findings from analysis for available supplies with potential shortfalls in groundwater production if maintenance is required.

3 Six Standard Water Shortage Stages

CWC 10632 (a)(3)

(A) Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage. Urban water suppliers shall define these shortage levels based on the suppliers' water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. Shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, and other potential emergency events.

(B) An urban water supplier with an existing water shortage contingency plan that uses different water shortage levels may comply with the requirement in subparagraph (A) by developing and including a cross-reference relating its existing categories to the six standard water shortage levels.

The District proposes a six-stage plan of action in the event of an extended drought condition or loss of supply. The action levels for each stage are presented in the subsections that follow (summarized in Table 6), and the water supply reduction stages are provided in Table 6. These stages could be implemented as a result of BCVWD water shortages, including reduction in imported water allocation, or mandatory water conservation targets by the Governor's office.

Table 6 (DWR Submittal Table 8-1) – Water Shortage Contingency Plan Levels

DWR Table 8-1 Water Shortage Contingency Plan Levels		
Shortage Level	Percent Shortage Range	Shortage Response Actions (Narrative description)
1	Up to 10%	Up to 10% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes voluntary public demand reduction of 10%, and community outreach encouraging conservation.
2	Up to 20%	Up to 20% reduction in normal, "long term" water supply (including conjunctive use water in storage); includes any actions from Shortage Level 1. Response actions include mandatory 10% reduction - Increased public outreach, restaurants serve water upon request, lodging must offer opt out of linen services
3	Up to 30%	Up to 30% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 and 2. Response actions include mandatory 20% reduction - limit landscape irrigation to certain number of days per week
4	Up to 40%	Up to 40% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1, 2 and 3. Response actions include mandatory 25% reduction - limit irrigation of lawns to once a week except for lawns and turf irrigate with recycled water, restrict water use for decorative water features, limit filling of pools only to cases where appropriate cover is in place
5	Up to 50%	Up to 50% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 - 4. Response actions include mandatory 30% reduction - prohibit filling of swimming pools, washing of automobiles only limited to facilities using recycled water, prohibit potable water use for construction activities, industrial water users required to reduce water use (food processing, concrete mixing plant)
6	>50%	Greater than 50% reduction in normal, "long term" water supply (including conjunctive use water in storage); response actions includes any actions from Shortage Levels 1 - 5. Response actions include mandatory 30% reduction - prohibit landscape irrigation except for irrigation with use of recycled water, industrial water users required to further reduce water use (food processing, concrete mixing plant)
NOTES:		

These stages and the percent reductions in demand are based on BCVWD's experience during the state mandated water conservation program targets comparing 2020 with a similar period in

2015, where BCVWD was able to reduce consumption by 24.3% for the period May 2015 through April 2016. This was done through the restrictions in Board of Directors Resolution 2015-05, which limited watering to two days per week due to mandatory reductions in the District's demands of 36% (when compared to 2013 water usages).

In establishing the "Stages," BCVWD has the advantage of the Beaumont Basin, its large storage capacity for banked water, and BCVWD's 80,000 AF storage account. BCVWD currently has 39,750 AF in storage, despite an average SWP allocation of only 43% for the period 2017 through 2020 (approximately 15% difference from normal, "long-term" supply). BCVWD's plan is to purchase additional imported water (when available in advance of annual need (i.e., conjunctive use purchases)) over the amount needed to meet annual demands to add to the storage account balance each year, including making up for any shortfall(s) that may occur during dry years. This results in a conjunctive use activity and hence the averaged annual water supply approach outlined herein and as identified in Table 6, above.

4 Shortage Response Actions

CWC 10632

(a)(4) Shortage response actions that align with the defined shortage levels and include, at a minimum, all of the following:

- (A) Locally appropriate supply augmentation actions.*
- (B) Locally appropriate demand reduction actions to adequately respond to shortages.*
- (C) Locally appropriate operational changes.*
- (D) Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.*
- (E) For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.*

4.1 Shortage Level 1 (Potential Shortage – Voluntary Reduction)

Shortage Level 1 occurs when:

- Up to a 10% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages approximately 48% of regional annual supply requirements (water orders) over a two-year (or longer) period

The District declares a water shortage and imposes voluntary water conservation. In this shortage level, the District shall notify all its customers that water use reduction is highly encouraged. The District will recommend a voluntary 10% water use reduction based on an established base year to be determined by the District at the time Stage 1 is implemented. At the same time, the District shall implement its own public awareness program to encourage the efficient use of water. This will be accomplished by bill stuffers, website information, and social media postings.

4.2 Shortage Level 2 (Minor Shortage – Mandatory Reduction)

Shortage Level 2 occurs when:

- Up to a 20% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 38% up to 48% over a three-year (or longer) period.

During Stage 2, all efforts to encourage conservation would remain in effect, however a 10% reduction in demand would be mandatory. Public outreach continues to occur, however an increase in public awareness is achieved through coordination with the City of Beaumont, Riverside County, and SGPWA. In addition, restaurants are required to only serve water to patrons upon request, and lodging facilities must allow guests to opt out of linen services.

4.3 Shortage Level 3 (Moderate Shortage – Mandatory Reduction)

Shortage Level 3 occurs when:

- Up to a 30% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 28% up to a 38% over a three-year (or longer) period

Restrictions up to Shortage Level 3 will still be mandatory. At this point, the District will initiate water restrictions similar to Resolution 2015-05 and require a 20% reduction in demand from an established base year. In this stage, the District will impose restrictions similar to Resolution 2015-05: but limit lawn watering to two times per week (assigned days based on street address) and no filling of new swimming pools. Topping off swimming pools is permitted. No new construction meters will be approved. Use of recycled or non-potable water for construction activities will be encouraged. The District may adopt financial incentives to encourage efficient water use. Public awareness programs will expand to schools.

4.4 Shortage Level 4 (Severe Shortage – Mandatory Reduction)

Shortage Level 4 occurs when:

- Up to a 40% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 18% and 28%, over a three-year (or longer) period

Restrictions up to Shortage Level 4 will still be mandatory. In this shortage level, the District will impose restrictions similar to Resolution 2015-05 to require a 25% reduction in demand, but make more stringent including limiting lawn watering to once a week except for lawns and turf irrigated with recycled or non-potable water. No filling of swimming pools; topping off swimming pools may be permitted. Hand watering of plantings is permitted two days per week if using a hose with a shut-off nozzle. Restrict water use for decorative water features. The District may adopt financial incentives to encourage efficient water use. Stricter enforcement penalties will be developed. At this Stage, the District will appoint a Water Conservation Advisory Committee. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to reduce water use.

4.5 Shortage Level 5 (Critical Shortage – Mandatory Reduction)

Shortage Level 5 occurs when:

- Up to a 50% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages between a minimum of 8% up to 18%, over a four-year (or longer) period, or

Restrictions up to Shortage Level 5 will still be mandatory. In this shortage, the District will impose restrictions similar to Resolution 2015-05 but prohibit lawn watering except for lawns and turf irrigated with recycled or non-potable water. No filling of swimming pools; topping off only permitted on covered pools. Hand watering of plantings is permitted one day per week, if using a hose with a shut-off nozzle. Washing of automobiles limited only to facilities using recycled water. Use of potable water for construction will be prohibited; only recycled or non-potable water may be used for construction activities, as determined by the Board of Directors. Trucking recycled water may be necessary for grading and construction activities. The District will adopt financial incentives to encourage efficient water use. Stricter enforcement penalties will be developed. The Water Conservation Advisory Committee will continue to function. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to reduce water use.

4.6 Shortage Level 6 (Extreme Shortage – Mandatory Reduction)

Shortage Level 6 occurs when:

- A greater than 50% reduction in normal (average), “long-term” averaged supply occurs
- Imported water supplies (SWP allocation and other imported supplies) averages less than 8%, over a four-year (or longer) period, or

Restrictions up to Shortage Level 6 will still be mandatory. In this shortage level, the District will impose restrictions similar to Resolution 2015-05. No topping off swimming pools. Use of potable water for construction will be prohibited; only recycled or non-potable water may be used for construction activities, as determined by the Board of Directors. Trucking recycled water may be necessary for grading and construction activities. “Will serve” letters or annexations will not be approved by the Board of Directors. The District will adopt financial incentives to encourage efficient water use. Stricter enforcement penalties will be developed. The Water Conservation Advisory Committee will continue to function. This committee will comprise of officials from the District, the City of Beaumont, and the Cherry Valley community. Public awareness in schools will continue. District staff will work with high water using commercial/retail and industrial facilities to develop programs to further reduce water use.

5 Impacts of Shortage Level Response Actions

Table 7, below quantifies the percent of demand reduction for each shortage response action in relation to its associated shortage taken.

Table 7 (DWR Submittal Table 8-2) – Demand Reduction Actions

DWR Table 8-2: Demand Reduction Actions				
Shortage Level	Demand Reduction Actions <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUdata online submittal tool. Select those that apply.</i>	How much is this going to reduce the shortage gap? <i>Include units used (percentage)</i>	Additional Explanation or Reference <i>(optional)</i>	Penalty, Charge, or Other Enforcement? <i>For Retail Suppliers Only</i> <i>Drop Down List</i>
Add additional rows as needed				
All	Improve Customer Billing	1%	Continue to provide customers with detailed breakdowns of water use and encourage water use efficiency	No
All	Expand Public Information Campaign	1%		
All	Landscape - Restrict or prohibit runoff from landscape irrigation	2-5%	Part of BCVWD's Water Waste Provisions	No
All	Other - Prohibit use of potable water for washing hard surfaces	2-5%	Part of BCVWD's Water Waste Provisions - prohibits watering of concrete	No
All	Other - Require automatic shut of hoses	2-5%		No
2	CII - Lodging establishment must offer opt out of linen service	2-5%		No
2	CII - Restaurants may only serve water upon request	2-5%		No
2	Water Features - Restrict water use for decorative water features, such as fountains	1-3%		No
3	Landscape - Limit landscape irrigation to specific days	10-15%	2 days per week	Yes
3	Other	5%	Public awareness programs expanded to schools	No
4	Landscape - Limit landscape irrigation to specific days	5-10%	1 day per week, addition 5-10% reduction in shortage gap	Yes
5	Pools - Allow filling of swimming pools only when an appropriate cover is in place.	1-2%	Topping off existing pools with cover	No
5	Water Features - Restrict water use for decorative water features, such as fountains	1-2%		No
5	Other - Prohibit use of potable water for construction and dust control	5-15%	Dependent upon size of construction operations and duration of construction	Yes
5	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	10-15%		Yes
5	CII - Other CII restriction or prohibition	10-15%	Work with high demand commercial/industrial water users to reduce water use	Yes
6	Moratorium or Net Zero Demand Increase on New Connections	10-20%	Dependent upon development conditions, Board of Directors to suspend approval of "Will Serve Letters"	Yes
NOTES:				

5.1 Supply Augmentation

Table 8 (DWR Submittal Table 8-3) – Supply Augmentation

DWR Table 8-3: Supply Augmentation and Other Actions			
Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier <i>Drop down list</i> <i>These are the only categories that will be accepted by the WUEdata online submittal tool</i>	How much is this going to reduce the shortage gap? <i>Include units used (volume type or percentage)</i>	Additional Explanation or Reference <i>(optional)</i>
<i>Add additional rows as needed</i>			
All	Expand Public Information Campaign	1-5%	
All	Improve Customer Billing	1-5%	
All	Other Actions (describe)	5-10%	Continue to work with to install drought tolerant, low water using plantings
2 - 6	Stored Emergency Supply	25-50%	BCVWD has the ability to withdraw groundwater from its storage account in the Beaumont Basin.
4	Other Purchases	5-10%	Work with SGPWA to obtain additional imported water supply
NOTES:			

Table 8 presents some consumption reduction methods, separate from the restrictions and prohibitions, presented previously.

- **Expand Public Information** – BCVWD should work with SGPWA and the other retailers in the San Geronio Pass to develop a consistent, region-wide message that could include regular articles in the local newspapers, displays at major events, low water using garden workshops, etc. Expand into the schools and service clubs. Work with the high-volume water users in the commercial/retail/industrial area to determine if there are water reduction opportunities.
- **Improved Customer Billing** – Continue providing customers with their historic usage for the past year in graphical format (bar charts) with target levels for water conservation. Provide data on other typical customers in the District's service area.
- **Rebates for Irrigation Efficiency Improvements** – BCVWD should work with SGPWA to provide rebates to improve irrigation efficiency including drip systems and smart controllers. Replacement of spray nozzles with rotating nozzles reduces water consumption significantly and prevents overspray.
- **Rebates for Turf Replacement** – BCVWD should work with SGPWA to provide rebates to convert turf areas to low water using drought tolerant plantings.
- **Other Methods Not on DWR's List:**
 - Work further with the City of Beaumont, County of Riverside, and developers to install drought tolerant, low water using plantings in common areas and street medians. Reduce turf and planted areas in new home construction.

- Convert existing street median and common area turf areas to drought tolerant, low water using plantings.
- Begin using recycled water for landscape irrigation. This method has the greatest potential for reducing potable water use in the BCVWD service area.
- Restrict construction water use to non-potable water.
- Implement more tiers in the rate structure to reflect the cost for purchase of imported water as a result of higher use.

6 Operational Changes

One of the water conservation measures that can be used to reduce water loss is implementing automatic meter readings. With the use of automatic meters, water leaks would be easy to locate as the water meter would continuously run throughout the night. This knowledge would allow District staff to inform the residents of the situation and further actions could then be taken to fix the leak and ultimately, conserve water. Currently (2020), BCVWD is working through a Capital Improvement Project which includes installing automatic meters throughout the service area, but has not been fully converted.

The District currently does not perform extensive main flushing or any hydrant flow testing; there is minimal need to adjust District operations to conserve water unmetered water.

7 Emergency Response Plan

The most recently published Emergency Response Plan (ERP) is from 2011. Currently (2020), District staff is in the process of updating this ERP to define procedures for modern emergencies, as well as assessing the District's plan for responding to catastrophic water supply interruption. The 2011 ERP defines the procedures that District staff is to complete in the case of various emergencies including, but not limited to:

- Medical Emergencies
- Flooding
- Snow/Ice Damage
- Earthquakes
- Tornados

The District performs routine maintenance and assessment of the operating conditions off all its facilities, in order to ensure minimal opportunities for supply shortages or supply interruptions. As the District continues to grow, it will continue to refine its maintenance procedures to continue to provide reliable supplies to its customers.

8 Seismic Risk Assessment and Mitigation Plan

CWC 10632.5

- (a) *In addition to the requirements of paragraph (3) of subdivision (a) of Section 10632, beginning January 1, 2020, the plan shall include a seismic risk assessment and mitigation plan to assess the vulnerability of each of the various facilities of a water system and mitigate those vulnerabilities.*
- (b) *An urban water supplier shall update the seismic risk assessment and mitigation plan when updating its urban water management plan as required by Section 10621.*
- (c) *An urban water supplier may comply with this section by submitting, pursuant to Section 10644, a copy of the most recent adopted local hazard mitigation plan or multihazard mitigation plan under the federal Disaster Mitigation Act of 2000 (Public Law 106-390) if the local hazard mitigation plan or multihazard mitigation plan addresses seismic risk.*

8.1 BCVWD Facilities

The center of the District's service area is located approximately 8 to 10 miles south of the San Andreas Fault. If a major earthquake were to occur along the San Andreas Fault in the Pass area, many of the BCVWD's facilities could be affected.

In order to minimize possible damage due to a significant earthquake, the District's Cherry Tanks, Upper Edgar Tank, Taylor Tank, the Vineland Tanks and the Hannon Tank are all equipped with flexible connectors (EBBA Iron Flex-tends) for movement during an earthquake. Upper Edgar, Cherry Tank III, Vineland II and III, and Taylor Tank are all anchored to their ring wall foundation and have been designed to resist seismic shaking. These are all relatively new tanks constructed since the year 2000 and designed and constructed to recent AWWA standards. These tanks should be capable of resisting significant earthquake shaking. BCVWD's other tanks were designed according to AWWA standards in effect at the time they were constructed; but over time the design standards have improved and become more stringent. The greatest vulnerability will be with the older steel tanks located in the northern part of the District's service area in Cherry Valley.

Experience with other earthquakes, e.g., Landers, magnitude 7.3 (1992), has shown steel water tanks survive but do suffer some minor structural damage. Observations of some of the water tanks showed the inlet/outlet piping sheared off and some "elephant footing" of the side wall occurred but the tanks remained intact. This is what would be expected with BCVWD's older tanks. The newer tanks should survive with little or no damage. The older tanks should be able to be put back into service within a week, if not sooner.

Wells and well pumps could be damaged during a very severe earthquake but they should be able to be returned to service within a month depending on the availability of replacement parts and equipment to repair the pumps.

Piping breaks could be expected to occur, but these can be repaired quickly. BCVWD has an inventory of repair clamps, fittings and pipe as well as staff and equipment to make these repairs.

BCVWD has also constructed emergency “interties” at various locations along Highland Springs Road so that water can be supplied in either direction between the City of Banning and BCVWD.

9 Communication Protocols

CWC 10632 (a)(5)

Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all of the following:

(A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.

(B) Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.

(C) Any other relevant communication

The communication protocol procedure currently relies in the 2011 ERP. After BCVWD has completely assessed the situation and determined that further actions are to be put into effect, coordinating with the public and other entities are the next steps to be taken. In the near future, BCVWD will use the Annual Assessment that is to be reported to DWR as a tool to address each year’s supplies and demands to help determine the appropriate response. In the most recent drought, each BCVWD resident was mailed letters informing them of the issues and the steps that need to be taken to conserve water. For future emergencies, the residents will be emailed the water conservation letters along with their bill to reduce costs. The public information that is to be sent out will be a notice informing them of the situation (e.g. the shortage level the District is currently in), the steps that BCVWD is taking to conserve water, and the steps that each resident should follow to do their part in reducing the water demand.

The District is also actively providing information on its website for public consumption to inform customers of ways to reduce consumption, as well as to update them in the case of an emergency as determined by the State or by the Board of Directors.

A summary of the District’s communication protocols is included in Table 9 below.

Table 9 – Communication Protocols

Stage of Assessment	Summary	Communication Method
Water Shortage Announcement	District staff will notify the public, neighboring Cities/Agencies, and other interested parties of the findings in the Annual Water Supply and Demand Assessment. Notification will be presented prior to the June Board of Directors meeting during which the Assessment will be presented and adopted.	Press Release, Websites, Social Media, Water Bill Inserts
Water Shortage Level Declaration	Occurs following the adoption of the Annual Water Supply and Demand Assessment.	Press Release, Websites, Social Media, Board of Directors Meeting
Water Shortage Response Actions	Occurs continuously following the adoption of the Assessment. Response actions remain in effect until such time that it is determined that the Water Shortage Level status has changed.	Press Release, Websites, Social Media, Board of Directors Meeting

10 Compliance and Enforcement

CWC 10632 (a)(6)

For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.

BCVWD does not have a standard enforcement procedure during “normal” supply years, however, does have a plan that adjusts rates during drought declarations and also for enforcing water conservation measures during the periods of a drought. BCVWD is currently in the process of converting over standard water meters to automatic meters. This would allow District staff to determine what residents may have water leaks and address the issues in a timely manner. It would also allow District staff to enforce the demand reduction actions that require residents to only water on certain days of the week. The severity of the enforcement would increase as the Shortage Levels increase. Many of the water reduction actions such as requiring customers repair leaks in a timely manner and restricting water use for decorative fountains would require further actions by the District to enforce. Discussions on how to enforce demand reduction actions such as these are still in discussion to determine the most efficient method. The repercussions that are to take place are listed below under Legal Authorities for first-, second-, and third-time offenders.

11 Legal Authorities

CWC 10632 (a)(7)

(A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.

(B) A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1. [see below]

(C) A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code. Water Code Section Division 1, Section 350

Declaration of water shortage emergency condition. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

BCVWD has provisions within its Rules and Regulations to establish charges for excessive water use. Currently, the District has a 3-tiered rate structure. For single family residences the tier structure ranges from 0 – 16 HCF (Tier 1), 17-34 HCF (Tier 2) and greater than 34 HCF (Tier 3). The unit price for water use increases with each tier. For multi-family residential, the unit price is a single set rate with no tier structure. BCVWD could increase these charges, initiate consumption surcharges for excessive use to cover the additional cost of imported replacement water, and/or provide for additional tiers upon proper notification and following the procedures established by Proposition 218. This is not something that can be done on short notice, however.

BCVWD has “water waster” provisions in Part 15 of its Rules and Regulations.

“15-1 PROHIBITION OF WATER WASTER – No person, firm, or corporation shall use, deliver, or apply waters received from this District in any manner that causes the loss, waste, or the applications of water for unbeneficial purposes. Within the meaning of this Regulation, any waters that are allowed to escape, flow, and run into areas which do not make reasonable beneficial use of such water, including but not limited to streets, gutters, drains, channels, and uncultivated lands, shall be presumed to be wasted contrary to the prohibitions of these Rules and Regulations.

1) Upon the first failure of any person, firm, or corporation to comply, this District shall serve or mail a warning notice upon any person determined to be in violation of these Rules and Regulations.

2) Upon the second failure of any person, firm, or corporation to so comply, the water charges of any such consumer shall be doubled until full compliance with these Rules or Regulations has been established to the satisfaction of the Board of Directors of the District.

3) Upon the third failure of any person, firm, or corporation to so comply, the District shall terminate water service to any connection through which waters delivered by the District are wasted in violation of these Rules and Regulations.”

In Resolution 2016-05, there was a list of financial penalties for violation of the water restrictions in the Resolution.

- Upon the first failure of any person, firm, or corporation to comply, the District shall serve or mail a warning notice upon any person determined to be in violation of the District’s Rules and Regulations.
- Upon the second failure of any person, firm, or corporation to so comply, the water charges of any such customer shall be doubled until full compliance with the District’s Rules and Regulations has been established to the satisfaction of the Board of Directors of the District.
- Upon the third failure of any person, firm, or corporation to so comply, the District shall terminate water service to any connection through which waters delivered by the District are wasted in violation of the District’s Rules and Regulations.

11.1 Water Shortage Contingency Resolution

Resolution No. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT (DISTRICT) ADOPTING WATER USE RESTRICTIONS TO PROTECT THE WATER SYSTEM AND RATEPAYERS OF BEAUMONT-CHERRY VALLEY WATER DISTRICT

WHEREAS, the District's Operations Policies and Procedures Manual, Part III, Section 1.E., District Emergency Declaration allows the General Manager, in consultation with the Board of Directors President, the ability to declare a "District Emergency" with ratification by the Board of Directors within fourteen days (14) at a regular, special or emergency Board meeting; and

WHEREAS, the District is experiencing water shortages of significant impact which results in a District emergency relating to water supply, therefore;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors that full support is given to the General Manager to make the appropriate recommendations which may include increased restrictions on watering days and hours, restrictions on washing vehicles, etc., restrictions on large water users, restrictions on flushing of water lines, restrictions on the filling of swimming pools, and increases in the current penalties for not complying with water conservation restrictions for the duration of the emergency, and urge full support and cooperation from the ratepayers of the District.

ADOPTED this ____ day of _____, _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Director _____, President
of the Board of Directors of Beaumont-
Cherry Valley Water District

Director _____, Secretary
of the Board of Directors of Beaumont-
Cherry Valley Water District

12 Financial Consequences of WSCP

CWC 10632 (a)(8)

A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:

(A) A description of potential revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(B) A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(C) A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1. [retail urban suppliers only]

Rather than identify the financial impacts of each prohibition on BCVWD's financial position, the impacts will be assessed on a "percent reduction in water demand" basis.

The District's current water rate structure includes a service (meter) charge (bimonthly, regardless of how much water is used), and a 3-tiered commodity. For single family residences the tier structure ranges from 0 – 16 HCF (Tier 1), 17-34 HCF (Tier 2) and greater than 34 HCF (Tier 3). The unit price for water use increases with each tier. For multi-family residential, the unit price is a single set rate with no tier structure. This accounts for the generally lower family incomes in multi-family residences. In addition, there is a power surcharge and an imported water surcharge per 100 cu ft of water used.

During times of drought, the revenue from the commodity charge and the power and imported water surcharges would be reduced by an amount equal to the water conservation effort. The meter charge would not be affected. But, the reduction in water consumption will also reduce the power consumption needed to pump and produce water and reduce the need for imported water, essentially balancing out the reduction in imported water surcharge revenue.

To further offset any revenue losses, the District also has a drought surcharge policy in place. Please see Figure 1 below:

Figure 1 – BCVWD Drought Surcharge Policy

5-1.4 DROUGHT SURCHARGES				
In the event that the District activates water supply drought rates, customers will be notified in advance of the below surcharges. Drought rates are generally triggered by the declaration of a specific water shortage by the California Department of Water Resources, or alternatively, by the District's Board of Directors.				
The Surcharge Rate below is additive to the current Commodity Rate, per unit of water, at the date of presentation. The Surcharge Rate in effect is dependent on the drought stage declared.				
	Stage 1	Stage 2	Stage 3	Stage 4
Reduction in Use	10%	20%	30%	40%
Surcharge	\$0.17	\$0.36	\$0.60	\$0.92

Although the District is proposing 6 Shortage Levels as part of the WSCP, the existing drought surcharges can still be applied. For example, “Stage 1” in the District’s drought surcharges policy correlates to a 10% reduction in use; the drought surcharge identified would be applied to Shortage Level 1 previously described in this section.

For 2020, the adopted budget estimated \$3.4 million in fixed meter (service) charges and \$5.2 million in water sales revenue including agricultural water sales and construction water sales (commodity charge). Water importation surcharges were budgeted at \$3.5 million and SCE power surcharge at \$1.6 million. So total “variable” revenue would be approximately \$13.68 million. The fixed meter (service) charges would not be affected by a reduction in water sales. All the other revenues and expenses would be.

Assuming a water reduction of 25% is required for a 2-month long-term interruption, the annual reduction would be $(2/12) * 25\%$ or 4.2%. The resultant loss in water sales revenue would be \$575,000, i. e. $0.042 * \$13.68$ million; the reduction, electricity and imported water purchase would be \$215,000. The net would be an annual loss of revenue of \$360,000.

A 50% reduction in water demand for a period of 1 month would result in a similar net annual revenue loss of \$360,000.

The costs above do not include additional staff overtime that may be required providing notifications, production, publication, and mailing of notices, updates, water conservation messages, inspection, and enforcement. An estimate of \$25,000 for each “event” is reasonable to cover these costs. The total annual impact could be in the \$225,000 to \$250,000 range.

The BCVWD audited Financial Report for 2020 showed BCVWD with over \$176.4 million in net assets of which \$29.1 million was in unrestricted funds. The impact of a net \$175,000 loss due to a water reduction of 25% over a 2-month period (or 50% for a 1-month period), or even another 10% reduction on an annual basis will not affect BCVWD’s operation. The \$476,000 is less than 4% of the District’s unrestricted cash assets. As a result, no special action is needed.

13 Monitoring, Reporting, and WSCP Refinement Procedures

CWC 10632 (a)(9)

For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance and to meet state reporting requirements.

CWC 10632 (a)(10)

Reevaluation and improvement procedures for systematically monitoring and evaluating the functionality of the water shortage contingency plan in order to ensure shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed.

When the higher Shortage levels are declared, the demand will be closely monitored by District staff on a month-to-month basis to compare the projected water reduction with the actual

values. If the District staff finds that the demand reduction actions are not meeting the projected volumes, it will be reassessed and brought to the Board to determine if a higher Shortage Level should be put into effect. There will need to be a few months in between announcing the different shortage levels as it is expected to take some time before the results are shown, however, District staff will be monitoring it closely.

14 Special Water Feature Distinction

CWC 10632 (b)

For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

In Table 6, swimming pools are separate and distinct from “water features.” Water features include decorative ponds, water hazards on golf courses, artificial waterfalls, and fountains. Golf course water hazard ponds that serve as irrigation reservoirs or balancing ponds, supplied with private wells are not covered by BCVWD’s water restrictions. BCVWD water restrictions do not apply to water features supplied by private wells.

Stock ponds for animal watering are not covered under the swimming pool or water feature restrictions. Recycled and non-potable water may be used without restriction in water features and ponds if approved for use.

15 Plan Adoption, Submittal and Availability

CWC 10632 (c)

The urban water supplier shall make available the water shortage contingency plan prepared pursuant to this article to its customers and any city or county within which it provides water supplies no later than 30 days after adoption of the water shortage contingency plan.

The District’s WSCP was adopted following the same process as the District’s 2020 UWMP update. Both the WSCP and the UWMP were adopted by the Board of Directors, submitted to DWR for review, and implemented.

The District scheduled a public hearing for review of the 2020 UWMP, which includes the WSCP, on July 22, 2021. At such time the City of Beaumont requested a continuance of the public hearing for 30 days. On August 26, 2021, the Board of Directors directed District staff to make appropriate changes and/or corrections based on public comments, and made a motion to adopt the UWMP and the WSCP. The District made the adopted WSCP available to the public on the District’s website no later than 30 days after it was adopted.

The District will notify the public of any amendments made to the adopted WSCP.

SAMPLE ADOPTION RESOLUTION

RESOLUTION 20__-__

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
ADOPTING THE WATER SHORTAGE CONTINGENCY
PLAN**

WHEREAS, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water Management Planning Act) during the 1983-84 Regular Session, and as amended subsequently, which mandates that every water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, prepare a Water Shortage Contingency Plan (WSCP); and

WHEREAS, BCVWD is an urban water supplier delivering more than 10,000 acre-feet of water annually to over 19,000 connections; and

WHEREAS, pursuant to recent amendments to the Urban Water Management Planning Act, Water Code Section 10610 et. seq., urban water suppliers are required to adopt and electronically submit their WSCPs to the Department of Water Resources (DWR) by July 1, 20__; and

WHEREAS, as required by the Water Code, a Notice of Intent to Update the BCVWD 20__ Urban Water Management Plan including the WSCP was distributed on **MONTH DD, 20__** to the cities, counties, agencies and interested parties within the BCVWD service area, and notice of public hearing and availability for public inspection of the Plan was posted on **MONTH DD, 20__**, and the draft 20__ UWMP was posted to the BCVWD website for public inspection on **MONTH DD, 20__**, and

WHEREAS, as required by the Water Code, notification of the public hearing and circulation of the draft plan was also published in the Beaumont Record-Gazette on **MONTH DD, 20__** and **MONTH DD, 20__** pursuant to Government Code §6066; and

WHEREAS, the properly noticed public hearing was held by the BCVWD Board of Directors on **MONTH DD, 20__**; and

WHEREAS, the BCVWD Board of Directors has reviewed and considered the purposes and requirements of the UWMP Act, the contents of the WSCP, and the documentation in support of the WSCP, and has determined that the factual analysis and conclusions set forth in the WSCP are legally sufficient,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District:

1. The Water Shortage Contingency Plan is hereby adopted, including modifications to the Plan made after the Public Hearing by the General Manager limited to (i) de minimis refinements, and (ii) such changes to address public input received (if any) at the Public Hearing.
2. The General Manager is hereby authorized and directed to file the Water Shortage Contingency Plan immediately after its adoption with the California Department of Water Resources, and within thirty (30) days to the California State Library - Government Publications Section, and any city or county within which the District provides water supplies.
3. The General Manager is hereby authorized and directed to take any necessary actions to implement and administer the Water Shortage Contingency Plan and to provide recommendations to the Board of Directors regarding necessary budgets, procedures, rules, regulations, or further actions to carry out the effective and equitable implementation of the WSCP.

ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Director _____, President
of the Board of Directors of Beaumont-
Cherry Valley Water District

Director _____, Secretary
to the Board of Directors of Beaumont-
Cherry Valley Water District

Appendix F
Beaumont Basin Adjudication

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COPY
ORIGINAL

1 JOSEPH S. AKLUFI (Bar No. 68619)
2 AKLUFI AND WYSOCKI
3 3403 Tenth Street, Suite 610
4 Riverside, California 92501
5 (909) 682-5480 Office
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NO FILING FEE REQUIRED PER
GOVERNMENT CODE, SEC. 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB - 4 2004

Attorneys for Plaintiff, SAN TIMOTEO
WATERSHED MANAGEMENT AUTHORITY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE, RIVERSIDE COURT

SAN TIMOTEO WATERSHED
MANAGEMENT AUTHORITY, a public
agency,

Plaintiff,

vs.

CITY OF BANNING, a municipal
corporation; BEAUMONT-CHERRY VALLEY
WATER DISTRICT, an irrigation
district; YUCAIPA VALLEY WATER
DISTRICT, a county water district;
PLANTATION ON THE LAKE LLC, a
California limited liability
company; SHARONDALE MESA OWNERS
ASSOCIATION, an unincorporated
association; SOUTH MESA MUTUAL
WATER COMPANY, a mutual water
company; CALIFORNIA OAK VALLEY
GOLF AND RESORT LLC, a California
limited liability company; OAK
VALLEY PARTNERS LP, a Texas limited
partnership; SOUTHERN CALIFORNIA
SECTION OF THE PROFESSIONAL GOLFERS
ASSOCIATION OF AMERICA, a
California corporation; SUNNY-CAL
EGG AND POULTRY COMPANY, a
California corporation; MANHEIM,
MANHEIM & BERMAN, a California
General Partnership; WALTER M.
BECKMAN, individually and as
Trustee of the BECKMAN FAMILY TRUST)
dated December 11, 1990; THE ROMAN
CATHOLIC BISHOP of San Bernardino,

CASE NO. RIC 389197

STIPULATION FOR ENTRY OF
JUDGMENT ADJUDICATING
GROUNDWATER RIGHTS IN THE
BEAUMONT BASIN

AKLUFI AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

1 a California corporation; MERLIN)
2 PROPERTIES, LLC; LEONARD M.)
3 STEARNS and DOROTHY D. STEARNS,)
4 individually and as Trustees of the)
5 LEONARD M. STEARNS FAMILY TRUST OF)
6 1991; and DOES 1 through 500,)
7 inclusive,)
8 Defendants.)

9
10
11 I. STIPULATING PARTIES IDENTIFIED

12 The following parties, and each of them, agree to the terms
13 of this Stipulation:

14 Plaintiff:

15 SAN TIMOTEO WATERSHED MANAGEMENT AUTHORITY

16 Overlying Defendants:

- 17 1. SHARONDALE MESA OWNERS ASSOCIATION, an unincorporated
18 association
- 19 2. CALIFORNIA OAK VALLEY GOLF AND RESORT LLC, a California
20 limited liability company
- 21 3. OAK VALLEY PARTNERS LP, a Texas limited partnership
- 22 4. SOUTHERN CALIFORNIA SECTION OF THE PROFESSIONAL GOLFERS
23 ASSOCIATION OF AMERICA, a California corporation
- 24 5. SUNNY-CAL EGG AND POULTRY COMPANY, a California
25 corporation
- 26 6. MANHEIM, MANHEIM & BERMAN, a California general
27 partnership
- 28 7. WALTER M. BECKMAN, individually, and as Trustee of the
BECKMAN FAMILY TRUST dated December 11, 1990
8. THE ROMAN CATHOLIC BISHOP of San Bernardino, a
California corporation
9. MERLIN PROPERTIES, LLC
10. LEONARD M. STEARNS and DOROTHY D. STEARNS, individually
and as Trustees of the LEONARD M. STEARNS FAMILY TRUST
OF 1991
11. PLANTATION ON THE LAKE LLC, a California limited
liability company

12 Appropriating Defendants:

- 13 1. CITY OF BANNING, a municipal corporation
- 14 2. BEAUMONT-CHERRY VALLEY WATER DISTRICT, an irrigation
15 district
- 16 3. SOUTH MESA MUTUAL WATER COMPANY, a mutual water company
- 17 4. YUCAIPA VALLEY WATER DISTRICT, a county water district

18 ///

II. RECITALS

WHEREAS, plaintiff is a joint powers public agency, formed in 2001 for the purpose, among others, of preparing and implementing a Water Resources Management Plan for the San Timoteo Watershed and the waters tributary thereto, including the Beaumont Basin, in order to conserve local water supplies, improve surface and subsurface water quality and quantity, and to protect and enhance groundwater storage, for the benefit of the public;

WHEREAS, the Beaumont Basin, also known as the Beaumont Storage Unit, is the common source of water supply for appropriative water uses within the communities of Banning, Beaumont, Cherry Valley and Calimesa, and for various overlying uses including, but not limited to, golf courses and related facilities and agricultural production, including egg production and related agricultural irrigation uses;

WHEREAS, the maximum quantity of water which can be produced from the Beaumont Basin, at safe yield, is currently estimated to be 8650 acre feet per year, and the total groundwater production from the Beaumont Basin has exceeded and continues to exceed its safe yield;

WHEREAS, much of the land area within and adjacent to the Beaumont Basin is proposed to be intensively developed with residential, commercial and industrial uses, which will place additional demands on local water resources;

WHEREAS, it is estimated that the Beaumont Basin has the capability of storing more than 200,000 acre feet of water for overlying and appropriative use by water users within and

1 adjacent to the Beaumont Basin;

2 WHEREAS, the plaintiff proposes to invest substantial public
3 funds to construct facilities that will enable the storage of
4 water within the Beaumont Basin, in addition to the storage that
5 occurs naturally;

6 WHEREAS, the Overlying and Appropriating Defendants wish to
7 secure the provision and availability of a reliable, affordable,
8 long-term water supply for the area within plaintiff's
9 jurisdiction, making reasonable and beneficial use of the native
10 groundwater in the Beaumont Basin, and other local water
11 resources, promoting the importation of water into the area, and
12 storage of such water, and local surface waters, in the Beaumont
13 Basin;

14 WHEREAS, the Overlying Defendants believe that it is in
15 their best interest to enter into this Stipulation and be subject
16 to the attached Judgment, rather than continue to litigate the
17 safe yield of the Beaumont Basin, the quantity of their overlying
18 rights, both historical and unexercised, the rights they may have
19 to use the storage volume existing beneath their respective
20 lands, and other issues;

21 WHEREAS, in order to protect existing overlying and
22 appropriative uses and to justify and protect the public
23 investment necessary to utilize the available groundwater storage
24 capacity in the Beaumont Basin, it is necessary to adjudicate the
25 Beaumont Basin and to define the respective water rights of the
26 overlying and appropriative producers of groundwater.

27 NOW, THEREFORE, the undersigned parties, and each of them,
28 hereby agree to the following Stipulated Terms.

III. STIPULATED TERMS

1. Form of Judgment: Judgment may be filed and entered in the form attached hereto as Exhibit "1" and made a part hereof.

2. Fees and Costs: Each party shall bear its own costs, attorneys fees and litigation expenses arising out of this adjudication.

3. Waiver: Notice of entry of judgment, the right to trial, stay of execution and appeal, is hereby waived, except as expressly set forth in the Judgment.

4. Binding Effect: This Stipulation and all obligations herein, shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

5. Construction and Interpretation: No adverse construction or interpretation of this Stipulation shall be made under the Civil Code simply because the parties drafted or participated in the drafting of this Stipulation. The terms of the Judgment shall be interpreted to further the purposes of this Stipulation.

6. Jurisdiction and Venue: The Superior Court of California in and for the County of Riverside shall have jurisdiction of this matter. In the event of any litigation arising out of this Stipulation, venue shall conclusively be deemed to lie in the County of Riverside.

7. Advice of Counsel: The undersigned each have had the opportunity to consult with or have consulted with their own legal counsel regarding this Stipulation and all matters set forth herein, or have knowingly waived the right to do so.

1 8. Authority: Each person executing this Stipulation on
2 behalf of any of the undersigned has been fully empowered to
3 execute this Stipulation and that all necessary action for the
4 execution of this Stipulation has been taken.

5 IT IS SO STIPULATED:

6 SAN TIMOTEO WATERSHED MANAGEMENT
7 AUTHORITY

8 Dated: 1/6/04

9 BY [Signature]
President, Board of Directors

10 CITY OF BANNING

11 Dated: 12/23/03

12 By [Signature]
13 Mayor

14 BEAUMONT-CHERRY VALLEY WATER
15 DISTRICT

16 Dated: _____

17 By _____
18 President, Board of Directors

19 YUCAIPA VALLEY WATER DISTRICT

20 Dated: _____

21 By _____
22 President, Board of Directors

23 PLANTATION ON THE LAKE LLC

24 Dated: _____

25 By _____
26 President, Board of Directors

27 SHARONDALE MESA OWNERS
28 ASSOCIATION

Dated: _____

By _____
President, Board of Directors

1 8. Authority: Each person executing this Stipulation on
2 behalf of any of the undersigned has been fully empowered to
3 execute this Stipulation and that all necessary action for the
4 execution of this Stipulation has been taken.

5 IT IS SO STIPULATED:

6 SAN TIMOTEO WATERSHED MANAGEMENT
7 AUTHORITY

8 Dated: _____ By _____
9 President, Board of Directors

10 CITY OF BANNING

11 Dated: _____ By _____
12 Mayor

13 BEAUMONT-CHERRY VALLEY WATER
14 DISTRICT

15 Dated: July 3, 2003 By [Signature]
16 President, Board of Directors

17 YUCAIPA VALLEY WATER DISTRICT

18 Dated: _____ By _____
19 President, Board of Directors

20 PLANTATION ON THE LAKE LLC

21 Dated: _____ By _____
22 President, Board of Directors

23 SHARONDALE MESA OWNERS
24 ASSOCIATION

25 Dated: _____ By _____
26 President, Board of Directors

AKLUF AND WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 662-5480

1 8. Authority: Each person executing this Stipulation on
2 behalf of any of the undersigned has been fully empowered to
3 execute this Stipulation and that all necessary action for the
4 execution of this Stipulation has been taken.

5 IT IS SO STIPULATED:

6 SAN TIMOTEO WATERSHED MANAGEMENT
7 AUTHORITY

8 Dated: _____

By _____
President, Board of Directors

10 CITY OF BANNING

11 Dated: _____

12 By _____
Mayor

14 BEAUMONT-CHERRY VALLEY WATER
DISTRICT

15 Dated: _____

16 By _____
President, Board of Directors

18 YUCAIPA VALLEY WATER DISTRICT

19 Dated: 10/1/03

20 By 
President, Board of Directors

21 PLANTATION ON THE LAKE LLC

22 Dated: _____

23 By _____
President, Board of Directors

25 SHARONDALE MESA OWNERS
26 ASSOCIATION

27 Dated: _____

28 By _____
President, Board of Directors

8. Authority: Each person executing this Stipulation on behalf of any of the undersigned has been fully empowered to execute this Stipulation and that all necessary action for the execution of this Stipulation has been taken.

IT IS SO STIPULATED:

SAN TIMOTEO WATERSHED MANAGEMENT
AUTHORITY

Dated: _____ By _____
President, Board of Directors

CITY OF BANNING

Dated: _____ By _____
Mayor

BEAUMONT-CHERRY VALLEY WATER
DISTRICT

Dated: _____ By _____
President, Board of Directors

YUCAIPA VALLEY WATER DISTRICT

Dated: _____ By _____
President, Board of Directors

PLANTATION ON THE LAKE LLC

Dated: 7/30/03 By [Signature]
President, Board of Directors
Manager of Meadows Management
Company LLC, Manager

SHARONDALE MESA OWNERS
ASSOCIATION

Dated: _____ By _____
President, Board of Directors

1 8. Authority: Each person executing this Stipulation on
2 behalf of any of the undersigned has been fully empowered to
3 execute this Stipulation and that all necessary action for the
4 execution of this Stipulation has been taken.

5 IT IS SO STIPULATED:

6 SAN TIMOTEO WATERSHED MANAGEMENT
7 AUTHORITY

8 Dated: _____ By _____
9 President, Board of Directors

10 CITY OF BANNING

11 Dated: _____ By _____
12 Mayor

13 BEAUMONT-CHERRY VALLEY WATER
14 DISTRICT

15 Dated: _____ By _____
16 President, Board of Directors

17 YUCAIPA VALLEY WATER DISTRICT

18 Dated: _____ By _____
19 President, Board of Directors

20 PLANTATION ON THE LAKE LLC

21 Dated: _____ By _____
22 President, Board of Directors

23 SHARONDALE MESA OWNERS
24 ASSOCIATION

25 Dated: June 27, 2003 By Lena Jo Alexander
26 President, Board of Directors
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AKLUFIAN WYSOCKI
3403 TENTH ST, SUITE 810
RIVERSIDE, CA 92501
(909) 882-5480

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SOUTH MESA MUTUAL WATER COMPANY

Dated: 6-27-03

By *Dawn Martin*
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____

By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

AKLUF AND WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CA 92501
(909) 682-5480

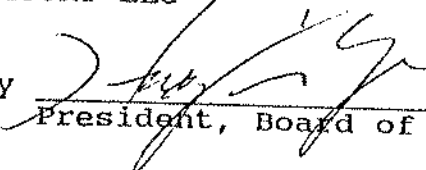
SOUTH MESA MUTUAL WATER COMPANY

Dated: _____

By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: 7-31-2003

By  _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

KALUFI AND WYSOCKI
3403 TENTH ST. SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

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SOUTH MESA MUTUAL WATER COMPANY

Dated: _____

By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____

By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By 
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 254-800

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____ By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____ By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____ By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: July 8, 2003 By Thomas C. Gustafson
~~President, Board of Directors~~
CHIEF Executive Officer

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____ By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____ By _____

3403 TENTH STREET, SUITE 610
RIVERSIDE, CA 92501
(909) 548-0480

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____ By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____ By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____ By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____ By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____ By Michael Markson
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____ By Debbie Berman

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Dated: 7-23-03

Walter M. Beckman
WALTER M. BECKMAN

Dated: 7-23-03

Walter M. Beckman
WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

Dated: _____

CECIL MERLE MURRAY

MERLIN PROPERTIES, LLC

Dated: _____

By _____

Dated: _____

LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

Dated: _____

DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

Dated: _____

JUDGE OF THE SUPERIOR COURT

AKLIFT AND WYSOCKI
3403 TENTH ST., SUITE 610
RIVERSIDE, C. ORNIA 92501
(909) 682-5480

AKLUFIA WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 982-5480

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WALTER M. BECKMAN

Dated: _____
WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

THE ROMAN CATHOLIC BISHOP of
San Bernardino, a California
corporation

Dated: 9/18/03 By Mary L. M. Fyfe

MERLIN PROPERTIES, LLC

Dated: _____ By _____

Dated: _____
LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

Dated: _____
DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 Dated: _____

WALTER M. BECKMAN

3 Dated: _____

WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

THE ROMAN CATHOLIC BISHOP of
San Bernardino, a California
corporation

8 Dated: _____

By _____

MERLIN PROPERTIES, LLC

12 Dated: JULY 31, 2003

By Paul L. Rechner

14 Dated: _____

LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

17 Dated: _____

DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

24 Dated: _____

JUDGE OF THE SUPERIOR COURT

1 Dated: _____

WALTER M. BECKMAN

3 Dated: _____

WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

6 Dated: _____

CECIL MERLE MURRAY

MERLIN PROPERTIES, LLC

10 Dated: _____

By _____

12 Dated: 7-23-03

Leonard M. Stearns
LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

15 Dated: 7-23-03

Dorothy D. Stearns
DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

19 APPROVAL AND ORDER

20 The foregoing Stipulation is hereby approved and is so
21 ordered.

FEB - 4 2004

22 Dated: _____

GARY TRANBARGER

25 JUDGE OF THE SUPERIOR COURT

ORIGINAL COPY

JOSEPH S. AKLUFI (Bar No. 68619)
AKLUFI AND WYSOCKI
3403 Tenth Street, Suite 610
Riverside, California 92501
(909) 682-5480 Office
(909) 682-2619 Fax

NO FILING FEE REQUIRED PER
GOVERNMENT CODE, SEC. 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB - 4 2004

Attorneys for Plaintiff, SAN TIMOTEO
WATERSHED MANAGEMENT AUTHORITY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE, RIVERSIDE COURT

SAN TIMOTEO WATERSHED
MANAGEMENT AUTHORITY, a public
agency,

Plaintiff,

vs.

CASE NO. RIC 389197

JUDGMENT PURSUANT TO
STIPULATION ADJUDICATING
GROUNDWATER RIGHTS IN THE
BEAUMONT BASIN

CITY OF BANNING, a municipal
corporation; BEAUMONT-CHERRY VALLEY)
WATER DISTRICT, an irrigation
district; YUCAIPA VALLEY WATER
DISTRICT, a county water district;
PLANTATION ON THE LAKE LLC, a
California limited liability
company; SHARONDALE MESA OWNERS
ASSOCIATION, an unincorporated
association; SOUTH MESA MUTUAL
WATER COMPANY, a mutual water
company; CALIFORNIA OAK VALLEY
GOLF AND RESORT LLC, a California
limited liability company; OAK
VALLEY PARTNERS LP, a Texas limited
partnership; SOUTHERN CALIFORNIA
SECTION OF THE PROFESSIONAL GOLFERS)
ASSOCIATION OF AMERICA, a
California corporation; SUNNY-CAL
EGG AND POULTRY COMPANY, a
California corporation; MANHEIM,
MANHEIM & BERMAN, a California
General Partnership; WALTER M.
BECKMAN, individually and as
Trustee of the BECKMAN FAMILY TRUST)
dated December 11, 1990; THE ROMAN)
CATHOLIC BISHOP of San Bernardino,)

LAW OFFICES
AKLUFI / WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

1 a California corporation; MERLIN)
2 PROPERTIES, LLC; LEONARD M.)
3 STEARNS and DOROTHY D. STEARNS,)
4 individually and as Trustees of the)
5 LEONARD M. STEARNS FAMILY TRUST OF)
6 1991; and DOES 1 through 500,)
7 inclusive,)
8 Defendants.)

9 I. INTRODUCTION

10 1. Pleadings, Parties and Jurisdiction

11 The complaint herein was filed on February 20, 2003, seeking
12 an adjudication of water rights, injunctive relief and the
13 imposition of a physical solution. The defaults of certain
14 defendants have been entered, and certain other defendants
15 dismissed. Other than defendants who have been dismissed or
16 whose defaults have been entered, all defendants have appeared
17 herein. This Court has jurisdiction of the subject matter of
18 this action and of the parties herein.

19 2. Stipulation for Judgment

20 Stipulation for Entry of Judgment has been filed by and on
21 behalf of all defendants who have appeared herein.

22 3. Definitions

23 As used in this Judgment, these terms shall have the
24 following meanings:

25 A. Appropriator or Appropriator Parties: the pumpers
26 identified in Exhibit "C" attached hereto.

27 B. Appropriator's Production Right: consists of an
28 Appropriator's share of Operating Yield, plus (1) any water
acquired by an Appropriator from an Overlying Producer or
other Appropriator pursuant to this Judgment, (2) any water

1 withdrawn from the Appropriator's storage account, (3) and
2 New Yield created by the Appropriator.

3 C. Appropriative Water: the amount of Safe Yield
4 remaining after satisfaction of Overlying Water Rights.

5 D. Appropriative Water Right: each Appropriator's
6 share of Appropriative Water, such share expressed as a
7 percentage as shown on Exhibit "C".

8 E. Beaumont Basin or Beaumont Storage Unit: the area
9 situated within the boundaries shown on Exhibit "A" attached
10 hereto.

11 F. Conjunctive Use: the storage of water in a
12 Groundwater Basin for use at a later time.

13 G. Groundwater: water beneath the surface of the
14 ground within the zone below the water table in which soil
15 is saturated with water.

16 H. Groundwater Basin: an area underlain by one or
17 more permeable formations capable of furnishing a
18 substantial water supply.

19 I. Groundwater Storage Agreement: a standard form of
20 written agreement between the Watermaster and any Person
21 requesting the storage of Supplemental Water.

22 J. Groundwater Storage Capacity: the space available
23 in a Groundwater Basin that is not utilized for storage or
24 regulation of Safe Yield and is reasonably available for
25 Stored Water and Conjunctive Use.

26 K. Minimal Producer: any Producer who pumps 10 or
27 fewer acre feet of Groundwater from the Beaumont Basin per
28 year.

LAW OFFICES
AKLUFIT & WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

- 1 L. New Yield: increases in yield in quantities
- 2 greater than historical amounts from sources of supply
- 3 including, but not limited to, capture of available storm
- 4 flow, by means of projects constructed after February 20,
- 5 2003, as determined by the Watermaster.
- 6 M. Operating Yield: the maximum quantity of water
- 7 which can be produced annually by the Appropriators from the
- 8 Beaumont Basin, which quantity consists of Appropriative
- 9 Water plus Temporary Surplus.
- 10 N. Overdraft: a condition wherein the total annual
- 11 production from a Groundwater Basin exceeds the Safe Yield
- 12 thereof.
- 13 O. Overlying Parties: the Persons listed on Exhibit
- 14 "B", who are owners of land which overlies the Beaumont
- 15 Basin and have exercised Overlying Water Rights to pump
- 16 therefrom. Overlying Parties include successors in interest
- 17 and assignees.
- 18 P. Overlying Water Rights: the quantities decreed to
- 19 Overlying Parties in Column 4 of Exhibit "B" to this
- 20 Judgment.
- 21 Q. Overproduction: by an Appropriator, measured by
- 22 an amount equal to the Appropriator's actual annual
- 23 production minus the Appropriator's Production Right. By a
- 24 new overlying producer, an amount equal to what the
- 25 overlying producer pumped during the year.
- 26 R. Party (Parties): any Person(s) named in this
- 27 action, or who has intervened, or has become subject to this
- 28 Judgment either through stipulation, trial or otherwise

1 S. Person: any individual, partnership, association,
2 corporation, governmental entity or agency, or other
3 organization.

4 T. Physical Solution: the physical solution set
5 forth in Part V of this Judgment.

6 U. Produce, Producing, Production, Pump or Pumping:
7 the extraction of groundwater.

8 V. Producer or Pumper: any Person who extracts
9 groundwater.

10 W. Recycled Water: has the meaning provided in Water
11 Code Section 13050(n) and includes other nonpotable water
12 for purposes of this Judgment.

13 X. Safe Yield: the maximum quantity of water which
14 can be produced annually from a Groundwater Basin under a
15 given set of conditions without causing a gradual lowering
16 of the groundwater level leading eventually to depletion of
17 the supply in storage. The Safe Yield of the Beaumont Basin
18 is 8650 acre feet per year in each of the ten (10) years
19 following entry of this Judgment.

20 Y. San Timoteo Watershed Management Authority: a
21 joint powers public agency whose members are the Beaumont-
22 Cherry Valley Water District, the City of Beaumont, the
23 South Mesa Mutual Water Company and the Yucaipa Valley Water
24 District.

25 Z. Stored Water: Supplemental Water stored in the
26 Beaumont Basin pursuant to a Groundwater Storage Agreement
27 with the Watermaster.

28 AA. Supplemental Water: water imported into the

Beaumont Basin from outside the Beaumont Basin including, without limitation, water diverted from creeks upstream and tributary to Beaumont Basin and water which is recycled and useable within the Beaumont Basin.

BB. Temporary Surplus: the amount of groundwater that can be pumped annually in excess of Safe Yield from a Groundwater Basin necessary to create enough additional storage capacity to prevent the waste of water.

CC. Watermaster: the Person appointed by the Court to administer and enforce the Physical Solution.

4. List of Exhibits

The following exhibits are attached to this Judgment and made a part hereof:

- Exhibit "A" -- "Location Map of Beaumont Basin"
- Exhibit "B" -- "Overlying Owners and Their Water Rights"
- Exhibit "C" -- "Appropriators and Their Water Rights"
- Exhibit "D" -- "Legal Description of Lands of the Overlying Parties"
- Exhibit "E" -- "Location of Overlying Producer Parcels and Boundary of the Beaumont Basin"

II. INJUNCTIONS

1. Injunction Against Unauthorized Production of Beaumont Basin Water

Each party herein is enjoined, as follows:

A. Overlying Parties: Each defendant who is an Overlying Party, and its officers, agents, employees, successors and assigns, is hereby enjoined and restrained from producing groundwater from the Beaumont Basin in any five-year period hereafter in excess of five times the share of the Safe Yield assigned to the Overlying Parties as set

1 forth in Column 4 of Exhibit "B", as more fully described in
2 the Physical Solution.

3 B. Appropriator Parties: Each defendant who is an
4 Appropriator Party, and its officers, agents, employees,
5 successors and assigns, is hereby enjoined and restrained
6 from producing groundwater from the Beaumont Basin in any
7 year hereafter in excess of such party's Appropriator's
8 Production Right, except as additional annual Production may
9 be authorized by the provisions of the Physical Solution.

10 2. Injunction Against Unauthorized Storage or Withdrawal of
11 Stored Water

12 Each and every Party, and its officers, agents, employees,
13 successors and assigns, is hereby enjoined and restrained from
14 storing Supplemental Water in the Beaumont Basin for withdrawal,
15 or causing withdrawal of water stored by that Party, except
16 pursuant to the terms of a written Groundwater Storage Agreement
17 with the Watermaster and in accordance with Watermaster Rules and
18 Regulations. Any Supplemental Water stored in the Beaumont
19 Basin, except pursuant to a Groundwater Storage Agreement, shall
20 be deemed abandoned and not classified as Stored Water.

21 III. DECLARATION AND ADJUSTMENT OF RIGHTS

22 1. Overlying Rights

23 The Overlying Parties are currently exercising Overlying
24 Water Rights in the Beaumont Basin. As shown on Exhibit "B", the
25 aggregate Projected Maximum Production of water from the Beaumont
26 Basin pursuant to Overlying Water Rights is 8610 acre feet and
27 the Overlying Water Rights are individually decreed, in Column 4
28 of Exhibit "B", for each Overlying Party. The Overlying Parties

1 shall continue to have the right to exercise their respective
2 Overlying Water Right as set forth in Column 4 of Exhibit "B"
3 except to the extent their respective properties receive water
4 service from an Appropriator Party, as contemplated by Paragraph
5 III.3 of this Judgment.

6 2. Appropriator's Share of Operating Yield

7 Each Appropriator Party's share of Operating Yield is shown
8 on Exhibit "C". Notwithstanding any other provision of this
9 Judgment, each Appropriator Party may use its Appropriator's
10 Production Right anywhere within its service area.

11 3. Adjustment of Rights

12 A. The Overlying Parties shall have the right to
13 exercise their respective Overlying Water Rights except as
14 provided in this Paragraph 3.

15 B. To the extent any Overlying Party requests, and
16 uses its Exhibit "B", Column 4 water to obtain water service
17 from an Appropriator Party, an equivalent volume of potable
18 groundwater shall be earmarked by the Appropriator Party
19 which will serve the Overlying Party, up to the volume of
20 the Overlying Water Right as reflected in Column 4 of
21 Exhibit "B" attached hereto, for the purpose of serving the
22 Overlying Party. The intent of this provision is to ensure
23 that the Overlying Party is given credit towards satisfying
24 the water availability assessment provisions of Government
25 Code, Section 66473.7 et seq. and Water Code, Section 10910
26 et seq. or other similar provisions of law, equal to the
27 amount of groundwater earmarked hereunder.

28 C. When an Overlying Party receives water service as

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provided for in subparagraph III.3.B the Overlying Party shall forebear the use of that volume of the Overlying Water Right earmarked by the Appropriator Party. The Appropriator Party providing such service shall have the right to produce the volume of water foregone by the Overlying Party, in addition to other rights otherwise allocated to the Appropriator Party.

D. Should the volume of the Overlying Water Right equal or exceed the volume of potable groundwater earmarked as provided in subparagraph 3.B, the Appropriator Party which will serve the Overlying Party shall (i) impose potable water charges and assessments upon the Overlying Party and its successors in interest at the rates charged to the then-existing regular customers of the Appropriator Party, and (ii) not collect from such Overlying Party any development charge that may be related to the importation of water into the Beaumont Basin. The Appropriator Party which will serve the Overlying Party pursuant to Subparagraph III.3.B shall also consider, and negotiate in good faith regarding, the provision of a meaningful credit for any pipelines, pump stations, wells or other facilities that may exist on the property to be served.

E. In the event an Overlying Party receives Recycled Water from an Appropriator Party to serve an overlying use served with groundwater, the Overlying Water Right of the Overlying Party shall not be diminished by the receipt and use of such Recycled Water. Recycled Water provided by an Appropriator Party to an Overlying Party shall satisfy the

1 criteria set forth in the California Water Code including,
2 without limitation, the criteria set forth in Water Code
3 Sections 13550 and 13551. The Appropriator Party which will
4 serve the Recycled Water shall have the right to use that
5 portion of the Overlying Water Right of the Overlying Party
6 offset by the provision of Recycled Water service pursuant
7 to the terms of this subparagraph; provided, however, that
8 such right of use by the Appropriator Party shall no longer
9 be valid if the Recycled Water, provided by the Appropriator
10 Party to the Overlying Party, does not satisfy the
11 requirements of Sections 13550 and 13551 and the Overlying
12 Party ceases taking delivery of such Recycled Water.

13 F. Nothing in this Judgment is intended to impair or
14 adversely affect the ability of an Overlying Party to enter
15 into annexation or development agreements with any
16 Appropriator Party.

17 G. Oak Valley Partners LP ("Oak Valley") is developing
18 its property pursuant to Specific Plans 216 and 216A adopted
19 by the County of Riverside ("County") in May 1990, and
20 Specific Plan 318 adopted by the County in August, 2001,
21 (Specific Plans 216, 216A and 318 are collectively referred
22 to as the "Specific Plans"). The future water supply needs
23 at build-out of the Specific Plans will greatly exceed Oak
24 Valley's Projected Maximum Production, as reflected in
25 Exhibit "B" to the Judgment, and may be as much as 12,811
26 acre feet per year. Oak Valley has annexed the portion of
27 its property now within the City of Beaumont into the
28 Beaumont-Cherry Valley Water District ("BCVWD"), and is in

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1 the process of annexing the remainder portion of its property
2 into the Yucaipa Valley Water District ("YVWD"), in order to
3 obtain retail water service for the development of the Oak
4 Valley property pursuant to the Specific Plans (for purposes
5 of this subparagraph BCVWD and YVWD are collectively referred
6 to as the "Water Districts", and individually as a "Water
7 District"). YVWD covenants to use its best efforts to
8 finalize the annexation of the Oak Valley property within the
9 Calimesa City limits. Oak Valley, for itself and its
10 successors and assigns, hereby agrees, by this stipulation
11 and upon final annexation of its property by YVWD, to forbear
12 from claiming any future, unexercised, overlying rights in
13 excess of the Projected Maximum Production of Exhibit "B" of
14 1806 acre feet per year. As consideration for the
15 forbearance, the Water Districts agree to amend their
16 respective Urban Water Management Plans ("UWMP") in 2005 as
17 follows: BCVWD agrees that 2,400 acre feet per year of
18 projected water demand shall be included for the portion of
19 Oak Valley to be served by BCVWD in its UWMP, and YVWD agrees
20 to include 8,000 acre feet per year of projected water demand
21 as a projected demand for the portion of Oak Valley to be
22 served by YVWD in its UWMP by 2025. The Water Districts
23 agree to use their best judgment to accurately revise this
24 estimate to reflect the projected water demands for the UWMP
25 prepared in 2010. Furthermore, the Water Districts further
26 agree that, in providing water availability assessments prior
27 to 2010, as required by Water Code §10910 and water supply
28 verifications as required by Government Code §§66455.3 and

66473.7, or any similar statute, and in maintaining their respective UWMP, each shall consider the foregoing respective projected water demand figures for Oak Valley as proposed water demands. The intent of the foregoing requirements is to ensure that Oak Valley is credited for the forbearance of its overlying water rights and is fully accounted for in each Water District's UWMP and overall water planning. The Water Districts' actions in performance of the foregoing planning obligations shall not create any right or entitlement to, or priority or allocation in, any particular water supply source, capacity or facility, or any right to receive water service other than by satisfying the applicable Water District's reasonable requirements relating to application for service. Nothing in this subparagraph G is intended to affect or impair the provision of earmarked water to Overlying Parties who request and obtain water service from Appropriator Parties, as set forth in subparagraph III.3.B, above.

H. Persons who would otherwise qualify as Overlying Producers based on an interest in land lying within the City of Banning's service area shall not have the rights described in this Paragraph III.3.

4. Exemption for Minimal Producers

Unless otherwise ordered by the Court, Minimal Producers are exempt from the provisions of this Judgment.

IV. CONTINUING JURISDICTION

Full jurisdiction, power and authority is retained and reserved to the Court for purposes of enabling the Court, upon

1 application of any Party, by a motion noticed for at least a 30-
2 day period (or consistent with the review procedures of Paragraph
3 VII.6 herein, if applicable), to make such further or
4 supplemental order or directions as may be necessary or
5 appropriate for interim operation of the Beaumont Basin before
6 the Physical Solution is fully operative, or for interpretation,
7 or enforcement or carrying out of this Judgment, and to modify,
8 amend or amplify any of the provisions of this Judgment or to add
9 to the provisions hereof consistent with the rights herein
10 decreed; except that the Court's jurisdiction does not extend to
11 the redetermination of (a) Safe Yield during the first ten years
12 of operation of the Physical Solution, and (b) the fraction of
13 the share of Appropriative Water of each Appropriator.

14 V. THE PHYSICAL SOLUTION

15 1. Purpose and Objective

16 In accordance with the mandate of Section 2 of Article X of
17 the California Constitution, the Court hereby adopts, and orders
18 the parties to comply with, a Physical Solution. The purpose of
19 the Physical Solution is to establish a legal and practical means
20 for making the maximum reasonable beneficial use of the waters of
21 Beaumont Basin, to facilitate conjunctive utilization of surface,
22 ground and Supplemental Waters, and to satisfy the requirements
23 of water users having rights in, or who are dependent upon, the
24 Beaumont Basin. Such Physical Solution requires the definition
25 of the individual rights of all Parties within the Beaumont Basin
26 in a manner which will fairly allocate the native water supplies
27 and which will provide for equitable sharing of costs of
28 Supplemental Water.

1 2. Need for Flexibility

2 The Physical Solution must provide maximum flexibility and
3 adaptability in order that the Watermaster and the Court may be
4 free to use existing and future technological, social,
5 institutional and economic options. To that end, the Court's
6 retained jurisdiction shall be utilized, where appropriate, to
7 supplement the discretion granted herein to the Watermaster.

8 3. Production and Storage in Accordance With Judgment

9 This Judgment, and the Physical Solution decreed herein,
10 address all Production and Storage within the Beaumont Basin.
11 Because the Beaumont Basin is at or near a condition of
12 Overdraft, any Production outside the framework of this Judgment
13 and Physical Solution will potentially damage the Beaumont Basin,
14 injure the rights of all Parties, result in the waste of water
15 and interfere with the Physical Solution. The Watermaster shall
16 bring an action or a motion to enjoin any Production that is not
17 in accordance with the terms of this Judgment.

18 4. General Pattern of Operation

19 One fundamental premise of the adjudication is that all
20 Producers shall be allowed to pump sufficient water from the
21 Beaumont Basin to meet their respective requirements. Another
22 fundamental premise of the adjudication is that Overlying Parties
23 who pump no more than the amount of their Overlying Water Right
24 as shown on Column 4 of Exhibit "B" hereto, shall not be charged
25 for the replenishment of the Beaumont Basin. To the extent that
26 pumping exceeds five (5) times the share of the Safe Yield
27 assigned to an Overlying Party (Column 4 of Exhibit "B") in any
28 five (5) consecutive years, or the share of Operating Yield

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1 Right of each Appropriator Party, each such Party shall provide
2 funds to enable the Watermaster to replace such Overproduction.

3 5. Use of Available Groundwater Storage Capacity

4 A. There exists in the Beaumont Basin a substantial
5 amount of available Groundwater Storage Capacity. Such
6 Capacity can be reasonably used for Stored Water and
7 Conjunctive Use and may be used subject to Watermaster
8 regulation to prevent injury to existing Overlying and
9 Appropriative water rights, to prevent the waste of water,
10 and to protect the right to the use of Supplemental Water in
11 storage and Safe Yield of the Beaumont Basin.

12 B. There shall be reserved for Conjunctive Use a
13 minimum of 200,000 acre feet of Groundwater Storage Capacity
14 in the Beaumont Basin provided that such amount may be
15 reduced as necessary to prevent injury to existing water
16 rights or existing uses of water within the Basin, and to
17 prevent the waste of water. Any Person may make reasonable
18 beneficial use of the Groundwater Storage Capacity for
19 storage of Supplemental Water; provided, however, that no
20 such use shall be made except pursuant to a written
21 Groundwater Storage Agreement with the Watermaster. The
22 allocation and use of Groundwater Storage Capacity shall
23 have priority and preference for Producers within the
24 Beaumont Basin over storage for export. The Watermaster
25 may, from time-to-time, redetermine the available
26 Groundwater Storage Capacity.

27 ///

28 ///

VI. ADMINISTRATION

1. Administration and Enforcement by Watermaster

The Watermaster shall administer and enforce the provisions of this Judgment and any subsequent order or instructions of the Court.

2. Watermaster Control

The Watermaster is hereby granted discretionary powers to develop and implement a groundwater management plan and program for the Beaumont Basin, which plan shall be filed with and shall be subject to review and approval by, the Court, and which may include water quantity and quality considerations and shall reflect the provisions of this Judgment. Except for the exercise by Overlying Parties of their respective Rights described in Column 4 of Exhibit "B" hereto in accordance with the provisions of the Physical Solution, groundwater extractions and the replenishment thereof, and the storage of Supplemental Water, shall be subject to procedures established and administered by the Watermaster. Such procedures shall be subject to review by the Court upon motion by any Party.

3. Watermaster Standard of Performance

The Watermaster shall, in carrying out its duties and responsibilities herein, act in an impartial manner without favor or prejudice to any Party or purpose of use.

4. Watermaster Appointment

The Watermaster shall consist of a committee composed of persons nominated by the City of Banning, the City of Beaumont, the Beaumont-Cherry Valley Water District, the South Mesa Mutual Water Company and the Yucaipa Valley Water District, each of

1 which shall have the right to nominate one representative to the
2 Watermaster committee who shall be an employee of or consultant
3 to the nominating agency. Each such nomination shall be made in
4 writing, served upon the other parties to this Judgment and filed
5 with the Court, which shall approve or reject such nomination.
6 Each Watermaster representative shall serve until a replacement
7 nominee is approved by the Court. The nominating agency shall
8 have the right to nominate that representative's successor.

9 5. Powers and Duties of the Watermaster

10 Subject to the continuing supervision and control of the
11 Court, the Watermaster shall have and may exercise the following
12 express powers, and shall perform the following duties, together
13 with any specific powers, authority, and duties granted or
14 imposed elsewhere in this Judgment or hereafter ordered or
15 authorized by the Court in the exercise of its continuing
16 jurisdiction:

17 A. Rules and Regulations: The adoption of
18 appropriate rules and regulations for the conduct of
19 Watermaster affairs, copies of which shall be provided to
20 all interested parties.

21 B. Wellhead Protection and Recharge: The
22 identification and management of wellhead protection areas
23 and recharge areas.

24 C. Well Abandonment: The administration of a well
25 abandonment and well destruction program.

26 D. Well Construction: The development of minimum
27 well construction specifications and the permitting of new
28 wells.

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1 E. Mitigation of Overdraft: The mitigation of
2 conditions of uncontrolled overdraft.

3 F. Replenishment: The acquisition and recharge of
4 Supplemental Water.

5 G. Monitoring: The monitoring of groundwater levels,
6 ground levels, storage, and water quality.

7 H. Conjunctive Use: The development and management
8 of conjunctive-use programs.

9 I. Local Projects: The coordination of construction
10 and operation, by local agencies, of recharge, storage,
11 conservation, water recycling, extraction projects and any
12 water resource management activity within or impacting the
13 Beaumont Basin.

14 J. Land Use Plans: The review of land use plans and
15 coordination with land use planning agencies to mitigate or
16 eliminate activities that create a reasonable risk of
17 groundwater contamination.

18 K. Acquisition of Facilities: The purchase, lease
19 and acquisition of all necessary real and personal property,
20 including facilities and equipment.

21 L. Employment of Experts and Agents: The employment
22 or retention of such technical, clerical, administrative,
23 engineering, accounting, legal or other specialized
24 personnel and consultants as may be deemed appropriate. The
25 Watermaster shall maintain records allocating the cost of
26 such services as well as all other expenses of Watermaster
27 administration.

28 M. Measuring Devices: Except as otherwise provided

1 by agreement the Watermaster shall install and maintain in
2 good operating condition, at the cost of the Watermaster,
3 such necessary measuring devices or meters as Watermaster
4 may deem appropriate. Such devices shall be inspected and
5 tested as deemed necessary by the Watermaster and the cost
6 thereof borne by the Watermaster. Meter repair and
7 retesting will be a Producer expense.

8 N. Assessments: The Watermaster is empowered to levy
9 and collect the following assessments:

10 (1) Annual Replenishment Assessments

11 The Watermaster shall levy and collect
12 assessments in each year, in amounts sufficient to
13 purchase replenishment water to replace Overproduction
14 by any Party.

15 (2) Annual Administrative Assessments

16 a. Watermaster Expenses: The expenses of
17 administration of the Physical Solution shall be
18 categorized as either "General Watermaster
19 Administration Expenses", or "Special Project
20 Expenses".

21 i. General Watermaster Administration
22 Expenses: shall include office rent, labor,
23 supplies, office equipment, incidental expenses
24 and general overhead. General Watermaster
25 Administration Expenses shall be assessed by the
26 Watermaster equally against the Appropriators who
27 have appointed representatives to the Watermaster.
28

1 ii. Special Project Expenses: shall
2 include special engineering, economic or other
3 studies, litigation expenses, meter testing or
4 other major operating expenses. Each such project
5 shall be assigned a task order number and shall be
6 separately budgeted and accounted for. Special
7 Project Expenses shall be allocated to the
8 Appropriators, or portion thereof, on the basis of
9 benefit.

10 O. Investment of Funds; Borrowing: The Watermaster
11 may hold and invest Watermaster funds as authorized by law,
12 and may borrow, from time-to-time, amounts not exceeding
13 annual receipts.

14 P. Contracts: The Watermaster may enter into
15 contracts for the performance of any of its powers.

16 Q. Cooperation With Other Agencies: The Watermaster
17 may act jointly or cooperate with other local, state and
18 federal agencies.

19 R. Studies: The Watermaster may undertake relevant
20 studies of hydrologic conditions and operating aspects of
21 the management program for the Beaumont Basin.

22 S. Groundwater Storage Agreements: The Watermaster
23 shall adopt uniform rules and a standard form of agreement
24 for the storage of Supplemental Water, provided that the
25 activities undertaken pursuant to such agreements do not
26 injure any Party.

27 T. Administration of Groundwater Storage Capacity:
28 Except for the exercise by the Overlying Parties of their

1 respective Overlying Water Rights described in Part III,
2 above, in accordance with the provisions of the Physical
3 Solution, all Groundwater Storage Capacity in the Beaumont
4 Basin shall be subject to the Watermaster's rules and
5 regulations, which regulations shall ensure that sufficient
6 storage capacity shall be reserved for local projects. Any
7 Person or entity may apply to the Watermaster to store water
8 in the Beaumont Basin.

9 U. Accounting for Stored Water: The Watermaster
10 shall calculate additions, extractions and losses and
11 maintain an annual account of all stored water in the
12 Beaumont Basin, and any losses of water supplies or Safe
13 Yield resulting from such stored water.

14 V. Accounting for New Yield: Recharge of the
15 Beaumont Basin with New Yield water shall be credited to the
16 Party that creates the New Yield. The Watermaster shall
17 make an independent scientific assessment of the estimated
18 New Yield created by each proposed project. New Yield will
19 be allocated on an annual basis, based upon monitoring data
20 and review by the Watermaster.

21 W. Accounting for Acquisitions of Water Rights: The
22 Watermaster shall maintain an accounting of acquisitions by
23 Appropriators of water otherwise subject to Overlying Water
24 Rights as the result of the provision of water service
25 thereto by an Appropriator.

26 X. Annual Administrative Budget: The Watermaster
27 shall prepare an annual administrative budget for public
28 review, and shall hold a public hearing on each such budget

1 prior to adoption. The budget shall be prepared in
2 sufficient detail so as to make a proper allocation of the
3 expenses and receipts. Expenditures within budgeted items
4 may thereafter be made by the Watermaster as a matter of
5 course.

6 Y. Redetermining the Safe Yield: The Safe Yield of
7 the Beaumont Basin shall be redetermined at least every 10
8 years beginning 10 years after the date of entry of this
9 Judgment.

10 6. Reports and Accounting

11 (a) Production Reports: Each Pumper shall
12 periodically file, pursuant to Watermaster rules and
13 regulations, a report showing the total production of such
14 Pumper from each well during the preceding report period,
15 and such additional information as the Watermaster may
16 reasonably require.

17 (b) Watermaster Report and Accounting: The
18 Watermaster shall prepare an annual report of the preceding
19 year's operations, which shall include an audit of all
20 assessments and Watermaster expenditures.

21 7. Replenishment

22 Supplemental Water may be obtained by the Watermaster from
23 any source. The Watermaster shall seek the best available
24 quality of Supplemental Water at the most reasonable cost for
25 recharge in the Basin. Sources may include, but are not limited
26 to:

27 (a) Recycled Water;

28 (b) State Water Project Water;

(c) Other imported water.

Replenishment may be accomplished by any reasonable method including:

(a) Spreading and percolation, or injection of water in existing or new facilities; and/or

(b) In-lieu deliveries for direct surface use, in lieu of groundwater extraction.

VII. MISCELLANEOUS PROVISIONS

1. Designation of Address for Notice and Service

Each Party shall designate, in writing to the plaintiff, the name and address to be used for purposes of all subsequent notices and service herein, such designation to be delivered to the plaintiff within 30 days after the Judgment has been entered. The plaintiff shall, within 45 days after judgment has been entered, file the list of designees with the Court and serve the same on the Watermaster and all Parties. Such designation may be changed from time-to-time by filing a written notice of such change with the Watermaster. Any Party desiring to be relieved of receiving notices of Watermaster activity may file a waiver of notice on a form to be provided by the Watermaster. The Watermaster shall maintain, at all times, a current list of Parties to whom notices are to be sent and their addresses for purposes of service. The Watermaster shall also maintain a full current list of names and addresses of all Parties or their successors, as filed herein. Copies of such lists shall be available to any Person. If no designation is made, a Party's designee shall be deemed to be, in order of priority: (i) the Party's attorney of record; or (ii) if the Party does not have an

1 attorney of record, the Party itself at the address on the
2 Watermaster list.

3 2. Intervention After Judgment

4 Any Person who is neither a Party to this Judgment nor a
5 successor or assignee of a Party to this Judgment may seek to
6 become a party to this Judgment by filing a petition in
7 intervention.

8 3. Interference with Pumping

9 Nothing in this judgment shall be deemed to prevent any
10 party from seeking judicial relief against any other party whose
11 pumping activities constitute an unreasonable interference with
12 the complaining party's ability to extract groundwater.

13 4. Successors and Assigns

14 This Judgment and all provisions herein shall be binding on
15 and shall inure to the benefit of the heirs, executors,
16 administrators, successors and assigns of the parties hereto.

17 5. Severability

18 The provisions of this Judgment are severable. If any
19 provision of this Judgment is held by the Court to be illegal,
20 invalid or unenforceable, that provision shall be excised from
21 the Judgment. The remainder of the terms of the Judgment shall
22 remain in full force and effect and shall in no way be affected,
23 impaired or invalidated by such excision. This Judgment shall be
24 reformed to add, in lieu of the excised provision, a provision as
25 similar in terms to the excised provision as may be possible and
26 be legal, valid and enforceable.

27 6. Review Procedures

28 Any action, decision, rule or procedure of the Watermaster

1 pursuant to this Judgment shall be subject to review by the Court
2 on its own motion or on timely motion by any Party, as follows:

3 A. Effective Date of Watermaster Action: Any order,
4 decision or action of the Watermaster pursuant to this
5 Judgment on noticed specific agenda items shall be deemed to
6 have occurred on the date of the order, decision or action.

7 B. Notice of Motion: Any Party may, by a regularly-
8 noticed motion, petition the Court for review of the
9 Watermaster's action or decision pursuant to this Judgment.
10 The motion shall be deemed to be filed when a copy,
11 conformed as filed with the Court, has been delivered to the
12 Watermaster, together with the service fee established by
13 the Watermaster sufficient to cover the cost to photocopy
14 and mail the motion to each Party. The Watermaster shall
15 prepare copies and mail a copy of the motion to each Party
16 or its designee according to the official service list which
17 shall be maintained by the Watermaster according to Part
18 VII, paragraph 1, above. A Party's obligation to serve the
19 notice of a motion upon the Parties is deemed to be
20 satisfied by filing the motion as provided herein. Unless
21 ordered by the Court, any petition shall not operate to stay
22 the effect of any Watermaster action or decision which is
23 challenged.

24 C. Time for Motion: A motion to review any
25 Watermaster action or decision shall be filed within 90 days
26 after such Watermaster action or decision, except that
27 motions to review Watermaster assessments hereunder shall be
28 filed within 30 days of mailing of notice of the assessment.

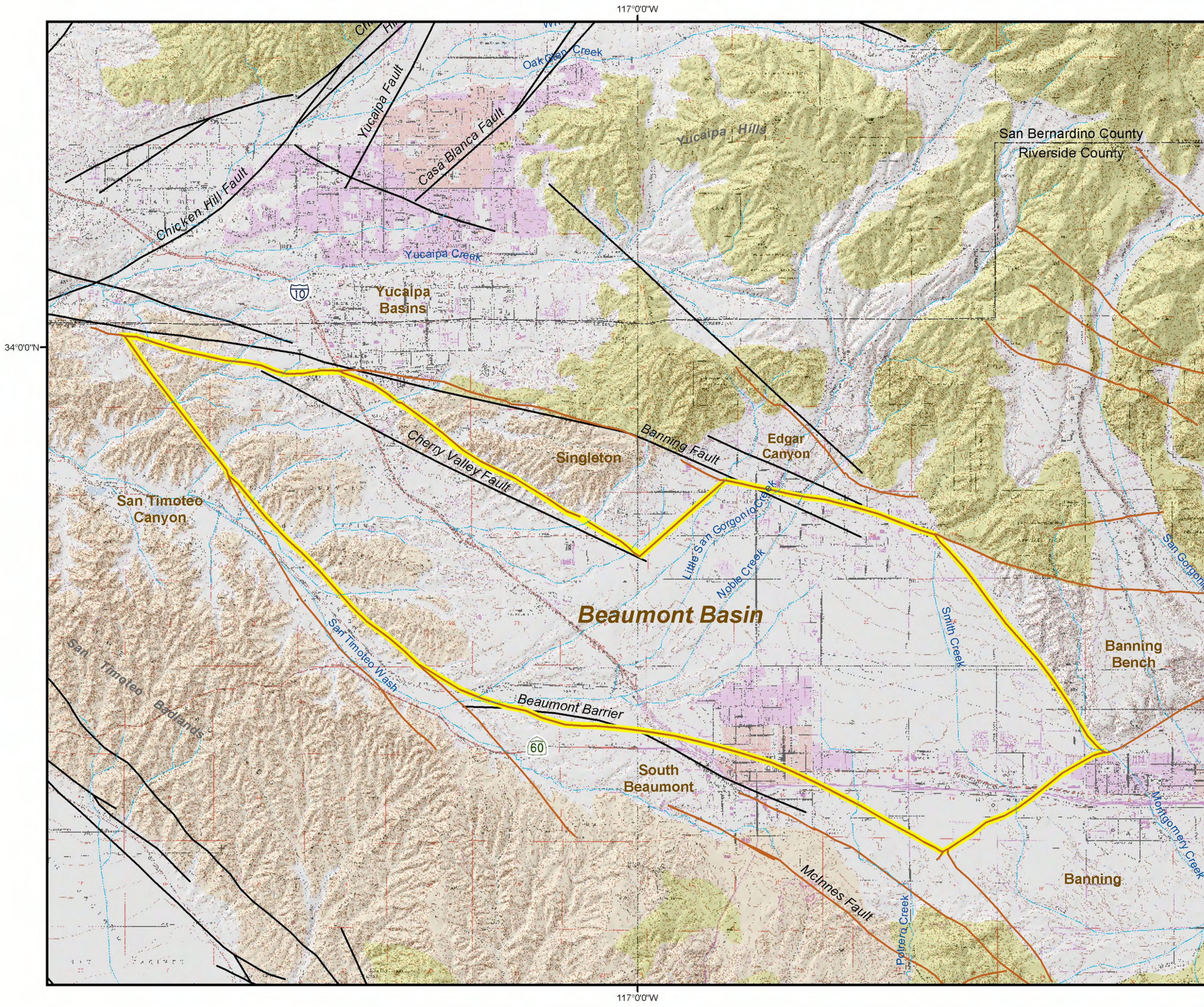
1 D. De Novo Nature of Proceeding: Upon filing of a
2 petition to review a Watermaster action, the Watermaster
3 shall notify the Parties of a date when the Court will take
4 evidence and hear argument. The Court's review shall be de
5 novo and the Watermaster decision or action shall have no
6 evidentiary weight in such proceeding.

7 E. Decision: The decision of the Court in such
8 proceedings shall be an appealable Supplemental Order in
9 this case. When the same is final, it shall be binding upon
10 the Watermaster and the Parties.

11
12
13 Dated: FEB - 4 2004

14
15 GARY TRAMBARGER

16 JUDGE OF THE SUPERIOR COURT
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28



San Timoteo Watershed Management Authority

- Beaumont Basin Boundary {based on faults of Bloyd (1970)}
- Fault by Burnham and Dutcher (1960)
- Fault by Bloyd (1971)
- Generalized Geology**
 - Unconsolidated Sediments
 - Consolidated Bedrock
 - Semi-Consolidated Sediments
- Streams



Exhibit A

Boundary Map and Features of the Beaumont Basin Area

Map prepared by: WE Wildermuth Environmental	File: Exhibit_A.mdx Author: AEM Date: 9/2/2002
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Exhibit B
Overlying Producers and Their Rights

(1) Producer	(2) Average Production during 1997- 2001 (acre-ft/yr)	(3) Exercised Rights ¹ (acre-ft/yr)	(4) Projected Maximum Production (acre-ft/yr)
Beckman, Walt	0	0	75
Roman Catholic Bishop of San Bernardino	104	114	154
Rancho Calimesa Mobile Home Park	60	150	150
Merlin Properties, LLC.	540	550	550
Sunny-Cal Egg and Poultry Company ²	1,340	1,340	1,439.5
Sunny-Cal North - Manheim, Manheim & Berman ²			300
Nick Nikodinov ³			20
Ronald L. McAmis ⁴			5
Nicolas and Amalia Aldama ⁵			7
Hector Gutierrez, Luis Gutierrez and Sebastian Monroy ⁶			10
Boris and Miriam Darmont ⁷			2.5
California Oak Valley Golf and Resort LLC	692	950	950
Leonard Stearn	0	0	200
Oak Valley Partners	510	553	1,806
So. California Professional Golf Association	680	1,688	2,200
Sharondale Mesa Owners Association	184	200	200
Plantation on the Lake	271	300	581
Totals	4,381	5,845	8,650

Note 1 -- Maximum Reported Production during 1997-2001

Note 2 -- The *Exercised Right* and *Projected Maximum Production* were an aggregate right for defendants *Sunny-Cal Egg and Poultry*, and *Manheim, Manheim and Berman(MMB)*. As requested, Watermaster action designated 300 af of the aggregate right to MMB aka Sunny-Cal North on February 7, 2006.

Note 3 -- The *Exercised Right* and *Projected Maximum Production* were an aggregate right for defendants *Sunny-Cal Egg and Poultry*, and *Manheim, Manheim and Berman(MMB)*. As requested, Watermaster action designated 20 af of aggregate right to Nick Nikodinov on April 17, 2006.

Note 4 -- The *Exercised Right* and *Projected Maximum Production* were an aggregate right for defendants *Sunny-Cal Egg and Poultry*, and *Manheim, Manheim and Berman(MMB)*. As requested, Watermaster action designated 5 af of aggregate right to Ronald L. McAmis on June 13, 2006.

Note 5 -- The *Exercised Right* and *Projected Maximum Production* were an aggregate right for defendants *Sunny-Cal Egg and Poultry*, and *Manheim, Manheim and Berman(MMB)*. As requested, Watermaster action designated 7 af of aggregate right to Nicolas and Amalia Aldama on June 13, 2006.

Note 6 -- The *Exercised Right* and *Projected Maximum Production* were an aggregate right for defendants *Sunny-Cal Egg and Poultry*, and *Manheim, Manheim and Berman(MMB)*. As requested, Watermaster action designated 10 af of aggregate right to Hector Gutierrez, Luis Gutierrez and Sebastian Monroy on June 13, 2006.

Note 7 -- The *Exercised Right* and *Projected Maximum Production* were an aggregate right for defendants *Sunny-Cal Egg and Poultry*, and *Manheim, Manheim and Berman(MMB)*. As requested, Watermaster action designated 2.50 af of aggregate right to Boris and Miriam Dermont on June 13, 2006.

Exhibit C
Appropriators and Their Water Rights

(1) Producer	(2) Average Production during 1997-2001 (acre-ft/yr)	(3) Share of Safe Yield Allocated to Appropriators	(4) Initial Estimate of Appropriate Rights ¹ (acre-ft/yr)	(5) Controlled Overdraft and Supplemental Water Recharge Allocation ² (acre-ft/yr)	(6) Operating Yield (acre-ft/yr)
Banning, City of	2,170	31.43%	882	5,029	5,910
City of Beaumont	0	0.00%	0	0	0
Beaumont Cherry Valley Water District	2,936	42.51%	1,193	6,802	7,995
South Mesa Water Company	862	12.48%	350	1,996	2,346
Yucaipa Valley Water District	938	13.58%	381	2,173	2,554
Totals	6,906	100.00%	2,805	16,000	18,805

Note 1 -- Based on a 8,650 acre-ft/yr safe yield

Note 2-- Controlled overdraft will not exceed 160,000 acre-ft during for first ten years of operation under the physical solution.

Exhibit D
Overlying Producers and the Parcels Upon Which Their Overlying Rights are Exercised¹

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Beckman, Walt	405250004	19.04
	405250005	19.00
Total Area		<u>38.04</u>
California Oak Valley Golf and Resort	406070041	209.71
Total Area		<u>209.71</u>
Manheim, Manheim & Berman²	407200009	20.35
	407200011	20.00
	407200012	20.04
	407210001	45.41
	407210002	12.04
	407210004	4.16
Total Area		<u>122.00</u>
Roman Catholic Bishop of San Bernardino	413280016	16.78
	413280030	2.06
	413280036	12.42
Total Area		<u>31.26</u>
Oak Valley Partners	406060010	115.82
	406060015	4.00
	406060017	19.03
	406230020	4.26
	411210003	2.40
	411210005	105.41
	411210010	15.14
	411210016	9.77
	411210017	8.94
	413030011	315.30
	413040001	493.40
	413040002	137.00
	413040003	74.48
	413040004	6.50
	413040005	80.02
	413040006	75.54
	413040007	76.22

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Oak Valley Partners (cont'd)	413040008	144.48
	413040009	10.00
	413040010	78.22
	413060003	1.70
	413160003	80.00
	413160004	106.92
	413160005	53.08
	413160006	64.47
	413160007	15.53
	413170020	40.26
	413170021	27.62
	413170023	12.38
	413170027	14.19
	413170028	4.11
	413170029	2.35
	413170030	20.28
	413170031	66.63
	413170033	2.79
	413170035	11.74
	413180017	556.91
	413180019	9.77
	413190001	111.31
	413190003	5.64
	413190005	10.35
	413190008	12.40
	413190011	138.92
	413200002	0.23
	413200003	0.15
	413200010	5.94
	413200014	10.61
	413200015	11.36
	413200020	5.00
	413200023	14.47
	413200024	5.00
	413200026	32.86
	413200027	42.90
	413200028	116.62
	413200029	6.39
	413200030	19.01
	413200034	2.18
	413200035	10.99
	413200036	10.42
	413200037	4.95
	413270021	0.31
	413280034	2.37
	413280039	13.61
	413280040	1.91

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Oak Valley Partners (cont'd)	413280041	2.24
	413280042	6.86
	413290003	510.57
	413290004	16.08
	413290006	8.40
	413290007	103.68
	413450019	74.85
	413450020	169.96
	413450021	146.99
	413450024	48.25
	413450025	50.83
	413450026	122.59
	413450029	108.92
	413460036	199.12
	413460037	23.51
	413460038	19.58
	413460039	45.23
	413460039	45.23
	414090005	1.59
	414090007	1.38
	414090013	31.60
	414090017	20.00
	414090018	4.50
	414100002	42.13
	414100003	65.00
Total Area		<u>5,331.65</u>
Plantation on the Lake	407230031	12.36
	407230010	1.25
	406050018	156.85
	406050002	5.12
	406050003	1.81
Total Area		<u>177.39</u>
Rancho Calimesa Mobile Home Park	413270001	29.66
Total Area		<u>29.66</u>
Merlin Properties, LLC.	407230014	48.52
Total Area		<u>48.52</u>
Sharondale Mesa Owners Association	413330014	1.55
	413330015	2.14
	413331022	0.48
	413331035	0.22
	413340021	0.04
	413340022	0.04
	413340023	1.53
	413340024	2.52
	413341033	0.29

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Sharondale Mesa Owners Association (cont'd)	413341034	0.81
	413341036	0.35
	413342004	0.35
	413350011	1.04
	413350012	1.44
	413351018	17.08
	413351019	0.16
	413360032	1.92
	413360033	2.30
	413360035	0.90
	413361001	0.14
	413361008	0.12
	413361010	0.18
	413370027	0.39
	413370028	5.34
	413370030	0.69
	413371018	2.07
	413372019	1.39
Total Area		<u>45.48</u>
So. California Professional Golf Association	406060011	146.59
	406060013	2.83
	406060014	4.58
	406060016	10.35
	413450016	99.66
	413450022	95.15
	413450023	2.89
	413450027	91.53
Total Area		<u>453.58</u>
Stearns, Leonard	413221001	0.25
	413221002	0.34
	413260018	49.33
	413260025	0.37
	413270007	10.58
	413280010	1.27
	413280018	9.37
	413280021	4.26
	413280027	3.80
	413280037	14.32
Total Area		<u>93.89</u>
Sunny-Cal Egg and Poultry Company²	406080013	0.07
	407190016	4.95
	407190017	31.32
	407230022	20.03
	407230023	20.03
	407230024	20.03
	407230025	21.99

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Sunny-Cal Egg and Poultry Company² (cont'd)	407230026	25.94
	407230027	21.63
	407230028	21.56
Total Area		<u>187.55</u>
Nikodinov, Nick⁴	407180004	9.35
Total Area		<u>9.35</u>
McAmis, Ronald L.⁵	407190018	0.93
Total Area		<u>0.93</u>
Aldama, Nicolas and Amalia⁶	407190015	1.35
Total Area		<u>1.35</u>
Hector Gutierrez, Luis Gutierrez and Sebastian Monroy⁷	407190013	2.01
Total Area		<u>2.01</u>
Darmont, Boris and Miriam⁸	407190014	0.50
Total Area		<u>0.50</u>
Total Area for All Overlying Producers³		<u>6,782.87</u>

Note 1 -- Parcels as of June 1, 2003; updated to include Nick Nikodinov per April 17, 2006 Watermaster action; updated to include Ronald L. McAmis, Nicolas and Amalia Aldama, Hector Gutierrez, Luis Guterrez, and Sebastian Monroy, and Boris and Miriam Darmont per June 13, 2006 Watermaster actions.

Note 2 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to MMB on February 7, 2006.

Note 3 -- The Watermaster shall recognize adjustments in parcel boundaries that result in de minimus changes in water use

Note 4 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Nick Nikodinov on April 17, 2006.

Note 5 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Ronald L. McAmis on June 13, 2006.

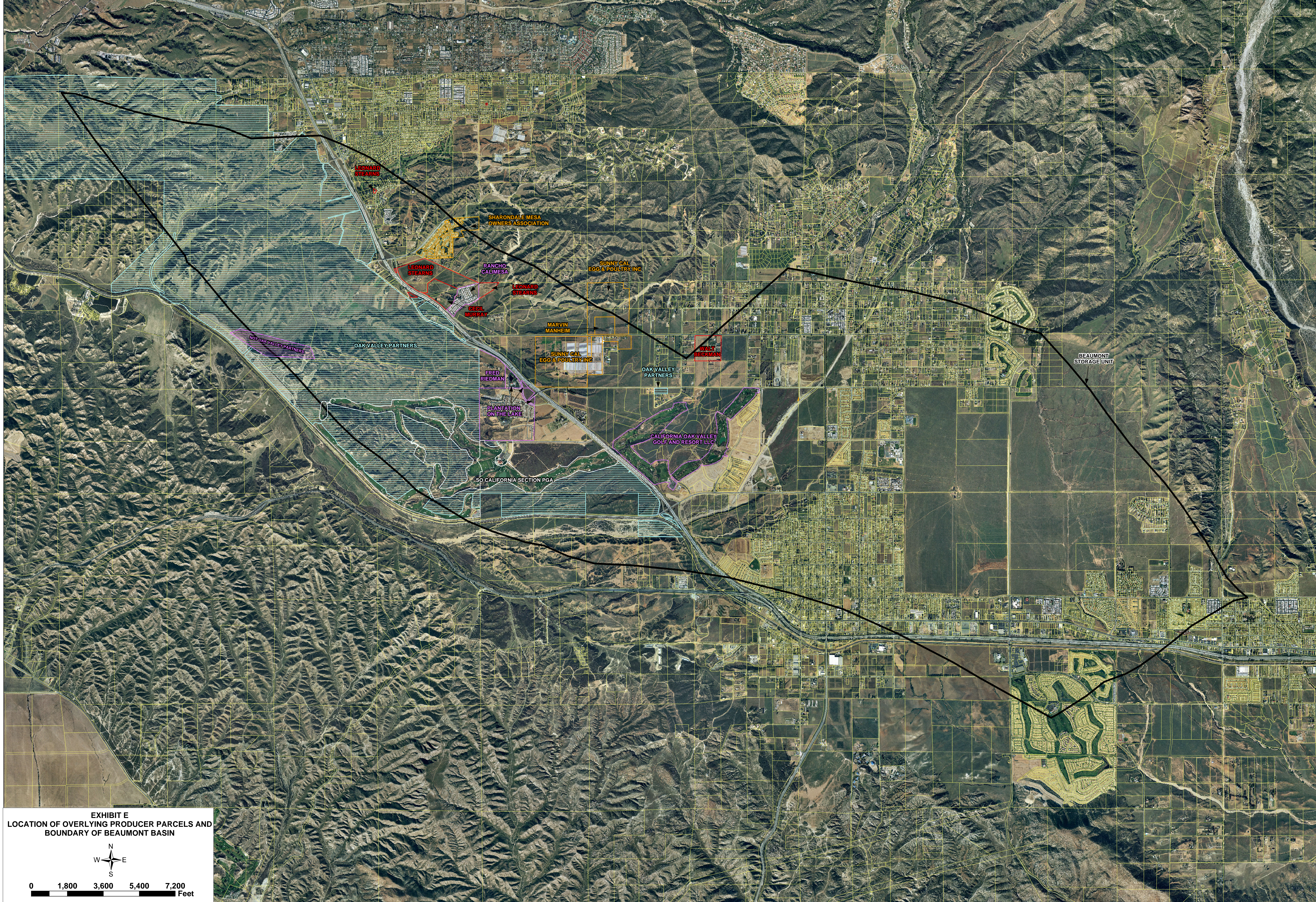
Note 6 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Nicolas and Amalia Aldama on June 13, 2006.

Note 7 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Hector Gutierrez, Luis Gutierrez and Sebastian Monroy on June 13, 2006.

Note 8 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Boris and Miriam Darmont on June 13, 2006.

EXHIBIT E

LOCATION OF OVERLYING PRODUCER PARCELS AND BOUNDARY OF BEAUMONT BASIN



Appendix G

Public Notices

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Beaumont-Cherry Valley Water District

Phone: (951) 845-9581 Fax: (951) 845-0159

Email: info@bcvwd.org

<http://www.bcvwd.org>

March 30, 2021

Dan Jagers

Secretary, Beaumont Basin Watermaster

560 Magnolia Ave

Beaumont, CA 92223

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Art Vela,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

The District will hold a public hearing to consider, and to receive public comments on its draft 2020 UWMP. The public hearing will be held a minimum of 60 days from the date of this letter at the District's offices (located at 560 Magnolia Ave, Beaumont, CA 92223). A public notice stating the specific date, time, and location of the public hearing will be issued two (2) weeks prior to said hearing.

All interested parties are invited to attend the public hearing and to comment on the District's Draft 2020 UWMP. Alternatively, interested parties may submit written comments to the District at least 30 days prior to the public hearing, a draft copy of the District's 2020 UWMP will be made available at the District's office at 560 Magnolia Ave, Beaumont, CA 92223 and on its website at www.bcvwd.org.

Sincerely,

Mark Swanson, P.E.

Senior Engineer

Beaumont-Cherry Valley Water District

Board of Directors

David Hoffman
Division 5

John Covington
Division 4

Daniel Slawson
Division 3

Lona Williams
Division 2

Andy Ramirez
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March 30, 2021

Art Vela

City of Banning/Department of Public Works

99 East Ramsey Street

Banning, CA 92220

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Art Vela,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

Mark Swanson, P.E.
Senior Engineer
Beaumont-Cherry Valley Water District

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March 30, 2021

Ray Casey

City of Yucaipa

34272 Yucaipa Blvd.

Yucaipa, CA 92399

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Ray Casey,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Senior Engineer
Beaumont-Cherry Valley Water District

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March 30, 2021

Bonnie Johnson

City of Calimesa

908 Park Avenue

Calimesa, CA 92320

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Bonnie Johnson,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

Mark Swanson, P.E.

Senior Engineer

Beaumont-Cherry Valley Water District

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March 30, 2021

Joseph Zoba
Yucaipa Valley Water District
P.O. Box 730
Yucaipa, CA 92399-0730

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Joseph Zoba,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

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March 30, 2021

David Armstrong

South Mesa Water Company

P.O. Box 458

Calimesa, CA 92320

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear David Armstrong,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

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Beaumont-Cherry Valley Water District

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March 30, 2021

Paul D. Jones

Eastern Municipal Water District

P.O. Box 8300

Perris, CA 92570

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Paul D. Jones ,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

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March 30, 2021

Jeff Davis

San Geronio Pass Water Agency

1210 Beaumont Avenue

Beaumont, CA 92223

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Jeff Davis,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

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March 30, 2021

Jay Orr

County of Riverside - LAFCO

6216 Brockton Ave St 111-B

Riverside, CA 92506

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Jay Orr,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

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Beaumont-Cherry Valley Water District

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Beaumont-Cherry Valley Water District

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<http://www.bcvwd.org>

March 30, 2021

Patsy Reeley

Cherry Valley Acres and Neighbors

P.O. Box 3257

Beaumont, CA 92223

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Patsy Reeley,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

Mark Swanson, P.E.
Senior Engineer
Beaumont-Cherry Valley Water District

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Andy Ramirez
Division 1



Beaumont-Cherry Valley Water District

Phone: (951) 845-9581 Fax: (951) 845-0159

Email: info@bcvwd.org

<http://www.bcvwd.org>

March 30, 2021

Bill Blankenship

Riverside Building Industry Association

3891 11th Street

Riverside, CA 92501

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Bill Blankenship,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

The District will hold a public hearing to consider, and to receive public comments on its draft 2020 UWMP. The public hearing will be held a minimum of 60 days from the date of this letter at the District's offices (located at 560 Magnolia Ave, Beaumont, CA 92223). A public notice stating the specific date, time, and location of the public hearing will be issued two (2) weeks prior to said hearing.

All interested parties are invited to attend the public hearing and to comment on the District's Draft 2020 UWMP. Alternatively, interested parties may submit written comments to the District at least 30 days prior to the public hearing, a draft copy of the District's 2020 UWMP will be made available at the District's office at 560 Magnolia Ave, Beaumont, CA 92223 and on its website at www.bcvwd.org.

Sincerely,

Mark Swanson, P.E.
Senior Engineer
Beaumont-Cherry Valley Water District

Board of Directors

David Hoffman
Division 5

John Covington
Division 4

Daniel Slawson
Division 3

Lona Williams
Division 2

Andy Ramirez
Division 1



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<http://www.bcvwd.org>

March 30, 2021

Kathleen Rollings-McDonald

County of San Bernardino - LAFCO

1170 W. Third St, Unit 150

San Bernardino, CA 92415-0490

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Kathleen Rollings-McDonald,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

Mark Swanson, P.E.
Senior Engineer
Beaumont-Cherry Valley Water District

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Email: info@bcvwd.org

<http://www.bcvwd.org>

March 30, 2021

Amer Jakher

City of Beaumont

550 East 6th Street

Beaumont, CA 92223

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Amer Jakher,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Senior Engineer

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<http://www.bcvwd.org>

March 30, 2021

Duane Burke

Beaumont Cherry Valley Recreation and Parks District

650 Oak Valley Parkway

Beaumont, CA 92223

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Duane Burke,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

Mark Swanson, P.E.
Senior Engineer
Beaumont-Cherry Valley Water District

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Email: info@bcvwd.org

<http://www.bcvwd.org>

March 30, 2021

Terrence Davis

Beaumont Unified School District

350 Brookside Avenue

Beaumont, CA 92223

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Terrence Davis,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

Mark Swanson, P.E.
Senior Engineer
Beaumont-Cherry Valley Water District

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Andy Ramirez
Division 1

March 30, 2021

Celeste Cantu'

Santa Ana Watershed Project Authority

11615 Sterling Avenue

Riverside, CA 92503

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Celeste Cantu',

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

Mark Swanson, P.E.
Senior Engineer
Beaumont-Cherry Valley Water District



Beaumont-Cherry Valley Water District

Phone: (951) 845-9581 Fax: (951) 845-0159

Email: info@bcvwd.org

<http://www.bcvwd.org>

March 30, 2021

Jason E. Uhley

Riverside County Flood Control & Water Conservation

1995 Market Street

Riverside, CA 92501

Subject: Beaumont-Cherry Valley Water District Urban Water Management Plan
- 2020 Update Notice Pursuant to Section 10621(b) of the California
Water Code

Dear Jason E. Uhley,

The purpose of this letter is to provide notice that the Beaumont-Cherry Valley Water District (District) is revising its Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act and the Water Conservation Act of 2009 and subsequent revisions thereto.

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Sincerely,

Mark Swanson, P.E.
Senior Engineer
Beaumont-Cherry Valley Water District

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Appendix H
SGPWA Delta Reliance Tables

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Delta Reliance

Appendix H provides the Delta Reliance assessment of the Beaumont-Cherry Valley Water District (District), in conjunction with the Delta Reliance of other retail water service agencies which receive State Project Water from the San Geronio Pass Water Agency (SGPWA). From January through March 2021, during its preliminary 2020 UWMP preparation, the District coordinated efforts with the other various local water agencies as well as the SGPWA to discuss the anticipated methods and opportunities to manage regional supplies through investments in non-Delta water supplies, local water supplies, and regional and local demand management measures. Retail agencies which are also served by the SGPWA include: City of Banning, Yucaipa Valley Water District, South Mesa Water Company, High Valley Water District, Cabazon County Water District, Mission Springs, and other smaller retailers which were not required to prepare an UWMP.

The District actively relies on the SGPWA to secure additional water supplies through long term transfer and exchange opportunities, as well as other projects which will result in decreased Delta Reliance. The subsequent tables were prepared by the SGPWA with the coordination of the agencies in the Pass Area and indicate the Pass Area's anticipated demands and ultimately imported water needs over the next 25 years in 5 year increments. The information provided and further discussion can also be found in Appendix A of the SGPWA's 2020 UWMP draft update.

Appendix H Delta Reliance Calculation Tables

Service Area Water Use Efficiency Demands (Acre-Feet)		2015	2020	2025	2030	2035	2040	2045 (opt)
City of Banning	n/a	6,709	7,012	9,473	10,198	10,853	11,565	12,278
Beaumont Cherry Valley		9,792	14,186	15,244	16,364	17,632	19,045	20,197
Yucaipa Valley WD (Riverside Portion)		1,048	1,133	1,466	1,798	2,131	2,464	2,796
South Mesa WC (Riverside Portion)		886	983	1,032	1,084	1,138	1,196	1,196
High Valley WD								
Cabazon County WD								
Mission Springs (SGPWA area)		3,200	3,300	3,400	3,600	3,900	4,100	4,300
Other SGPWA service area not served by named retailers								
Potable Service Area Demands with Water Use Efficiency		21,636	26,614	30,615	33,044	35,654	38,369	40,767

Appendix H Delta Reliance Calculation Tables

Total Service Area Population		2015	2020	2025	2030	2035	2040	2045 (opt)
City of Banning	n/a	30,491	30,325	35,730	40,969	46,207	51,446	56,685
Beaumont Cherry Valley		47,169	59,019	65,773	73,590	82,002	88,823	95,028
Yucaipa Valley WD (Riverside Portion)		5,996	6,355	8,335	10,315	12,295	14,275	16,255
South Mesa WC (Riverside Portion)		3,840	3,974	4,114	4,258	4,407	4,561	4,561
High Valley WD								
Cabazon County WD		3,609	3,776	4,055	4,355	4,614	4,888	5,177
Mission Springs (SGPWA area)								
Other SGPWA service area not served by named retailers								
Service Area Population	66,865	91,105	103,449	118,007	133,487	149,525	163,993	177,706

Appendix H Delta Reliance Calculation Tables

Water Use Efficiency Since Baseline (Acre-Feet)	20x2020 baseline	2015	2020	2025	2030	2035	2040	2045 (opt)
Per Capita Water Use (GPCD)	266	188	209	215	204	196	192	188
Change in Per Capita Water Use from Baseline (GPCD)		(78)	(57)	(51)	(62)	(70)	(74)	(78)
Estimated Water Use Efficiency Since Baseline		7,968	6,570	6,743	9,208	11,767	13,598	15,480

Appendix H Delta Reliance Calculation Tables

Total Service Area Water Demands (Acre-Feet)		2015	2020	2025	2030	2035	2040	2045 (opt)
Service Area Water Demands with Water Use Efficiency	n/a	21,636	26,614	30,615	33,044	35,654	38,369	40,767
Estimated Water Use Efficiency Since Baseline		7,968	6,570	6,743	9,208	11,767	13,598	15,480
Service Area Water Demands <u>without</u> Water Use Efficiency		29,604	33,184	37,359	42,252	47,421	51,968	56,247

Appendix H Delta Reliance Calculation Tables

Calculation of Supplies Contributing to Regional Self-Reliance		2015	2020	2025	2030	2035	2040	2045 (opt)
Water Supplies Contributing to Regional Self-Reliance (Acre-Feet)								
Water Use Efficiency	n/a	7,968	6,570	6,743	9,208	11,767	13,598	15,480
Local Surface Water Supplies (water rights or contracts)		250	250	250	250	250	250	250
Groundwater Supplies		12,012	11,386	13,540	14,317	15,415	16,460	17,505
Water Recycling		1,199	4,480	3,622	4,008	4,479	4,730	4,915
Stormwater Capture and Use		-	-	250	250	250	250	250
Advanced Water Technologies		-	-	2,500	3,424	3,641	3,643	3,635
Conjunctive Use Projects								
Other Programs and Projects the Contribute to Regional Self-Reliance								
Water Supplies Contributing to Regional Self-Reliance	9,536	21,429	22,686	26,905	31,457	35,801	38,931	42,035
Service Area Water Demands without Water Use Efficiency		2015	2020	2025	2030	2035	2040	2045 (opt)
Service Area Water Demands <u>without</u> Water Use Efficiency	19,916	29,604	33,184	37,359	42,252	47,421	51,968	56,247
Change in Regional Self Reliance (Acre-Feet)		2015	2020	2025	2030	2035	2040	2045 (opt)
Water Supplies Contributing to Regional Self-Reliance	9,536	21,429	22,686	26,905	31,457	35,801	38,931	42,035
Change in Water Supplies Contributing to Regional Self-Reliance		1,514	2,770	6,989	11,541	15,886	19,015	22,119
Change in Regional Self Reliance (As a Percent of Water Demand w/out WUE)		2015	2020	2025	2030	2035	2040	2045 (opt)
Water Supplies Contributing to Regional Self-Reliance	47.9%	72.4%	68.4%	72.0%	74.5%	75.5%	74.9%	74.7%
Change in Water Supplies Contributing to Regional Self-Reliance		24.5%	20.5%	24.1%	26.6%	27.6%	27.0%	26.9%

Appendix H Delta Reliance Calculation Tables

Water Supplies from the Delta Watershed (Acre-Feet)		2015	2020	2025	2030	2035	2040	2045 (opt)
CVP/SWP Contract Supplies	10,380	10,726	10,726	10,034	10,034	10,034	10,034	8,996
Delta/Delta Tributary Diversions								
Transfers and Exchanges	-							
Other Water Supplies from the Delta Watershed				4,000	5,000	10,000	15,000	18,000
Total Water Supplies from the Delta Watershed	10,380	10,726	10,726	14,034	15,034	20,034	25,034	26,996
Service Area Water Demands without Water Use Efficiency		2015	2020	2025	2030	2035	2040	2045 (opt)
Service Area Water Demands <u>without</u> Water Use Efficiency	baseline 19,916	29,604	33,184	37,359	42,252	47,421	51,968	56,247
Change in Supplies from the Delta Watershed (Acre-Feet)		2015	2020	2025	2030	2035	2040	2045 (opt)
Total Water Supplies from the Delta Watershed	baseline 10,380	10,726	10,726	14,034	15,034	20,034	25,034	26,996
Change in Water Supplies from the Delta Watershed		346	346	3,654	4,654	9,654	14,654	16,616
Change in Supplies from the Delta Watershed (As a Percent of Water Demand w/out WUE)		2015	2020	2025	2030	2035	2040	2045 (opt)
Total Water Supplies from the Delta Watershed	baseline 52.1%	36.2%	32.3%	37.6%	35.6%	42.2%	48.2%	48.0%
Change in Water Supplies from the Delta Watershed		-15.9%	-19.8%	-14.6%	-16.5%	-9.9%	-3.9%	-4.1%

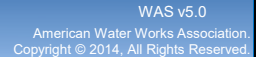
Appendix H Delta Reliance Calculation Tables

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Change in Water Supplies from the Delta Watershed		-15.9%	-19.8%	-14.6%	-16.5%	-9.9%	-3.9%	-4.1%

Appendix I

Water Loss Audits

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AWWA 2017 Water Audit Level 1 Validation – Review Document

Audit Information:

Utility: Beaumont-Cherry Valley Water District **PWS ID:** 3310002
System Type: Potable **Audit Period:** Calendar 2017
Utility Representation: James Bean, Bill Clayton
Validation Date: 8/9/2018 **Call Time:** 8:00am **Sufficient Supporting Documents Provided:** Yes

Validation Findings & Confirmation Statement:

Key Audit Metrics:

Data Validity Score: 60 **Data Validity Band (Level):** Band III (51-70)
ILI: 2.18 **Real Loss:** 43.26 (gal/conn/day) **Apparent Loss:** 12.98 (gal/conn/day)
Non-revenue water as percent of cost of operating system: 5.9%

Certification Statement by Validator:

This water loss audit report has been Level 1 validated per the requirements of California Code of Regulations Title 23, Division 2, Chapter 7 and the California Water Code Section 10608.34.

All recommendations on volume derivation and Data Validity Grades were incorporated into the water audit. ☒

Validator Information:

Water Audit Validator: Drew Blackwell **Validator Qualifications:** Contractor for California Water Loss TAP

2017 AWWA Water Audit Level 1 Validation

Water System Name:

Water System ID Number:

Water Audit Period:

Water Audit & Water Loss Improvement Steps:

Steps taken in preceding year to increase data validity, reduce real loss and apparent loss as informed by the annual validated water audit:

BCVWD has made changes in the frequency of testing source water meters to verify accuracy. Some of the source water verification has been made by Southern California Edison efficiency testing. Tracking water metered and not billed (i.e. water used by BCVWD owned facilities) has been accounted for in this year's Water Audit. Estimating real water losses due to leaks has also been ongoing.

Certification Statement by Utility Executive:

This water loss audit report meets the requirements of California Code of Regulations Title 23, Division 2, Chapter 7 and the California Water Code Section 10608.34 and has been prepared in accordance with the method adopted by the American Water Works Association, as contained in their manual, *Water Audits and Loss Control Programs, Manual M36, Fourth Edition* and in the Free Water Audit Software version 5.

James M. Be...

Assistant Director of Operations

Executive Name (Print)

Executive Position

Signature

Date

09/5/2018

Utility Provided



AWWA Free Water Audit Software: Reporting Worksheet

WAS v5.0
American Water Works Association
Copyright © 2014, All Rights Reserved.

?	Click to access definition
+	Click to add a comment

Water Audit Report for: **Beaumont Cherry Valley Water District (3310002)**
Reporting Year: **2018** **1/2018 - 12/2018**

Please enter data in the white cells below. Where available, metered values should be used; if metered values are unavailable please estimate a value. Indicate your confidence in the accuracy of the input data by grading each component (n/a or 1-10) using the drop-down list to the left of the input cell. Hover the mouse over the cell to obtain a description of the grades

All volumes to be entered as: ACRE-FEET PER YEAR

To select the correct data grading for each input, determine the highest grade where the utility meets or exceeds all criteria for that grade and all grades below it.

<----- Enter grading in column 'E' and 'J' ----->

WATER SUPPLIED

Volume from own sources:	+	?	3	13,764.640	acre-ft/yr
Water imported:	+	?			acre-ft/yr
Water exported:	+	?	3	11.130	acre-ft/yr

Master Meter and Supply Error Adjustments

Pcnt:	Value:	
+	?	3
0.00%		
+	?	
+	?	

Enter negative % or value for under-registration
Enter positive % or value for over-registration

WATER SUPPLIED: **13,753.510** acre-ft/yr

AUTHORIZED CONSUMPTION

Billed metered:	+	?	5	12,178.570	acre-ft/yr
Billed unmetered:	+	?			acre-ft/yr
Unbilled metered:	+	?	7	53.320	acre-ft/yr
Unbilled unmetered:	+	?	7	34.384	acre-ft/yr

AUTHORIZED CONSUMPTION: **12,266.274** acre-ft/yr

Click here: ?
for help using option
buttons below

Pcnt:	Value:	
		34.384

Use buttons to select
percentage of water supplied
OR
value

WATER LOSSES (Water Supplied - Authorized Consumption)

Apparent Losses

Unauthorized consumption: + ? 34.384 acre-ft/yr

Default option selected for unauthorized consumption - a grading of 5 is applied but not displayed

Customer metering inaccuracies:	+	?	3	186.272	acre-ft/yr
Systematic data handling errors:	+	?		30.446	acre-ft/yr

Default option selected for Systematic data handling errors - a grading of 5 is applied but not displayed

Apparent Losses: **251.103** acre-ft/yr

Pcnt:	Value:	
0.25%		

1.50%		
0.25%		

Real Losses (Current Annual Real Losses or CARL)

Real Losses = Water Losses - Apparent Losses: ? 1,236.134 acre-ft/yr

WATER LOSSES: **1,487.236** acre-ft/yr

NON-REVENUE WATER

NON-REVENUE WATER: **1,574.940** acre-ft/yr

= Water Losses + Unbilled Metered + Unbilled Unmetered

SYSTEM DATA

Length of mains:	+	?	6	375.0	miles
Number of <u>active AND inactive</u> service connections:	+	?	9	18,757	
Service connection density:	?			50	conn./mile main

Are customer meters typically located at the curbstop or property line? YES

Average length of customer service line: + ?

Average length of customer service line has been set to zero and a data grading score of 10 has been applied

Average operating pressure: + ? 5 75.0 psi

(length of service line, beyond the property boundary,
that is the responsibility of the utility)

COST DATA

Total annual cost of operating water system:	+	?	10	\$13,583.971	\$/Year
Customer retail unit cost (applied to Apparent Losses):	+	?	8	\$1.80	\$/100 cubic feet (ccf)
Variable production cost (applied to Real Losses):	+	?	5	\$413.17	\$/acre-ft

☐ Use Customer Retail Unit Cost to value real losses

WATER AUDIT DATA VALIDITY SCORE:

***** YOUR SCORE IS: 51 out of 100 *****

A weighted scale for the components of consumption and water loss is included in the calculation of the Water Audit Data Validity Score

PRIORITY AREAS FOR ATTENTION:

Based on the information provided, audit accuracy can be improved by addressing the following components:

1: Volume from own sources

2: Customer metering inaccuracies

3: Billed metered

AWWA 2018 Water Audit Level 1 Validation – Review Document

Audit Information:

Utility: Beaumont-Cherry Valley Water District **PWS ID:** 3310002
System Type: Potable **Audit Period:** Calendar 2018
Utility Representation: James Bean, Bill Clayton
Validation Date: 6/20/2019 **Call Time:** 10:30am **Sufficient Supporting Documents Provided:** Yes

Validation Findings & Confirmation Statement:

Key Audit Metrics:

Data Validity Score: 51 **Data Validity Band (Level):** Band III (51-70)
ILI: 3.04 **Real Loss:** 58.83 (gal/conn/day) **Apparent Loss:** 11.95 (gal/conn/day)
Non-revenue water as percent of cost of operating system: 5.5%

Certification Statement by Validator:

This water loss audit report has been Level 1 validated per the requirements of California Code of Regulations Title 23, Division 2, Chapter 7 and the California Water Code Section 10608.34.

All recommendations on volume derivation and Data Validity Grades were incorporated into the water audit. ☒

Validator Information:

Water Audit Validator: Larry Lewison, Will Jernigan P.E. **Validator Qualifications:** Contractor for California Water Loss TAP

Validator Provided

2018 AWWA Water Audit Level 1 Validation

Water System Name: Beaumont-Cherry Valley Water District

Water System ID Number: 3310002

Water Audit Period: Calendar Year 2018

Water Audit & Water Loss Improvement Steps:

Steps taken in preceding year to increase data validity, reduce real loss and apparent loss as informed by the annual validated water audit:

Beaumont-Cherry Valley Water District has increased the frequency of calibration to source well flow meters. Some of the source water verification has been made by Southern California Edison efficiency testing. The water that is being consumed by BCVWD owned facilities has been accounted for and tracked as this is production water that is metered and not billed. Spreadsheets have been created to track real water losses during main and service line leaks, system flushing, as well as, actual water loss due to metered system flushing. Upgrades to real time telemetry monitoring is ongoing.

Certification Statement by Utility Executive:

This water loss audit report meets the requirements of California Code of Regulations Title 23, Division 2, Chapter 7 and the California Water Code Section 10608.34 and has been prepared in accordance with the method adopted by the American Water Works Association, as contained in their manual, *Water Audits and Loss Control Programs, Manual M36, Fourth Edition* and in the Free Water Audit Software version 5.

James Bean

Asst. Director of Operations



7-8-19

Executive Name (Print)

Executive Position

Signature

Date



AWWA Free Water Audit Software: Reporting Worksheet

WAS v5.0

American Water Works Association
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Water Audit Report for: **Beaumont Cherry Valley Water District (3310002)**Reporting Year: **2019** **1/2019 - 12/2019**

Please enter data in the white cells below. Where available, metered values should be used; if metered values are unavailable please estimate a value. Indicate your confidence in the accuracy of the input data by grading each component (n/a or 1-10) using the drop-down list to the left of the input cell. Hover the mouse over the cell to obtain a description of the grades

All volumes to be entered as: ACRE-FEET PER YEAR

To select the correct data grading for each input, determine the highest grade where the utility meets or exceeds all criteria for that grade and all grades below it.

WATER SUPPLIED

Volume from own sources: acre-ft/yr
 Water imported: acre-ft/yr
 Water exported: acre-ft/yr

Master Meter and Supply Error Adjustments

Pcnt: Value: acre-ft/yr
 Value: acre-ft/yr

Enter negative % or value for under-registration
 Enter positive % or value for over-registration

WATER SUPPLIED: acre-ft/yr**AUTHORIZED CONSUMPTION**

Billed metered: acre-ft/yr
 Billed unmetered: acre-ft/yr
 Unbilled metered: acre-ft/yr
 Unbilled unmetered: acre-ft/yr

AUTHORIZED CONSUMPTION: acre-ft/yr**WATER LOSSES (Water Supplied - Authorized Consumption)** acre-ft/yr**Apparent Losses**Unauthorized consumption: acre-ft/yr

Default option selected for unauthorized consumption - a grading of 5 is applied but not displayed

Customer metering inaccuracies: acre-ft/yrSystematic data handling errors: acre-ft/yr

Default option selected for Systematic data handling errors - a grading of 5 is applied but not displayed

Apparent Losses: acre-ft/yr**Real Losses (Current Annual Real Losses or CARL)****Real Losses = Water Losses - Apparent Losses:** acre-ft/yr**WATER LOSSES:** acre-ft/yr**NON-REVENUE WATER****NON-REVENUE WATER:** acre-ft/yr

= Water Losses + Unbilled Metered + Unbilled Unmetered

SYSTEM DATA

Length of mains: miles
 Number of active AND inactive service connections:
 Service connection density: conn./mile main

Are customer meters typically located at the curbside or property line? Average length of customer service line: (length of service line, beyond the property boundary, that is the responsibility of the utility)

Average length of customer service line has been set to zero and a data grading score of 10 has been applied

Average operating pressure: psi**COST DATA**

Total annual cost of operating water system: \$/Year
 Customer retail unit cost (applied to Apparent Losses): \$/100 cubic feet (ccf)
 Variable production cost (applied to Real Losses): \$/acre-ft ☐ Use Customer Retail Unit Cost to value real losses

Retail costs are less than (or equal to) production costs; please review and correct if necessary

WATER AUDIT DATA VALIDITY SCORE:***** YOUR SCORE IS: 49 out of 100 *****

A weighted scale for the components of consumption and water loss is included in the calculation of the Water Audit Data Validity Score

PRIORITY AREAS FOR ATTENTION:

Based on the information provided, audit accuracy can be improved by addressing the following components:

1: Volume from own sources**2: Billed metered****3: Customer metering inaccuracies**

AWWA 2019 Water Audit Level 1 Validation – Review Document

Audit Information:

Utility: Beaumont-Cherry Valley Water District **PWS ID:** 3310002
System Type: Potable **Audit Period:** Calendar 2019
Utility Representation: James Bean, Bill Clayton
Validation Date: 7/7/2020 **Call Time:** 8:30am **Sufficient Supporting Documents Provided:** Yes

Validation Findings & Confirmation Statement:

Key Audit Metrics:

Data Validity Score: 49 **Data Validity Band (Level):** Band II (26-50)
ILI: 2.39 **Real Loss:** 45.75 (gal/conn/day) **Apparent Loss:** 10.64 (gal/conn/day)
Non-revenue water as percent of cost of operating system: 7.6%

Certification Statement by Validator:

This water loss audit report has been Level 1 validated per the requirements of California Code of Regulations Title 23, Division 2, Chapter 7 and the California Water Code Section 10608.34.

All recommendations on volume derivation and Data Validity Grades were incorporated into the water audit. ☒

Validator Information:

Water Audit Validator: Larry Lewison, Drew Blackwell **Validator Qualifications:** Contractor for California Water Loss TAP

2019 AWWA Water Audit Level 1 Validation

Water System Name:

Water System ID Number:

Water Audit Period:

Water Audit & Water Loss Improvement Steps:

Steps taken in preceding year to increase data validity, reduce real loss and apparent loss as informed by the annual validated water audit:

<<Information to be completed by Utility>>

Certification Statement by Utility Executive:


This water loss audit report meets the requirements of California Code of Regulations Title 23, Division 2, Chapter 7 and the California Water Code Section 10608.34 and has been prepared in accordance with the method adopted by the American Water Works Association, as contained in their manual, *Water Audits and Loss Control Programs, Manual M36, Fourth Edition* and in the Free Water Audit Software version 5.

James Bean

Executive Name (Print)

Asst. Director of operations

Executive Position


Signature

7-13-2020

Date

Utility Provided

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Appendix J

Energy Report

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Urban Water Supplier: **Beaumont Cherry Valley Water District**

Table O-1C: Recommended Energy Reporting - Multiple Water Delivery Products

Enter Start Date for Reporting Period: 1/1/2020 Enter End Date: 12/31/2020		Urban Water Supplier Operational Control					
<input type="checkbox"/> Is upstream embedded in the utilities reported to		Water Management Process				Non-Consequential Hydropower (if applicable)	
		Extract and Divert	Place into Storage	Distribution	Total Utility	Hydropower	Net Utility
Water Volume (Units)	Total Volume of Water Entering Process (volume units)	14182.28		2129.89	N/A		N/A
AF	Retail Potable Deliveries (%)	75%		100%			
	Retail Non-Potable Deliveries (%)	12%					
	Agricultural Deliveries (%)	0.4%					
	Environmental Deliveries (%)	0%					
	Other (%)	13%					
	Total Percentage (must equal 100%)	100%	0%	100%	N/A	0%	N/A
	Energy Consumed (kWh)	13182417		839496	14821913		14821913
	Energy Intensity (kWh/AF)	971.8	-	394.1	N/A	801461	N/A
Water Delivery Type		Production Volume (volume units defined above)	Total Utility (kWh/volume)	Net Utility (kWh/volume)			
	Retail Potable Deliveries	12766	875.6	875.6			
	Retail Non-Potable Deliveries	1645	971.8	971.8			
	Agricultural Deliveries	50	971.8	971.8			
	Environmental Deliveries	0	0.0	0.0			
	Other	1801	971.8	971.8			
	All Water Delivery Types	16290.99	898.9	898.9			
Quantity of Self-Generated Renewable Energy <input type="text"/> kWh Data Quality (Estimate, Metered Data, Combination of Estimates and Metered Data) Combination of Estimates and Metered Data Data Quality Narrative: Data gathered from metered District pump stations, wells, and metered energy charges. Deliveries derived from actual 2020 meter data. Narrative:							

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Appendix K

References

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RESOLUTION 2014-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF BEAUMONT-CHERRY VALLEY WATER DISTRICT PRECLUDING THE APPROVAL OF A REQUEST FOR THE ISSUANCE OF ANY WILL SERVE LETTER UNDER THE CIRCUMSTANCES STATED HEREIN SUBJECT TO THE EXCEPTIONS STATED HEREIN

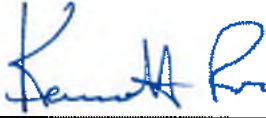
WHEREAS, This Board has discussed and desires to adopt a policy which will suspend the issuance of will serve letters which will add demand to the District's water supplies not previously considered and approved by this Board during conditions specified herein.

WHEREAS, This policy is intended to avoid requiring conservation by presently served ratepayers in order to protect available supplies while simultaneously creating new demand on those supplies and to preserve the rights of persons who have relied on the issuance of a will serve letter by annexing to the District or paying fees or constructing infrastructure in consideration of the issuance of a will serve letter.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Beaumont-Cherry Valley Water District declares the following:

1. Subject to the exceptions stated in Paragraph 2 below, this Board shall not issue a will serve letter when:
 - (a) A condition of drought exists in the State of California as declared by the Governor of the State of California,
 - (b) There is in effect mandatory conservation measures applicable to the District's ratepayers imposed directly by the State of California, or imposed by implementation of District conservation measures in accordance with the District's Urban Water Management Plan and
 - (c) The quantity of the District's ready to deliver water supplies is less than a projected demand of five years based on the District's then current annual demand.
2. The following applications shall be excepted from the prohibition of the issuance of will serve letters stated in Paragraph 1 of this Resolution:
 - (a) An application for residential or commercial water use reasonably estimated to constitute an annual demand equal to or less than 2 (two) EDU's;
 - (b) An application for service to property as to which a will serve letter previously has been issued and the recipient of that letter or his or her successor in interest has relied on the letter in paying fees to the District, annexing the subject property to the District or constructing District infrastructure in order to provide service to the subject property.
3. The District Secretary shall certify the adoption of this Resolution.

ADOPTED AND APPROVED this 8th day of October, 2014

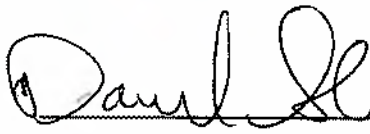


Chairman

I, Daniel Skauson, Secretary of the Beaumont-Cherry Valley Water District Board of Directors, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Beaumont-Cherry Valley Water District Board of Directors, held on the 8th day of October, 2013, by the following vote:

AYES: 3	BOARDMEMBERS: Ross, Guldseth, Ball
NOES: 1	BOARDMEMBERS: Skauson
ABSENT: 1	BOARDMEMBERS: Woll (vacant seat)
ABSTAINED: 0	BOARDMEMBERS:

ATTEST:



Secretary

RESOLUTION 2015-01

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
ACKNOWLEDGING THE REVIEW, RECEIPT AND ACCEPTANCE OF THE
DISTRICT'S INVESTMENT 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 (California Government Code sections 53600.6 and 53630.1); and

WHEREAS, the legislative body of a local agency may invest surplus monies not required by the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections 5920 et seq. and 53601 et seq., and

WHEREAS, the General Manager of the Beaumont-Cherry Valley Water District shall annually prepare and submit a statement of investment policy and such policy shall be considered by the Board of Directors at a public meeting (California Government Code 53646(a)), and

WHEREAS, the last investment policy was last reviewed and approved by Resolution 2014-01 on January 8th, 2014, and

WHEREAS, the Board of Director declares the Investment Policy approved and adopted as attached.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Beaumont-Cherry Valley Water District accepts by this Resolution the District's Investment Policy.

ADOPTED, This 11th day of February, 2015.



Kenneth Ross, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

ATTEST:



Daniel Slawson, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

RESOLUTION 2015-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AUTHORIZING THE IMPLEMENTATION OF PENALTIES FOR NON-COMPLIANCE WITH MANDATORY WATER USE RESTRICTIONS AND RESCINDING RESOLUTION 2015-02

WHEREAS, On May 5, 2015 the State Water Resources Control Board (State Board) adopted updated emergency water use regulations intended to safeguard urban water supplies in the event of continued drought, minimize the potential for waste and unreasonable use of water, and to achieve a 25 percent statewide potable water usage reduction ordered by Governor Brown in his April 1, 2015 executive order, and

WHEREAS, The Board of Directors has discussed and desires to implement penalties and, or fees for failure by any water user to comply with mandatory water use restrictions adopted by the State Water Resources Control Board and The Beaumont-Cherry Valley Water District to achieve a mandatory 36 percent reduction in urban water usage as compared to 2013, and

WHEREAS, the drought conditions that formed the basis of Governor Brown's executive order continue to exist; and

WHEREAS, the Board of Directors declares the conditions continue to exist to implement water usage restrictions in accordance with the Urban Water Management Plan adopted by the Board of Directors, and additional outdoor water use restrictions approved by the Office of Administrative Law (OAL) on May 18, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Beaumont-Cherry Valley Water District declares the following:

1. Implementation of the emergency water use regulations was previously adopted by the Board of Directors of the Beaumont-Cherry Valley Water District by Resolution 2015-02 which shall be rescinded by the adoption of this resolution.
2. A Level 2 Water Supply Shortage continues to exist within the Beaumont - Cherry Valley Water District service area.
3. The water conservation measures identified in this resolution are mandatory and violations are subject to penalties, fees, and remedies as described in the Water Code and District Rules and Regulations.
 - All persons using water provided by the Beaumont-Cherry Valley Water District shall comply with the restrictions as defined in this resolution, except where recycled water or other non-potable water is used.
 - The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited;
 - The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle is prohibited;

- The application of potable water to sidewalks, and driveways is prohibited;
- The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system is prohibited;
- Irrigating turf or ornamental landscapes during and 48 hours after measurable precipitation is prohibited;
- Restaurants and other food service establishments may only serve water to customers on request;
- Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily; notice of this option must be prominently displayed;
- The irrigation with potable water of landscapes of ornamental turf on public street medians
- The irrigation with potable water off landscapes outside newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development
- Lawn watering, park, school and street median landscape watering is restricted to Monday and Friday between the hours of 8:00 pm. and 8:00 am.

4. Penalties for non-compliance. The following financial penalties will be imposed when a customer violates the Mandatory Restrictions set forth in Section 3 of this Resolution.

- a) First Violation – Written Notice.
Any notice required by this Resolution may include, for example and not by way of limitation, the following information: (i) The water conservation stage and restrictions that are in effect; (ii) Actions required for compliance in order to prevent future violations; and (iii) Penalties and enforcement actions which may be imposed for future violations.
- b) Second Violation – A penalty will be imposed in an amount equal to 10 percent of the customer's current water bill.
- c) Third Violation – A penalty will be imposed in an amount equal to 20 percent of the customer's current water bill.
- d) Fourth Violation – A penalty will be imposed in an amount equal to 30 percent of the customer's current water bill.

RESOLUTION 2015-05

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT
AUTHORIZING THE IMPLEMENTATION OF PENALTIES FOR
NON-COMPLIANCE WITH MANDATORY WATER USE RESTRICTIONS
AND RESCINDING RESOLUTION 2015-02**

- e) Fifth Violation and any subsequent violation – A penalty will be imposed in an amount equal to 50 percent of the customers current water bill.

In the event of any violation after the fifth violation, the General Manager, or his/her designee, may determine, in his/her reasonable discretion that the continued violation of the restrictions set forth in this Resolution warrant the initiation of procedures for the termination of water service pursuant to Part 15 of the District's Regulations Governing Water Service.

ADOPTED, This 8th day of July, 2015

ATTEST:



Ken Ross, President of the
Board of Directors of the
Beaumont Cherry Valley Water District
District



Daniel Slawson, Secretary to the
Board of Directors of the
Beaumont Cherry Valley Water

RESOLUTION 2016-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AUTHORIZING THE IMPLEMENTATION OF WATER USE RESTRICTIONS AND RESCINDING RESOLUTION 2015-05

WHEREAS, On May 5, 2015 the State Water Resources Control Board (State Board) adopted emergency water use regulations intended to safeguard urban water supplies in the event of continued drought, minimize the potential for waste and unreasonable use of water, and to achieve a 25 percent statewide potable water usage reduction ordered by Governor Brown in his April 1, 2015 executive order, and

WHEREAS, On May 9, 2016 Governor Brown issued Executive Order B-37-16 directing the State Water Board to adjust emergency water conservation regulations through the end of January 2017 in recognition of differing water supply conditions across the state, and

WHEREAS, On May 18, 2016 the State Board adopted the revised emergency regulation based on the ongoing need to prevent the waste and unreasonable use of water supplies and promote conservation during the ongoing drought emergency, and

WHEREAS, the drought conditions that formed the basis of Governor Brown's executive order continue to exist; and

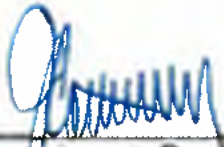
WHEREAS, the Board of Directors declares the conditions continue to exist to implement water usage restrictions in accordance with the Urban Water Management Plan adopted by the Board of Directors, and additional outdoor water use restrictions adopted by the State Water Board that shall be based on the Districts specific circumstances as it relates to water supply and demands.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Beaumont-Cherry Valley Water District declares the following:

1. Implementation of the emergency water use regulations was previously adopted by the Board of Directors of the Beaumont-Cherry Valley Water District by Resolution 2015-05 which shall be rescinded by the adoption of this resolution.
2. The water conservation measures identified in this resolution are mandatory and violations are subject to penalties, fees, and remedies as described in the District's Rules and Regulations.
3. All persons using water provided by the Beaumont-Cherry Valley Water District shall comply with the restrictions as defined in this resolution and in Part 15 of the District Regulations Governing Water Service, except where recycled water or other non-potable water is used.

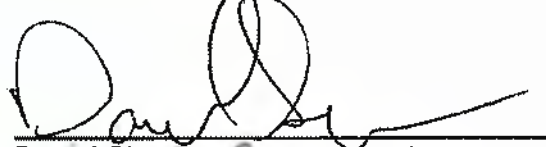
- The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited;
 - The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle is prohibited;
 - The application of potable water to sidewalks, and driveways is prohibited;
 - The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system, is prohibited;
 - Irrigating turf or ornamental landscapes during and 48 hours after measurable precipitation is prohibited;
 - Restaurants and other food service establishments may only serve water to customers on request;
 - The irrigation with potable water of landscapes of ornamental turf on public street medians is prohibited;
 - The irrigation with potable water of landscapes of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development;
 - Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily; notice of this option must be prominently displayed;
4. Penalties for non-compliance. The following penalties will be imposed when a customer violates the water waste prohibitions set forth in Part 15 of the Beaumont Cherry Valley Water District Regulations Governing Water Service:
- Upon the first failure of any person, firm or corporation to comply, this District shall serve or mail a warning notice upon any person determined to be in violation of these Rules and Regulations.
 - Upon the second failure of any person, firm or corporation to so comply, the water charges of any such customer shall be doubled until full compliance with these Rules and Regulations has been established to the satisfaction of the Board of Directors of the District.
 - Upon the third failure of any person, firm or corporation to so comply, the District shall terminate water service to any connection through which waters delivered by the District are wasted in violation of these Rules and Regulations.

ADOPTED, This 8th day of June, 2016



Jeffrey Cottrell, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District

ATTEST:



Daniel Slawson, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

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Appendix L
BCVWD 2020 Urban Water Management Plan
Public Comment

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July 22, 2021

Beaumont Cherry Valley Water District
Dan Jagers, General Manager
560 Magnolia Avenue
Beaumont, CA 92223

Via: dan.jagers@bcvwd.org
mark.swanson@bcvwd.org

Re: Comments on the Draft 2020 Urban Water Management Plan

Dear Mr. Jagers:

The City of Beaumont appreciates the opportunity to review the Draft 2020 Urban Water Management Plan. As Beaumont Cherry Valley Water District is the sole water provider to the City of Beaumont, the City has a vested interest in ensuring the current and future water needs of the City are met.

City staff has reviewed the Draft 2020 Urban Water Management Plan. Comments and questions are as follows:

1. Page 55 - Table 3-7 table references Hidden Canyon II however the II should be dropped as there is no project referred to as Hidden Canyon II.
2. Page 60 – states mixed use in the downtown needs to be evaluated in concert with the 2020 Census. The draft and final General Plan have been available since 2020. How will the evaluation impact the draft UWMP as build out is not expected until after 2045?
3. Page 63 – Statement that the largest well is out of service. What is the status of getting this well back on-line?
4. Page 64 – Temporary interconnections exist for Fairway Canyon and Tournament Hills. When will permanent connections be installed?
5. Page 73 – Table 4-2 Why is the water loss for January 2020 so high?
6. Page 81 – The draft 6th Cycle Housing Element is available on our website and the draft UWMP should utilize the updated information.
7. Page 88 – 4. Second paragraph is the date of 2010 correct?
8. Page 109 – Why is the district using a higher ratio of 2.0 over the historic maximum day/average ratio of 1.87?

9. Page 141 – Is infrastructure in place for a City connection to the district’s system regarding Tukwet Canyon Golf Course? Have there been any discussions with the City regarding the statements in the third paragraph?
10. Page 188 – Does staff or the Board appoint the members to the Water Conservation Advisory Committee? Who are typically members, i.e. City Manager, Public Works Director?
11. Page 380 – The letter prepared for the City of Beaumont is addressed to Amer Jakher who has not been an employee for several years, please update your records to reflect Jeff Hart as the Public Works Director/City Engineer.
12. Page 3-24 – The last two sentences reference impacts from development within the City of Beaumont. Are there impacts from development outside the City boundary?
13. Page 4-7 Table 4-4 – First line of the table 01/2020 – 9.77% loss based on 13,818 AF demand in 2020. This is greater than the 783 AF collected from storm water. Should there be a discussion about lowering the loss rate versus the cost to increase the recharge volume? How is this number obtained or estimated?
14. Page 6-41 - The second paragraph should include a discussion about what facilities are ready to receive the recycled water from the City or how long it will take Beaumont Cherry Valley Water District to construct the facilities.
15. Page ES-2 - “The District’s primary source of water is groundwater which is extracted from the Beaumont Basin which is adjudicated and managed by the Beaumont Basin Watermaster. BCVWD augments its groundwater supply with imported State Project Water”. This statement directly conflicts with the final paragraph on page ES-6.
16. Table ES-1 - Provides estimates of water supply from various sources. The recycled water estimates should be verified with expected Plant capacity.
17. Page ES-3 – Paragraph 1 under Water Demands states “All of the District’s water comes from ground water wells.” What about the imported water specified in Table ES-1?
18. Discrepancies exist between between SGPWA and BCVWD projected imported water needs illustrated in BCVWD Table ES-1 and SGPWA Table 3-16. What are the implications of this discrepancy?
19. Page ES-6 - Last paragraph conflicts with the statement on sheet ES-2 as noted in comment number 15.
20. Page 3-10 – first paragraph speaks to additional operating costs. Are these additional costs to the City or the District?
21. Page 3-12 - References the Beaumont Point project having completed a WSA but Table 3-1 does not show that area within the service area boundary.

22. Page 3-17 - The last paragraph, last sentence speaks to population. This information is inconsistent with what was provided on page 3-2 and in Table 3.9.
23. Page 4-11 - The suspension of "will serve" letters directly effect the City's ability to meet State mandates for housing projects.
24. Page 7-11 - State the District is counting on one source of recycled water which is the City of Beaumont. Table 7-6 provides projects which have not been substantiated by the City.
25. The plan does not appear to contemplate development in the sphere of influence.
26. There is significant commentary throughout regarding the District's reliance on the City for future recycled water, including detailed capacity estimates and permit requirements. The City looks forward to coordinating efforts with the District to facilitate the use of recycled water.
27. There is no discussion in the report regarding emergency power outages or PSPS implemented by Southern California Edison. The District should demonstrate their ability to maintain service in these situations, including emergency and standby power.
28. There is no discussion of Fire Hazard, or the District's ability to maintain fire flow in the event of a fire. This should be included due to the areas local fire danger.
29. In some cases, the sources and methodology for data is not presented.

Although BCVWD staff met with City Planning Department staff to discuss demographics and population projections, there has been no other coordination between the District and the City in preparation of this plan. As such, the time available to the City for a thorough review of such an important document containing over 400 pages was limited to nine business days and was insufficient. In reference to Figure 3-1, the City believes the entire boundary of the City of Beaumont should be included in the BCVWD boundary as the District is the only water provider to the City. Due to the fact that the majority of new development will occur in the Districts sphere of influence, additional evaluation is required to determine that the conclusions contained in the report accurately reflect long term water demand requirements.

The City respectfully requests the District provide an additional thirty days of review time for the Draft 2020 UWMP prior to adoption and submission to the State. City staff is available to meet with District staff to discuss comments and gain clarity with respect to the questions provided. We look forward to working with the District on the Draft 2020 Urban Water Management Plan.

Regards,



Todd Parton
City Manager

Cc: Beaumont Cherry Valley Board of Directors
City of Beaumont City Council



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August 12, 2021

Todd Parton, City Manager
City of Beaumont
550 East Sixth Street
Beaumont, CA 92223

Via: tparton@beaumontca.gov
ctaylor@beaumontca.gov

Subject: City of Beaumont - Comments on the BCVWD DRAFT 2020 Urban
Water Management Plan (UWMP)

Dear Mr. Parton:

The Beaumont Cherry Valley Water District (BCVWD) appreciates the time and effort that you and your staff have put in to reviewing BCVWD's DRAFT 2020 UWMP and providing comments. This letter addresses each of your comments. The City's comments are repeated in italics with BCVWD's response in "regular" text.

1. *Page 55 - Table 3-7 table references Hidden Canyon II however the II should be dropped as there is no project referred to as Hidden Canyon II.*

BCVWD is aware of the recent name change to Potrero Logistics and will insert the name "Potrero Logistics" in Table 3-7 with "Hidden Canyon II" in parentheses since some of BCVWD's records still refer to it as Hidden Canyon II.

2. *Page 60 — states mixed use in the downtown needs to be evaluated in concert with the 2020 Census. The draft and final General Plan have been available since 2020. How will the evaluation impact the draft UWMP as build out is not expected until after 2045?*

BCVWD has incorporated the City's 2020 General Plan Update in the 2020 Draft UWMP and had discussions with City staff particularly related to the mixed use development and the anticipated occupancy of the housing in the mixed use development area. Having an understanding of the occupancy will provide a better estimate of the indoor water use. The reason to wait for the census results is to have an understanding of the current occupancy in the downtown and surrounding areas and what the movement toward mixed use



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might have on the occupancy. Again, this is to better estimate the impact of these changes on the water demand over time.

BCVWD is interested in the build-out population and has used the land use from the 2020 General Plan Update and the County's updated Pass Area Land Use Plan to estimate a build-out population. Build-out population is important from a planning standpoint when water storage tanks are sited to ensure that sufficient land is acquired to provide additional storage, if needed. It is far less costly to add a storage tank adjacent to an existing tank than to acquire a new site and install the infrastructure (piping, access roads, and sitework).

Knowing the build-out population provides an estimate of ultimate water demands and the need to plan for well sites ahead of time to accommodate the increased demand.

BCVWD believes no further action is required.

3. *Page 63 — Statement that the largest well is out of service. What is the status of getting this well back on-line?*

This appears to be a misunderstanding. Water systems must have a reliable water supply. BCVWD relies exclusively on wells to extract groundwater or recharged imported water. A water system such as BCVWD's relies on a number of wells of varying capacity from 100 gallons/minute (gpm) to over 3,000 gpm. To be reliable, the well supply system must be able to provide the maximum day demand (usually a peak summer day) with the largest source (well) out of service for maintenance, repair, etc. In other words, can the other wells meet the demand? BCVWD's water system planning, as are most others, is based on this principle. This does not mean the largest well is actually out of service.

BCVWD believes no further action is required.

4. *Page 64 — Temporary interconnections exist for Fairway Canyon and Tournament Hills. When will permanent connections be installed?*

The non-potable water system 2600 and 2400 Pressure Zones, south of I-10 will be permanently re-connected to the 2800 Pressure Zone at such time as recycled water is available to BCVWD. A 2800 Zone to 2600 Zone and a 2600 Zone to 2400 Zone Pressure Regulator Station will be constructed prior to the conversion to recycled water. System cross-connection testing, required by the State Water Resources Control Board (SWRCB) Division of



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Drinking Water (DDW) will immediately precede the conversion to recycled water.

BCVWD believes no further action is required.

5. *Page 73 — Table 4-2 Why is the water loss for January 2020 so high?*

Table 4-2 shows annual amounts. BCVWD's total water loss is comparable with other nearby agencies considering the size of the system; see https://wuedata.water.ca.gov/awwa_plans. Nevertheless, BCVWD is working to reduce water loss. BCVWD is required to produce an annual water loss audit and provide a report to the State. Some of the water "loss" is due to inaccurate water meters, termed "apparent losses". As water meters age, they lose accuracy and typically "under-report" water usage. BCVWD has a grant project to replace the individual residence water meters with Advanced Metering Infrastructure (AMI) or "smart meters" which will be integrated with BCVWD's data management systems. The new meters will provide more accurate metering and provide real-time water use information which can be used to help control water waste. BCVWD will budget to replace these meters as they age. Some losses are "real losses" which is due to pipe and service line leaks. Pipe leaks are repaired as quickly as they are identified.

A large part of BCVWD's system is new, constructed since 2000; but some is older and BCVWD has a Capital Improvement Program to replace aging pipelines as quickly as possible.

BCVWD believes no further action is required.

6. *Page 81 — The draft 6 Cycle Housing Element is available on our website and the draft UWMP should utilize the updated information.*

BCVWD appreciates the City pointing this out. BCVWD will review the Housing Element and incorporate findings as appropriate in the Final 2020 UWMP.

7. *Page 88 — 4. Second paragraph is the date of 2010 correct?*

Yes, it is correct. BCVWD believes no further action is required.

8. *Page 109 — Why is the district using a higher ratio of 2.0 over the historic maximum day/average ratio of 1.87?*

BCVWD's ratio of the Maximum Day Demand to the Average Day Demand has varied from 2.05 (2005) to 1.51 (2014 drought year with landscape watering restrictions), with an average of 1.87 over the last 15 years.



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BCVWD has been using 2.0 for planning purposes to be conservative and account for variability. With the limitations on landscape irrigation, a major factor in peak demands, BCVWD expects the ratio to decrease over time and future Potable Water Master Plans may reflect this.

BCVWD believes no further action is required.

9. *Page 141 — Is infrastructure in place for a City connection to the district's system regarding Tukwet Canyon Golf Course? Have there been any discussions with the City regarding the statements in the third paragraph?*

The wording in the Draft 2020 UWMP is misleading and not clear. BCVWD has a 24-inch diameter non-potable pipeline in Champions Drive at the Golf Club entrance road which could serve the Morongo Tukwet Canyon Golf Course. It is really not a "City connection". The paragraph will be reworded as follows:

Surplus water is available during the winter and early spring months. Tukwet Canyon Golf Course is in the 2600 Pressure Zone and could be served with recycled water as soon as the City is able to deliver recycled water to BCVWD at the Wastewater Treatment Plant. The Tukwet Canyon Golf Course would be served either through a connection to the golf course irrigation system or to the "lake" from BCVWD's non-potable pipeline in Champions Dr. Oak Valley Golf Course is in the 2800 Non-potable Pressure Zone and could be served from an existing BCVWD non-potable pipeline in Oakview Drive. Both Tukwet Canyon and Oak Valley Golf Courses are overlying parties in the Beaumont Basin Adjudication and have their own wells.

Reference to State Project Water (SPW) have been deleted since that is not a primary supply any longer.

The use of recycled water by the golf courses during the winter and spring months is an option to maximize the use of recycled water during times when recycled water production exceeds the normal landscape demands. In the summer months there is a shortfall of recycled water and the non-potable water system has to be supplemented by BCVWD well water or SPW. There have been no discussions with either the golf courses or the City regarding serving the golf courses, although it has been included in previous UWMPs.

Distribution of recycled water from the City of Beaumont by BCVWD has been discussed as early as 1987 (see BCVWD 2005 UWMP, pg 8-3); golf



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courses were discussed in the 2005 UWMP pg. 8-10 and subsequent BCVWD UWMPs (see BCVWD 2015 UWMP page 6-52).

BCVWD is eager to discuss the recycled water system and service as soon as possible.

10. *Page 188 — Does staff or the Board appoint the members to the Water Conservation Advisory Committee? Who are typically members, i.e. City Manager, Public Works Director?*

The final organization participation members and associated details will be identified by the District Directors and District Management, together with identifying all appropriate community partners to participate in the Water Conservation Advisory Committee at the time a (water) shortage level 4 emergency is identified by the District.

BCVWD believes no further action is required.

11. *Page 380 — The letter prepared for the City of Beaumont is addressed to Amer Jakher who has not been an employee for several years, please update your records to reflect Jeff Hart as the Public Works Director/City Engineer.*

BCVWD acknowledges the error and have correct our mailing list to identify Jeff Hart as the Public Works Director and City Engineer.

12. *Page 3-24 — The last two sentences reference impacts from development within the City of Beaumont. Are there impacts from development outside the City boundary?*

The last part of the paragraph is unclear and is being reworded as follows:

BCVWD's average day and maximum day potable water demands were 10.8 mgd and 21.6 mgd, respectively for 2020. Average day and maximum day non-potable water demands for 2020 were 5.6 mgd and 6.7 mgd, respectively. These demands are higher than 2015 when the average day potable and non-potable demand was 9.2 mgd; maximum day was 15.3 mgd. The impact of increased development in the City of Beaumont is evident.

To respond to the comment, for comparison from 2015 to 2020 the total average day potable and non-potable demand increased from 9.2 mgd in 2015 to 16.4 mgd in 2020. Although 2015 was a "drought year", with



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somewhat reduced demands, the increase is significant. The Cherry Valley area of the District grew only a small amount — about 25 EDUs.

13. *Page 4-7 Table 4-4 — First line of the table 01/2020 — 9.77% loss based on 13,818 AF demand in 2020. This is greater than the 783 AF collected from storm water. Should there be a discussion about lowering the loss rate versus the cost to increase the recharge volume? How is this number obtained or estimated?*

The response to Comment 5 above addressed the loss rate. BCVWD is taking measures to reduce the loss rate as discussed in the response to Comment 5. It is important to understand that a portion of the total water loss is "Apparent Loss" which is the result of inaccurate water meters. The water is not "lost", but is not generating revenue. This is a financial problem that can be rectified to a degree by meter replacement and master meter calibration (meters on wells, etc). BCVWD is aggressively working on reducing the "real losses" by replacing old pipelines as part of its Capital Improvement Program.

The quantity is determined using the State-mandated AWWA Water Audit Software.

BCVWD believes no further action is required.

14. *Page 6-41 - The second paragraph should include a discussion about what facilities are ready to receive the recycled water from the City or how long it will take Beaumont Cherry Valley Water District to construct the facilities.*

BCVWD has a 24-in diameter non-potable pipeline in Fourth St. fronting the entire length of the City's Treatment Facility. BCVWD has worked with the City and the City's Wastewater Consultant to identify a location for a recycled water booster pumping station that would pump water into BCVWD's 2800 Non-potable Pressure Zone. City staff identified a site on City-owned land on the west side of the Wastewater Treatment Plant and BCVWD staff have made some preliminary layouts of the pumping station on that location. BCVWD's Board of Directors have not authorized any further work until 1) an agreement between the City and BCVWD for the transfer and distribution of recycled water is in place; 2) an agreement for long term use/lease of the City-designated property is in place; 3) approval is granted by the City to conduct geotechnical engineer and topographic survey work on the designated site. Completion of design and construction will take a minimum of two years or so from recommencement of activities.



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BCVWD believes no further action is required.

15. *Page ES-2 - "The District's primary source of water is groundwater which is extracted from the Beaumont Basin which is adjudicated and managed by the Beaumont Basin Watermaster. BCVWD augments its groundwater supply with imported State Project Water". This statement directly conflicts with the final paragraph on page ES-6.*

There is no conflict; the final paragraph on page ES-6 could be stated differently. All of the "safe yield" of the Beaumont Basin has been assigned to the Overlying Parties. The only "native groundwater" the Appropriating Parties, like BCVWD, receive are a share of the unused Overlying Party Rights, which is a relatively small amount that varies from year to year. This is the only water that does not need to be "replaced". All pumping in excess of this must be replaced, imported, or taken from the Appropriating Party's banked storage account. Either way it is imported water.

However, to avoid any mis-understandings, the first sentence in the last paragraph on page ES-6 will be stated as follows:

As discussed previously, BCVWD relies on groundwater obtained from Edgar Canyon and imported water from the State Water Project or other imported sources to meet the Adjudication obligations for groundwater pumped from the Beaumont Basin.

16. *Table ES-1 - Provides estimates of water supply from various sources. The recycled water estimates should be verified with expected Plant capacity.*

The annual volumes of recycled water in Table ES-1 were extracted from Table 6-15, which is the amount that can be recycled after deducting the Environmental Mitigation Flow and assuming a 10% loss for brine discharge, water in the biosolids disposed offsite, and in-plant water use. Brine discharge is based on reverse osmosis treatment of 1/3 of the main plant flow and 80% recovery. The development of the flow values is explained in Table 6-15 and the associated text. Plant capacity is determined based on estimated population as shown in Table 6-15.

BCVWD believes no further action is required.

17. *Page ES-3 — Paragraph 1 under Water Demands states "All of the District's water comes from ground water wells." What about the imported water specified in Table ES-1?*



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All of BCVWD's imported water is recharged at the Noble Creek Recharge Facility for subsequent extraction. BCVWD believes this is a more cost effective method than providing a surface water treatment plant.

BCVWD believes no further action is required.

18. *Discrepancies exist between SGPWA and BCVWD projected imported water needs illustrated in BCVWD Table ES-1 and SGPWA Table 3-16. What are the implications of this discrepancy?*

Table 3-16 in the SGPWA 2020 UWMP is not imported water needs. The value for BCVWD is BCVWD's total potable and non-potable water demand which was provided to the SGPWA in April 2020 or so. It does not include the projected "banking" water that BCVWD is anticipating purchasing each year for "drought proofing." There have been some minor adjustments to BCVWD's demand as BCVWD began producing their own UWMP. Table ES-1 in BCVWD's 2020 UWMP is BCVWD estimated water supplies, which are shown to exceed demands, particularly in 2045 when Sites Reservoir is operational.

BCVWD believes no further action is required.

19. *Page ES-6 - Last paragraph conflicts with the statement on sheet ES-2 as noted in comment number 15.*

This was addressed in the response to Comment 15 above; BCVWD will clarify the wording as stated in the response to Comment 15.

20. *Page 3-10 — first paragraph speaks to additional operating costs. Are these additional costs to the City or the District?*

The City operates the reverse osmosis facility at the Wastewater Treatment Plant and any increase in the TDS of the imported water over time as well as irrigation return flow components increasing background TDS concentrations within the groundwater basin due to maximum benefit objectives being exercised will tend to increase the wastewater concentration over time; unless the maximum benefit water quality objective changes. This would most likely result in additional desalting (treatment) being required. Fortunately, the imported water is recharged and will be blended down with native groundwater, and return flow components together with planned captured stormwater which will delay the salinity increase.

BCVWD believes no further action is required.



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21. *Page 3-12 - References the Beaumont Point project having completed a WSA but Table 3-1 does not show that area within the service area boundary.*

The table reference should be Table 3-7. It is acknowledged that Beaumont Pointe (Jack Rabbit Trail) is not currently served by the District as the project receives no service, but is within BCVWD's Sphere of Influence (SOI). BCVWD will reword the title of Table 3-7 as follows, since Beaumont Pointe and several others are not in the current service area *per se*:

Table 3-7 – Other Projects in BCVWD's Service area or SOI

22. *Page 3-17 - The last paragraph, last sentence speaks to population. This information is inconsistent with what was provided on page 3-2 and in Table 3-9.*

Page 3-2 states that City of Beaumont build-out population is 134,000; page 3-17 states that the developments in Table 3-7 would bring the Beaumont population to 95,000 ... which would not occur until 2045 or later; Table 3-9 shows the City of Beaumont population at 2045 to be 86,266.

BCVWD recognizes a potential inconsistency and the last sentence on page 3-17 will be reworded:

Based on the estimated build-out year for each project in Table 3-7, this population would not occur until after 2045.

23. *Page 4-11 - The suspension of "will serve" letters directly affect the City's ability to meet State mandates for housing projects.*

So noted.

24. *Page 7-11 - State the District is counting on one source of recycled water which is the City of Beaumont. Table 7-6 provides projects which have not been substantiated by the City.*

BCVWD does not understand the comment. Table 7-6 relies on a previous table (Table 6-15) which shows the average recycled water available during a normal year based on the population projections made by BCVWD for the City of Beaumont. BCVWD believes these growth estimates to be reasonable. For the Dry Year analysis, a reduction in the amount of recycled water normally available was estimated based on a BCVWD staff member's extensive experience with recycled water systems during droughts and water restrictions. A 15% reduction in wastewater flow during a drought is not



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unreasonable. If this does not occur, then there will be more recycled water available to meet demand. BCVWD does not understand "projects which have not be substantiated by the City" in Table 7-6.

BCVWD believes no further action is required.

25. *The plan does not appear to contemplate development in the sphere of influence.*

BCVWD used GIS to determine the land use areas within its Sphere of Influence to develop the build-out populations as described in Section 3. Also, there are a number of projects in Table 3-7 that are not currently in the City of Beaumont, but within the BCVWD Sphere of Influence. BCVWD has included the growth in Cherry Valley and even some projects that are in Calimesa.

BCVWD believes no further action is required.

26. *There is significant commentary throughout regarding the District's reliance on the City for future recycled water, including detailed capacity estimates and permit requirements. The City looks forward to coordinating efforts with the District to facilitate the use of recycled water.*

BCVWD concurs and looks forward to continued discussion and coordination with the City.

27. *There is no discussion in the report regarding emergency power outages or PSPS implemented by Southern California Edison. The District should demonstrate their ability to maintain service in these situations, including emergency and standby power.*

BCVWD discussed PSPS on page 6-33. BCVWD has standby power generating capacity at most of the wells or the capability to move-in and attach mobile generating units at critical wells. BCVWD has used these generators when necessary during PSPS events. Further, the District is proceeding with continued augmentation of emergency power generation as part of ongoing capital facilities development activities.

28. *There is no discussion of Fire Hazard, or the District's ability to maintain fire flow in the event of a fire. This should be included due to the areas local fire danger.*

Wildfire hazards to BCVWD facilities is discussed in Section 6.13. The Apple Fire in July 2020, starting from human causes near Oak Glen Rd. and



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Appletree Ln. which burned significant areas of BCVWD's watershed, but did not damage any of BCVWD's wells or other facilities. However, the threat of mudflows from heavy rain on burned slopes continues to be a concern to BCVWD and Riverside County Flood and Water Conservation District. BCVWD is coordinating with the County on monitoring the slopes and erosion potential.

The Repplier Fire, which started in Banning, in the early 1990s threatened several of BCVWD's facilities in Edgar Canyon, but did no damage despite burning a significant portion of the watershed.

It should be noted that CalFire uses BCVWD's recharge ponds as a source of water for fire-fighting helicopters, when water is available, and ground crews use BCVWD fire hydrants in the fire area.

In terms of providing adequate fire flow, the UWMP is a water supply planning document to ensure adequate and reliable water supply to meet the existing and projected water demands. Although providing adequate flow and pressure for fighting fires, the DWR Guidebook does not require this to be addressed in the UWMP.

29. *In some cases, the sources and methodology for data is not presented.*

The UWMP relies on many of BCVWD's planning documents including past UWMPs, the 2013 Potable Water Master Plan and the Draft Non-potable Water Master Plan (in process), along with a series of White Papers issued by BCVWD to address regional imported water supply which were prepared in 2017-2018. In addition, BCVWD relies on a number of documents issued by DWR including the bi-annual State Water Project Delivery Capability Report. The 2020 UWMP is written to provide the reader with the basic background on how BCVWD came to the conclusions presented in the figures and tables, but does not always include the supporting calculations. The spreadsheets and calculations that support those findings are available in BCVWD's office.

Final paragraph response part 1 of 2:

Although BCVWD staff met with City Planning Department staff to discuss demographics and population projections, there has been no other coordination between the District and the City in preparation of this plan. As such, the time available to the City for a thorough review of such an important document containing over 400 pages was limited to nine business days and



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was insufficient. In reference to Figure 3-1, the City believes the entire boundary of the City of Beaumont should be included in the BCVWD boundary as the District is the only water provider to the City. Due to the fact that the majority of new development will occur in the District's sphere of influence, additional evaluation is required to determine that the conclusions contained in the report accurately reflect long term water demand requirements.

BCVWD met the required public notification requirements in the Water Code for the UWMP public comment period. We do understand there is a vast amount of information in the UWMP to "digest", but we laud the City in their ability to review the document and provide meaningful questions.

The City makes reference to Figure 3-1 which shows the BCVWD Sphere of Influence (SOI) and the current BCVWD service area. Although the City of Beaumont Boundary is not shown on the Figure, the City's boundary extends beyond the south of BCVWD's SOI. BCVWD agrees that it would be beneficial if the BCVWD boundary and the City of Beaumont's boundary were "common." However, there are some important factors that make this problematic. This has been discussed with Riverside County LAFCO in late 2020, and earlier in 2021. Riverside LAFCO would have to approve the SOI boundary change. That may be difficult considering other water supply agencies are involved .

The water retailer to the south of BCVWD's SOI is Eastern Municipal Water District (EMWD) which is a member agency of the Metropolitan Water District of Southern California (Metropolitan), another State Water Contractor. BCVWD is within the boundaries of the SGPWA. Both Metropolitan and SGPWA collect taxes to pay for the State Water Project facilities through ad valorem taxes. If BCVWD were to extend south and serve the City area within EMWD, that would mean SGPWA imported water would be transferred across the Metropolitan/SGPWA boundary through BCVWD's system. This requires concurrence from DWR and the State Water Contractors. Also, there would need to be a water transfer agreement between Metropolitan and SGPWA for the imported water supplied to the City.

If that area of the City were to request de-annexation from Metropolitan and annexation to SGPWA, there would be property tax issue since Metropolitan's ad valorem taxes "run with the land" and the property owners would be paying taxes to Metropolitan and SGPWA. Annexation and subsequent de-annexation should not be considered.



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BCVWD believes the best solution is that EMWD supply water to that area of the City which is outside of BCVWD's SOI. If EMWD is not able to supply the area or it becomes too expensive to supply that area of the City, Metropolitan, SGPWA, BCVWD and EMWD would enter into an agreement allowing BCVWD to supply the area, with the amount of imported water used in that area to be exchanged between Metropolitan and SGPWA. The agreement would have to identify the means and methods for calculating the imported water used in the area.

Final paragraph response part 2 of 2:

The City respectfully requests the District provide an additional thirty days of review time for the Draft 2020 UWMP prior to adoption and submission to the State. City staff is available to meet with District staff to discuss comments and gain clarity with respect to the questions provided. We look forward to working with the District on the Draft 2020 Urban Water Management Plan.

The Board of Directors at the July 22, 2021 Board Meeting deferred action until the next Board Meeting. It is anticipated that the Draft 2020 UWMP will be presented at the August 26, 2021 Board Meeting.

Again, we appreciate the thoroughness of the City's review and we look forward to working with the City to finalize the 2020 UWMP and in the preparation of future UWMP's. Please call at (951) 845-9581, extension 217 if you have any questions or email me at dan.jaggers@bcvwd.org.

Sincerely,

Dan Jaggers, PE

Beaumont-Cherry Valley Water District

General Manager

Attachment: City of Beaumont letter regarding comments on Draft 2020 Urban Water Management Plan dated July 22, 2021

CC: Beaumont Cherry Valley Board of Directors
City of Beaumont City Council



July 22, 2021

Beaumont Cherry Valley Water District
Dan Jagers, General Manager
560 Magnolia Avenue
Beaumont, CA 92223

Via: dan.jagers@bcvwd.org
mark.swanson@bcvwd.org

Re: Comments on the Draft 2020 Urban Water Management Plan

Dear Mr. Jagers:

The City of Beaumont appreciates the opportunity to review the Draft 2020 Urban Water Management Plan. As Beaumont Cherry Valley Water District is the sole water provider to the City of Beaumont, the City has a vested interest in ensuring the current and future water needs of the City are met.

City staff has reviewed the Draft 2020 Urban Water Management Plan. Comments and questions are as follows:

1. Page 55 - Table 3-7 table references Hidden Canyon II however the II should be dropped as there is no project referred to as Hidden Canyon II.
2. Page 60 -- states mixed use in the downtown needs to be evaluated in concert with the 2020 Census. The draft and final General Plan have been available since 2020. How will the evaluation impact the draft UWMP as build out is not expected until after 2045?
3. Page 63 -- Statement that the largest well is out of service. What is the status of getting this well back on-line?
4. Page 64 -- Temporary interconnections exist for Fairway Canyon and Tournament Hills. When will permanent connections be installed?
5. Page 73 -- Table 4-2 Why is the water loss for January 2020 so high?
6. Page 81 -- The draft 6th Cycle Housing Element is available on our website and the draft UWMP should utilize the updated information.
7. Page 88 -- 4. Second paragraph is the date of 2010 correct?
8. Page 109 -- Why is the district using a higher ratio of 2.0 over the historic maximum day/average ratio of 1.87?

9. Page 141 – Is infrastructure in place for a City connection to the district's system regarding Tukwet Canyon Golf Course? Have there been any discussions with the City regarding the statements in the third paragraph?
10. Page 188 – Does staff or the Board appoint the members to the Water Conservation Advisory Committee? Who are typically members, i.e. City Manager, Public Works Director?
11. Page 380 – The letter prepared for the City of Beaumont is addressed to Amer Jakher who has not been an employee for several years, please update your records to reflect Jeff Hart as the Public Works Director/City Engineer.
12. Page 3-24 – The last two sentences reference impacts from development within the City of Beaumont. Are there impacts from development outside the City boundary?
13. Page 4-7 Table 4-4 – First line of the table 01/2020 – 9.77% loss based on 13,818 AF demand in 2020. This is greater than the 783 AF collected from storm water. Should there be a discussion about lowering the loss rate versus the cost to increase the recharge volume? How is this number obtained or estimated?
14. Page 6-41 - The second paragraph should include a discussion about what facilities are ready to receive the recycled water from the City or how long it will take Beaumont Cherry Valley Water District to construct the facilities.
15. Page ES-2 - "The District's primary source of water is groundwater which is extracted from the Beaumont Basin which is adjudicated and managed by the Beaumont Basin Watermaster. BCVWD augments its groundwater supply with imported State Project Water". This statement directly conflicts with the final paragraph on page ES-6.
16. Table ES-1 - Provides estimates of water supply from various sources. The recycled water estimates should be verified with expected Plant capacity.
17. Page ES-3 – Paragraph 1 under Water Demands states "All of the District's water comes from ground water wells." What about the imported water specified in Table ES-1?
18. Discrepancies exist between between SGPWA and BCVWD projected imported water needs illustrated in BCVWD Table ES-1 and SGPWA Table 3-16. What are the implications of this discrepancy?
19. Page ES-6 - Last paragraph conflicts with the statement on sheet ES-2 as noted in comment number 15.
20. Page 3-10 – first paragraph speaks to additional operating costs. Are these additional costs to the City or the District?
21. Page 3-12 - References the Beaumont Point project having completed a WSA but Table 3-1 does not show that area within the service area boundary.

22. Page 3-17 - The last paragraph, last sentence speaks to population. This information is inconsistent with what was provided on page 3-2 and in Table 3.9.
23. Page 4-11 - The suspension of "will serve" letters directly effect the City's ability to meet State mandates for housing projects.
24. Page 7-11 - State the District is counting on one source of recycled water which is the City of Beaumont. Table 7-6 provides projects which have not been substantiated by the City.
25. The plan does not appear to contemplate development in the sphere of influence.
26. There is significant commentary throughout regarding the District's reliance on the City for future recycled water, including detailed capacity estimates and permit requirements. The City looks forward to coordinating efforts with the District to facilitate the use of recycled water.
27. There is no discussion in the report regarding emergency power outages or PSPS implemented by Southern California Edison. The District should demonstrate their ability to maintain service in these situations, including emergency and standby power.
28. There is no discussion of Fire Hazard, or the District's ability to maintain fire flow in the event of a fire. This should be included due to the areas local fire danger.
29. In some cases, the sources and methodology for data is not presented.

Although BCVWD staff met with City Planning Department staff to discuss demographics and population projections, there has been no other coordination between the District and the City in preparation of this plan. As such, the time available to the City for a thorough review of such an important document containing over 400 pages was limited to nine business days and was insufficient. In reference to Figure 3-1, the City believes the entire boundary of the City of Beaumont should be included in the BCVWD boundary as the District is the only water provider to the City. Due to the fact that the majority of new development will occur in the District's sphere of influence, additional evaluation is required to determine that the conclusions contained in the report accurately reflect long term water demand requirements.

The City respectfully requests the District provide an additional thirty days of review time for the Draft 2020 UWMP prior to adoption and submission to the State. City staff is available to meet with District staff to discuss comments and gain clarity with respect to the questions provided. We look forward to working with the District on the Draft 2020 Urban Water Management Plan.

Regards,



Todd Parton
City Manager

Cc: Beaumont Cherry Valley Board of Directors
City of Beaumont City Council

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JOHN O. PINKNEY, ESQ.
ADMITTED IN CALIFORNIA

REPLY TO:
1800 E. Tahquitz Canyon Way
Palm Springs, California 92262
T (760) 322-2275 • F (760) 322-2107
pinkney@sbemp.com

July 22, 2021

Beaumont-Cherry Valley Water District
Board of Directors
560 Magnolia Avenue Beaumont, CA 92223

Subject: Request to continue July 22, 2021 hearing and adoption of Urban Water Management Plan to allow coordination with the City of Beaumont and compliance with requirements of the California Water Code

HONORABLE MEMBERS OF THE BOARD OF DIRECTORS:

On behalf of the City of Beaumont ("City"), this is to request that the Board of Directors continue the hearing on the draft 2020 Urban Water Management Plan ("Plan") scheduled for hearing and adoption at tonight's meeting. A thirty day continuance is requested to allow the City and its consultants to review and comment on the draft Plan before it is adopted. The City was only given nine business days to review the draft Plan, which was not sufficient time for the City to review and comment on the Plan.

Moreover, there has been no coordination between the District and the City in the preparation of the Plan. Water Code Section 10633 mandates that "the preparation of the plan shall be coordinated with local ...wastewater... and planning agencies that operate within the supplier's service area..." The City of Beaumont is a wastewater and planning agency within the District's service area. As such, the Water Code requires the District to coordinate with the City in preparation of the plan. This has not occurred.

In addition, the City's consultants have noted that there is a lack of documentation and references to sources of data and information and methodology on how calculations were made in the draft Plan. The Plan also contains discrepancies with San Geronimo Pass Water Agency ("SGPWA") projected water import needs as illustrated in the draft Plan's table ES-1 and SGPWA Plan Table 3-16.

In light of the above, a thirty day continuance of the hearing on the draft Plan is hereby requested

Sincerely

JOHN PINKNEY, BEAUMONT CITY ATTORNEY

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August 10, 2021

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John O. Pinkney, Esq.
SBEMP, LLP. Beaumont City Attorney
1800 E. Taquitz Canyon Way
Palm Springs, CA 92262

Via: pinkney@sbemp.com

Subject: SBEMP Comments on the BCVWD DRAFT 2020 Urban Water
Management Plan (UWMP)

Dear Mr. Pinkney, Esq:

The Beaumont Cherry Valley Water District (BCVWD) reviewed your letter, on behalf of the City of Beaumont (City), dated July 22, 2021, related to BCVWD's public hearing on the Draft Urban Water Management Plan (UWMP) and is providing responses to your comments herewithin. SBEMP's comments are repeated in italics with BCVWD's response in "regular" text.

1. *On behalf of the City of Beaumont ("City"), this is to request that the Board of Directors continue the hearing on the draft 2020 Urban Water Management Plan ("Plan") scheduled for hearing and adoption at tonight's meeting. A thirty day continuance is requested to allow the City and its consultants to review and comment on the draft Plan before it is adopted. The City was only given nine business days to review the draft Plan, which was not sufficient time for the City to review and comment on the Plan.*

At the public hearing the Board did grant a continuance to August 26, 2021 (35 days). BCVWD recognizes that the UWMP is a lengthy document, however, BCVWD did comply with the notification requirements in the Water Code, including the 60-day notice to the City stating that BCVWD was in the process of updating their UWMP on March 30, 2021. BCVWD does acknowledge that City staff listed on the notice was for an employee who is no longer employed with the City.

2. *Moreover, there has been no coordination between BCVWD and the City in the preparation of the Plan. Water Code Section 10633 mandates that "the preparation of the plan shall be coordinated with local ...wastewater ...and planning agencies that operate within the supplier's service area...." The City of Beaumont is a wastewater and planning agency within BCVWD's service*



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area. As such, the Water Code requires BCVWD to coordinate with the City in preparation of the plan. This has not occurred.

As stated above, BCVWD did send a 60-day notice to the City, as required by the Water Code, stating that BCVWD has started the process of updating their UWMP on March 30, 2021. BCVWD did not receive any correspondence from the City offering any input.

BCVWD did receive a request from the City in April 2020 to prepare a water supply assessment of the City's 2020 General Plan Update (General Plan) which was still in the process of being developed. BCVWD responded that a water supply assessment was not appropriate (A water supply assessment is a specific document required in the Water Code for a new development exceeding specific size. The General Plan did not identify a specific project.) BCVWD offered to prepare a water supply evaluation of the impact of the land use changes in the General Plan, along with a scope of work/tasks for the City's approval. The City did not respond.

The City prepared a draft of their General Plan in late October 2020 and BCVWD offered extensive comments relating to population potential, development projects, and recycled water. One of the comments BCVWD made related to BCVWD's UWMP which, cited on page 176 of the General Plan, was as follows: *"BCVWD has initiated the process for the 2020 update to the UWMP and looks forward to working with City staff on quantifying the impacts of the General Plan 2020 update on water supplies."*

BCVWD's Senior Engineer, Mark Swanson, contacted the City after the adoption of the General Plan, to discuss the downtown village, mixed use areas, specifically to identify what the occupancy would be in a mixed use project. A virtual meeting was held on June 9, 2021, with City Planning Department staff and BCVWD Engineering staff to discuss the mixed use areas, status of various projects, and low-income housing requirements and needs. (The City's draft 6th Cycle Housing Element was not available until late July 2021 and is not yet approved.) After much discussion, City Planning indicated that BCVWD's development and population projections in the UWMP looked reasonable.

BCVWD had been working with City Management and Administration on the location for a recycled water booster pumping station either on the wastewater treatment plant site or adjacent to it as well as the integration of the repurposed secondary clarifiers as storage/equalization tanks. The City indicated a site to



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the west side of the treatment plant could be used for the proposed booster station site to be constructed by BCVWD. Currently, BCVWD also identifies progress related to the non-potable water system integration has suffered a slow down in forward movement due to concerns by the City regarding recycled water reuse potential legal exposure and securing of updated National Pollutant Discharge Permit from the Regional Water Quality Control Board (RWQCB), as well as issues related to recent emergencies such as COVID-19 and Apple Fire and El Dorado Fire emergencies within BCVWD's sphere of influence. At this time, BCVWD has prepared a draft Agreement for the Purchase and Distribution of Recycled Water for use of recycled water in BCVWD's service area. It is anticipated that a version of this agreement would be executed prior to significant expenditures by BCVWD related to implementation of recycled water reuse including, but not limited to items such as preparation of the final booster station drawings which include permission to conduct geotechnical investigations, utility research, and site surveys. Upon execution of said agreement, BCVWD would begin to implement use of recycled water including items such as recordation of all recycled water permitting, finalization of all recycled water activities, verification, testing, and regulatory approval of all non-potable water system existing connection sites for acceptance of recycled water. A schedule of these implementation activities and time lines have been historically provided to City staff as a coordination effort as early as the Fall of 2018.

In summary, the statement that no coordination has taken place is inaccurate.

3. *In addition, the City's consultants have noted that there is a lack of documentation and references to sources of data and information and methodology on how calculations were made in the draft Plan.*

The UWMP relies on many of BCVWD's planning documents including past UWMPs, the 2013 Potable Water Master Plan and the Draft Non-Potable Water Master Plan (in process), along with a series of White Papers issued by BCVWD to address regional imported water supply which were prepared in 2017-2018. These White Papers were discussed at Board Meetings, in public. In addition, BCVWD relies on a number of documents issued by the Department of Water Resources (DWR) including the bi-annual State Water Project Delivery Capability Report and others. The 2020 UWMP is written to provide the reader with the basic background on how BCVWD came to the conclusions presented in the figures and tables, but does not always include



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the supporting calculations. The spreadsheets and calculations that support those findings are available in BCVWD's office.

4. *The Plan also contains discrepancies with San Geronio Pass Water Agency ("SGPWA") projected water import needs as illustrated in the draft Plan's table ES-1 and SGPWA Plan Table 3-16.*

Table 3-16 in the SGPWA 2020 UWMP is not imported water needs. The value for BCVWD in SGPWA Table 3-16 is BCVWD's total potable and non-potable water demand which was provided to the SGPWA in approximately April 2020, not the "imported water demands." And it does not include the projected "banking" water that BCVWD is anticipating purchasing each year for "drought proofing." There have been some minor adjustments to BCVWD's potable water demand as BCVWD began producing their own UWMP. Table ES-1 in BCVWD's 2020 UWMP is BCVWD's estimated water supplies, which are shown to exceed demands, particularly in 2045, when Sites Reservoir is operational. The "discrepancies" are not discrepancies; the referenced tables present different information.

Thank you for your comments and we look forward to working with you and the City to finalize the 2020 UWMP and in the preparation of future UWMP's. Please contact me at (951) 845-9581, extension 217 or dan.jaggers@bcvwd.org, if you have any questions..

Sincerely,

Dan Jaggers, PE

Beaumont-Cherry Valley Water District

General Manager



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August 19, 2021

Todd Parton, City Manager
City of Beaumont
550 East Sixth Street
Beaumont, CA 92223

Via: tparton@beaumontca.gov
ctaylor@beaumontca.gov

Subject: City of Beaumont – Virtual Meeting on August 18, 2021 to Discuss
BCVWD Responses to City Comments on the BCVWD DRAFT 2020
Urban Water Management Plan (UWMP)

Dear Mr. Parton:

The Beaumont Cherry Valley Water District (BCVWD) appreciated the opportunity to meet with the City on August 18, 2021, to discuss our responses to the City's comments and provide additional explanations and clarifications. This letter summarizes the meeting discussion.

The City and BCVWD discussed BCVWD's August 10, 2021 response to City Attorney Pinkney's letter to BCVWD dated July 22, 2021. BCVWD acknowledged that the coordination between the City and BCVWD could have been better and the City and BCVWD agreed that there will be more coordination on projects of mutual interest in the future. BCVWD agreed that, although not required by the Department of Water Resources, but where appropriate, references to sources of information presented in tables would be provided as either footnotes or text. In addition, BCVWD invited the City Staff to meet and discuss the methodologies and view the spreadsheet projections and calculations used in the preparation of the UWMP. The City concluded that these clarifications satisfactorily addressed the issues raised by Attorney Pinkney.

There were 29 comments made by the City in a separate letter from Todd Parton (City Manager) dated July 22, 2021, with corresponding BCVWD responses dated August 12, 2021. Each comment and response was discussed individually during the August 18, 2021 meeting. The City agreed that BCVWD had adequately addressed comments 1, 3, 4, through 5, 7 through 11, 15, 17, 19 through 24 and 26 through 28.



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Comments 2, 5 (and 13, similar), 6, 12, 14, 16, 18, 2,5 and 29 required additional clarification. The City's comments are repeated in italics with meeting discussion in "regular" text.

2. *Page 60 — states mixed use in the downtown needs to be evaluated in concert with the 2020 Census. The draft and final General Plan have been available since 2020. How will the evaluation impact the draft UWMP as build out is not expected until after 2045?*

BCVWD's response to the comment was satisfactory but, in the discussion, the City mentioned they had some State mandates on affordable housing. BCVWD acknowledged this. BCVWD's is required to include water supply requirements for low-income housing and made projections for low-income housing in the UWMP.

5. *Page 73 — Table 4-2 Why is the water loss for January 2020 so high? And similarly comment 13, Page 4-7 Table 4-4 — First line of the table 01/2020 — 9.77% loss based on 13,818 AF demand in 2020. This is **greater** than the 783 AF collected from storm water. Should there be a discussion about lowering the loss rate versus the cost to increase the recharge volume? How is this number obtained or estimated?*

There was discussion about the BCVWD's water loss; BCVWD stated that it must submit a report on estimated water loss to the Department of Water Resources annually using a methodology and software mandated by the State. BCVWD explained there are two types of water loss: apparent loss and real losses. Apparent losses are not true losses; it is the difference between the well production meters and the total amount of water billed (residential and commercial meters). As meters age, they under-register. BCVWD has a program to replace aged meters and registers, or registers only with AMR/AMI type (smart meters) which could ultimately set up to identify service line or customer leaks. This program should reduce the apparent losses. BCVWD recognized that there are areas of the City that have aging pipes and they are being replaced on a priority basis, with the most problematic getting the highest priority for replacement. These aging pipes are identified in BCVWD's Capital Improvement Program (CIP) which is published annually. BCVWD did mention that this program has to be coordinated with the City's street repaving schedule. Leaks in the BCVWD pipelines are repaired as quickly as possible once detected.



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BCVWD did explain that the audit relies on estimates of pipe leakage, fire hydrant losses, etc. and is only as precise as the estimating methodology.

With respect to Comment 13, there was a discussion of the source of funding for meter replacement and leak repairs vs. new water sources such as stormwater. As stated above, BCVWD has programs in place to replace meters and aging pipelines.

6. *Page 81 — The draft 6 Cycle Housing Element is available on our website and the draft UWMP should utilize the updated information.*

The City acknowledged that 6 Cycle Housing Element is out for public review and comment until September 9, 2021 and will probably be on the City Council Agenda in the November/December 2021 time frame. Before it goes to City Council, it must go through the Planning Commission.

12. *Page 3-24 — The last two sentences reference impacts from development within the City of Beaumont. Are there impacts from development outside the City boundary?*

There was some discussion about the City being identified as the source of increased water demand in BCVWD's service area. BCVWD proposed to reword the last sentence as follows:

"The increase in water demand is associated with development in areas of high density and high growth."

14. *Page 6-41 - The second paragraph should include a discussion about what facilities are ready to receive the recycled water from the City or how long it will take Beaumont Cherry Valley Water District to construct the facilities.*

There was discussion on when recycled water would be available. BCVWD's water supply tables indicated that recycled water would be available in 2025. The City believed there should be a brief discussion that it would be available before then. BCVWD agreed, but was unsure of the exact timing. The City is awaiting a new NPDES/Waste Discharge Permit from the Regional Water Quality Control Board for the upgraded treatment plant. This will probably occur in November/December 2021. The City indicated that once a new permit is in place, an agreement for recycled water can be developed with BCVWD. City staff indicated that recycled water would be available in approximately 18 months.

BCVWD reiterated that City staff identified a site on City-owned land on the west side of the Wastewater Treatment Plant and BCVWD staff have made



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some preliminary layouts of the pumping station on that location. But BCVWD's Board of Directors have not authorized any further work until 1) an agreement between the City and BCVWD for the transfer and distribution of recycled water is in-place; 2) an agreement for long term use/lease of the City-designated property is in-place; 3) approval is granted by the City to conduct geotechnical engineering and topographic survey work on the designated site. BCVWD stated a temporary pumping system can be installed while completion of design and construction of a permanent pumping takes place.

In terms of the UWMP, BCVWD agreed to insert the following wording at an appropriate place (bottom of page 6-50). *"Although Table 6-18 indicates recycled water use in the BCVWD service area in 2025, much of the infrastructure is in-place and the upgraded wastewater treatment facility is nearing completion. The City and BCVWD are working to develop agreements and complete construction of pumping and other facilities needed for recycled water use prior to 2025, perhaps as soon as mid- to late-2022."*

16. *Table ES-1 - Provides estimates of water supply from various sources. The recycled water estimates should be verified with expected Plant capacity.*

There was discussion on how BCVWD arrived at the amount of recycled water available during a "normal" water supply year and during single and multi-year drought period. The methodology and assumptions are in Tables 6-15, text on the bottom of page 6-45, section, 7.4.3, and Table 7-6. Data on the new treatment plant was obtained from sheet G-10 of the Bid Set. BCVWD made projections of the amount of recycled water available in the UWMP. The City stated the available recycled water estimates "appear reasonable" but the methodology was inconsistent with the City's calculations regarding the supply.

The City is to provide BCVWD with their methodology in sufficient time to be incorporated into the UWMP for adoption.

18. *Discrepancies exist between SGPWA and BCVWD projected imported water needs illustrated in BCVWD Table ES-1 and SGPWA Table 3-16. What are the implications of this discrepancy?*

The City stated that they had been in contact with the General Manager at San Geronio Pass Water Agency and the General Manager indicated that the Pass Agency had taken a very conservative approach and BCVWD's imported water supply projections were reasonable.



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25. *The plan does not appear to contemplate development in the sphere of influence.*

There was discussion on how BCVWD developed EDU and population projections. BCVWD stated they used the City's major project status reports as well as developer inquiries and requests. BCVWD's estimate of the build-out population is land-use based within BCVWD's Sphere of Influence (SOI).

There was discussion of the fact that BCVWD's southern SOI boundary does not align with the City's. BCVWD indicated that its SOI now aligns with Eastern Municipal Water District and Metropolitan Water District of Southern California. Should the City develop south of BCVWD's SOI, appropriate water exchange agreements would need to be developed to allow BCVWD to serve that area, if that were the preferred water supply alternative.

The City also mentioned that there were some projects/project areas that were not on BCVWD's list of future projects – namely the area between CA 60, Oak Valley Parkway, east of Potrero Blvd – formerly called Mountain Bridge. Table 3-7 lists the project as "Beaumont Village (mixed use)", with an estimated 2,350 EDUs, and is included in future EDUs.

29. *In some cases, the sources and methodology for data is not presented.*

BCVWD agreed that, although, not required by the Department of Water Resources, but where appropriate, references to sources of information presented in tables would be provided either as footnotes or discussion in the text. In addition, BCVWD invited the City Staff to meet and discuss the methodologies and view the spreadsheet projections and calculations used in the preparation of the UWMP.

Again, we appreciated to meet and discuss the 2020 UWMP prior to adoption and we look forward to working with the City in the preparation of future UWMP's as well as other projects of mutual interest. Please call at (951) 845-9581, extension 217 if you have any questions or email me at dan.jaggers@bcvwd.org.

Sincerely,

Dan Jaggers, PE

Beaumont-Cherry Valley Water District

General Manager

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CITY OF BEAUMONT

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BeaumontCa.gov

August 25, 2021

Beaumont Cherry Valley Water District
Dan Jagers, General Manager
560 Magnolia Avenue
Beaumont, CA 92223

Via: dan.jagers@bcvwd.org
mark.swanson@bcvwd.org

Re: 2020 Urban Water Management Plan

Dear Mr. Jagers:

The City of Beaumont (City) sincerely thanks the Beaumont Cherry Valley Water District (District) for providing additional time to more fully review the Draft 2020 Urban Water Management Plan (UWMP) and meet with District staff to discuss the City's comments. The City understands the District's need to proceed with adoption of the plan at the Board meeting scheduled for August 26, 2021, and appreciates the District's willingness to amend the plan in the future should the need arise. With that understanding, the City does not object to the approval of the UWMP and offers the remaining comments and clarifications from the joint meeting of August 18, 2021. Additionally, the City respectfully requests that this letter become part of the official comments to be submitted with the approved UWMP.

Water Reliability During PSPS Events – The District's letter states the City is satisfied with the District's response. The City still maintains that it is in the public interest to provide a statement in the UWMP of the measures taken and the District's ability to provide water during these events.

Growth Projects and Water Availability – During a meeting between District and City staffs, District growth projections and water availability were discussed in detail. While the City believes it would be advisable for all property located within the overlapping annexed areas and spheres of influence of the District and the City and that the boundaries of both entities be reflected in the UWMP as planned for regardless of project status, the District clarified that all land is accounted for and planned for based on the land use categories/assumptions outlined in the City of Beaumont General Plan which was adopted December 2020. The UWMP, much like the City's Wastewater Management Plan (WWMP), forecasts water needs for future development of land without a specific project pursuant to an equivalent development unit (EDU) calculation that is based on the designated land use(s) and related policy(ies) specified by the City's General Plan.

Brine Line Flow (Pg. 6-45) – The maximum flow deduction to the brine line should be listed as a maximum 450,000 gallons per day as opposed to the percentage format. Additionally, approximately 200,000 gallons of recycled water is utilized daily in the City's non-potable system.

TIN Limit (Pg. 6-44) – While the NPDES permit does not list a TIN limit in the recycled water parameter list, it does state that a recycled water TIN limit is based on Maximum Benefit per management zone. Furthermore, the permit states that Maximin Benefit levels are used to calculate limits for recycled water use. The TIN limit in the recycled water table should state 6.7 mg/L, except for irrigation use which has no limit.

WWTP Expansion Project (Pg. 6-43) – Phase 1 of the City's wastewater treatment plant construction has been completed, increasing the rated capacity from 4 MGD to 6 MGD. Process upgrades include redundant coarse screens, a grit removal system, a flow equalization basin, a fine screen system, an activated sludge process coupled with a new MBR system followed by partial RO, and a new UV disinfection system. Please note that the references to sludge pump and secondary clarifiers are in error. The City submitted a Title 22 recycled water engineering report to the Santa Ana Regional Water Board in September 2019 and is awaiting formal comment. In light of these advances, the City questions whether the 2007 letter remains relevant.

Lift Stations (Pg. 6-42) – Please note that the City's wastewater conveyance system currently includes 11 operating lift stations.

Again, the additional time provided by the District to review the Draft UWMP is greatly appreciated. Through the review process and discussions with District staff, areas for further alignment and coordination to achieve mutual success were highlighted. The City looks forward to coordinating with the District in the future to provide the greatest degree of sustainability and cost effectiveness for the community.

Sincerely,



Todd Parton
City Manager

Cc: Beaumont City Council



Beaumont-Cherry Valley Water District

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<http://www.bcvwd.org>

August 26, 2021

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Todd Parton, City Manager
City of Beaumont
550 East Sixth Street
Beaumont, CA 92223

Via: tparton@beaumontca.gov
ctaylor@beaumontca.gov

Subject: City of Beaumont – Additional Comments on the BCVWD DRAFT
2020 Urban Water Management Plan (UWMP)
Letter: Todd Parton to BCVWD Dan Jagers, August 25, 2012

Dear Mr. Parton:

Thank you for the letter stating that the City does not object to approval of the 2020 UWMP based on our previous discussions and suggested revisions. The City offered comments and clarifications to the BCVWD letter dated August 19, 2021 related to the virtual meeting between the City and BCVWD, which we appreciate.

BCVWD reviewed the City's clarifications (shown in italics) with our resolution as to how we intend to incorporate into the final 2020 UWMP that will be submitted to the Department of Water Resources (in "regular" text). The City's previous letters and BCVWD's responses, as well as these clarifications will be included in the "Public Comment" Appendix to the 2020 UWMP when it is submitted to the Department of Water Resources. You will be notified when the final version is available for use.

1. **Water Reliability During PSPS Events** – *The District's letter states the City is satisfied with the District's response. The City still maintains that it is in the public interest to provide a statement in the UWMP of the measures taken and the District's ability to provide water during these events.*

BCVWD agrees and will reword and expand the third full paragraph on page 6-13 as follows:

"In 2019 and 2020, SCE has implemented Public Safety Power Shutoffs (PSPS) due to increased wildfires in the area. When notified of any local PSPS, BCVWD immediately actuates wells to ensure storage tanks are full so as to minimize the time wells could be on standby power. BCVWD has



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four (4) wells in Edgar Canyon and eight (8) wells in the Beaumont Basin that have standby generators, auxiliary engine drives, or connections for portable generators, which, in total, can provide over 22 mgd of water supply¹. During the PSPS event(s), BCVWD operates its wells using the standby generators, as needed, to ensure adequate water in storage and to meet demands. Standby generator capacity may be added to new wells as they are constructed to ensure adequate supply to accommodate increased demands.”

2. **Growth Projects and Water Availability** - During a meeting between District and City staffs, District growth projections and water availability were discussed in detail. While the City believes it would be advisable for all property located within the overlapping annexed areas and spheres of influence of the District and the City and that the boundaries of both entities be reflected in the UWMP as planned for regardless of project status, the District clarified that all land is accounted for and planned for based on the land use categories/assumptions outlined in the City of Beaumont General Plan which was adopted December 2020. The UWMP, much like the City's Wastewater Management Plan (WWMP), forecasts water needs for future development of land without a specific project pursuant to an equivalent development unit (EDU) calculation that is based on the designated land use(s) and related policy(ies) specified by the City's General Plan.

BCVWD agrees that the land use in the City's 2020 General Plan was used as a basis for EDU calculation and subsequent water supply requirements. BCVWD pointed out that the City's southerly boundary and Sphere of Influence do not coincide with BCVWD's Sphere of Influence. BCVWD's southerly Sphere of Influence boundary was set by Riverside County Local Agency Formation Commission (LAFCO) in late 2020 or early 2021 to coincide with Eastern Municipal Water District's. It would be difficult to change the Sphere of Influence and consequently service area boundaries, since there are two State Water Contractors (San Geronio Pass Water Agency and Metropolitan Water District of Southern California) involved. However, water exchange agreements could be developed in the future to provide service.

BCVWD believes no further action is needed at this time.

¹ BCVWD 2015 Potable Water Master Plan, pg 2-10.



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3. **Brine Line Flow** (Pg. 6-45) - *The maximum flow deduction to the brine line should be listed as a maximum 450,000 gallons per day as opposed to the percentage format. Additionally, approximately 200,000 gallons of recycled water is utilized daily in the City's non-potable system*

The second last paragraph on page 6-45 will be re-worded as follows:

"Table 6-15 shows the estimated recycled water produced... The estimated amount which can be recycled is reduced by 1) the amount of recycled water used on-site (200,000 gal/day) and 2) the reject water from the reverse osmosis process facility to meet the TDS limit of 330 mg/L, maximum of 450,000 gal/day".

The last paragraph on page 6-45 will be deleted.

In Table 6-15 on page 6-45, the "(10% loss)" will be deleted from the "Estimated amount which can be recycled, mgd."

4. **TIN Limit** (Pg. 6-44) - *While the NPDES permit does not list a TIN limit in the recycled water parameter list, it does state that a recycled water TIN limit is based on Maximum Benefit per management zone. Furthermore, the permit states that Maximin Benefit levels are used to calculate limits for recycled water use. The TIN limit in the recycled water table should state 6.7 mg/L, except for irrigation use which has no limit.*

Table 6-14 will be modified as follows:

"Table 6-14 – City of Beaumont Wastewater Discharge Requirement for TDS and TIN"

Parameter	DP-001 Cooper's Creek		DP-007 Unnamed Creek	Recycled Water
	Discharge up to 1.8 mgd	Discharge over 1.8 mgd	All Discharges	All Discharges
TDS	400 mg/L	300 mg/L	230 mg/L	330 mg/L
TIN	6 mg/L	3.6 mg/L	2 mg/L	See Note 1

(1) The TIN limit in recycled water used for non-irrigation purposes, which could affect groundwater quality, is 6.7 mg/L; irrigation use has no limit since it is assume the irrigated plants will utilize the nitrogen per the current permit R8-2015-0026, NPDES CA 0105376."



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5. **WWTP Expansion Project** (Pg. 6-43) - Phase 1 of the City's wastewater treatment plant construction has been completed, increasing the rated capacity from 4 MGD to 6 MGD. Process upgrades include redundant coarse screens, a grit removal system, a flow equalization basin, a fine screen system, an activated sludge process coupled with a new MBR system followed by partial RO, and a new UV disinfection system. Please note that the references to sludge pump and secondary clarifiers are in error. The City submitted a Title 22 recycled water engineering report to the Santa Ana Regional Water Board in September 2019 and is awaiting formal comment. In light of these advances, the City questions whether the 2007 letter remains relevant.

The second full paragraph on page 6-43, "The existing treatment facility provides secondary treatment..." will be deleted as it is no longer applicable.

The third full paragraph on page 6-43, "In a 2007 letter from CDPH..." will be deleted as it is no longer relevant.

The picture of the wastewater treatment plant will be replaced with an up-to-date photo.

The fourth full paragraph "The City has been upgrading and expanding..." will be reworded as follows:

"Phase 1 of the City's wastewater treatment plant construction has been completed, increasing the rated capacity from 4 MGD to 6 MGD. Process upgrades include redundant coarse screens, a grit removal system, a flow equalization basin, a fine screen system, an activated sludge process coupled with a new MBR system followed by partial RO, and a new UV disinfection system. The City submitted a Title 22 Recycled Water Engineering Report to the Santa Ana Regional Water Board in September 2019 and is awaiting formal comment.

6. **Lift Stations** (Pg. 6-42) - Please note that the City's wastewater conveyance system currently includes 11 operating lift stations

The last paragraph on pg 6-42 will be reworded as follows:

"The City of Beaumont provides wastewater collection, treatment and disposal for wastewater generated within the City plus the Highland Springs area of Cherry Valley. Wastewater generally flows by gravity to the City's wastewater treatment plant; however there are 11 operating lift stations in the system."



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Again, we appreciate the thoroughness of the City's comments and clarifications, and we look forward to working with the City in the preparation of future UWMP's as well as other projects to provide sustainable and cost effective operations and facilities for our community.

Please call at (951) 845-9581, extension 217 if you have any questions or email me at dan.jaggers@bcvwd.org.

Sincerely,

Dan Jaggers, PE

Beaumont-Cherry Valley Water District

General Manager

APPENDIX B



2020 Urban Water Management Plan



Final – Adopted June 21, 2021

Prepared by:
 **Tully & Young**
Comprehensive Water Planning

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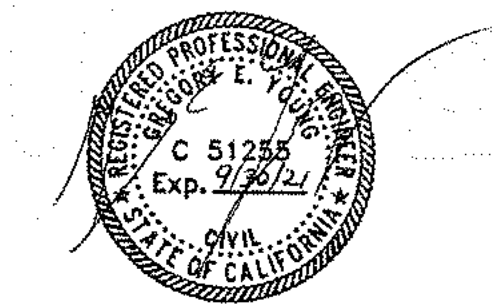
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This 2020 Urban Water Management Plan was prepared under the direction of a California licensed civil engineer.



Executive Summary

Layperson's Description

After the devastating drought in the late 1970s, the California Legislature declared California's water supplies a limited resource, subject to ever-increasing demands and that the long-term, reliable supply of water is essential to protect California's businesses, communities, agricultural production, and environmental interests. The Legislature also recognized a need to strengthen local and regional drought planning and increase statewide resilience to drought and climate change. Thus, in 1983, the California Legislature created the Urban Water Management Planning Act (UWMPA).¹ The UWMPA requires urban water suppliers serving over 3,000 customers or supplying directly or indirectly at least 3,000 acre-feet of water annually to prepare and adopt an urban water management plan every five years,² and demonstrate water supply reliability in a normal year, single dry year, and droughts lasting at least five years over a twenty-year planning horizon.³ The UWMPA also requires each urban water supplier to prepare a drought risk assessment and water shortage contingency plan.⁴ And last, beginning in July 2022, each urban water supplier must prepare an annual water supply and demand assessment.⁵ The California Legislature emphasizes that aggregating all of these legal requirements at the urban water supplier management level will improve local, regional, and statewide water planning and water resilience.

At a practical level, the Urban Water Management Plan (UWMP) is the water management foundation for urban water suppliers throughout California. A well-constructed UWMP will provide the supplier's elected officials, management, staff, and customers with an understanding of past, current, and future water conditions and management. The UWMP integrates local and regional land use planning, regional water supply, infrastructure, and demand management projects as well as addresses statewide challenges that may manifest through climate change and evolving regulations. Thoughtful urban water management planning provides an opportunity for the supplier to integrate supplies and demands in a balanced and methodical planning platform that addresses short-term and long-term planning conditions. In brief, the UWMP gathers, characterizes, and synthesizes water-related information from numerous sources into a plan with local, regional, and statewide practical utility.

¹ California Water Code Section 10610 *et seq.* (Chapter 1 added by Stats. 1983, Ch. 1009, Sec. 1) and its subsequent amendments.

² California Water Code Section 10610 *et seq.*

³ California Water Code Sections 10631-10635.

⁴ California Water Code Sections 10632.

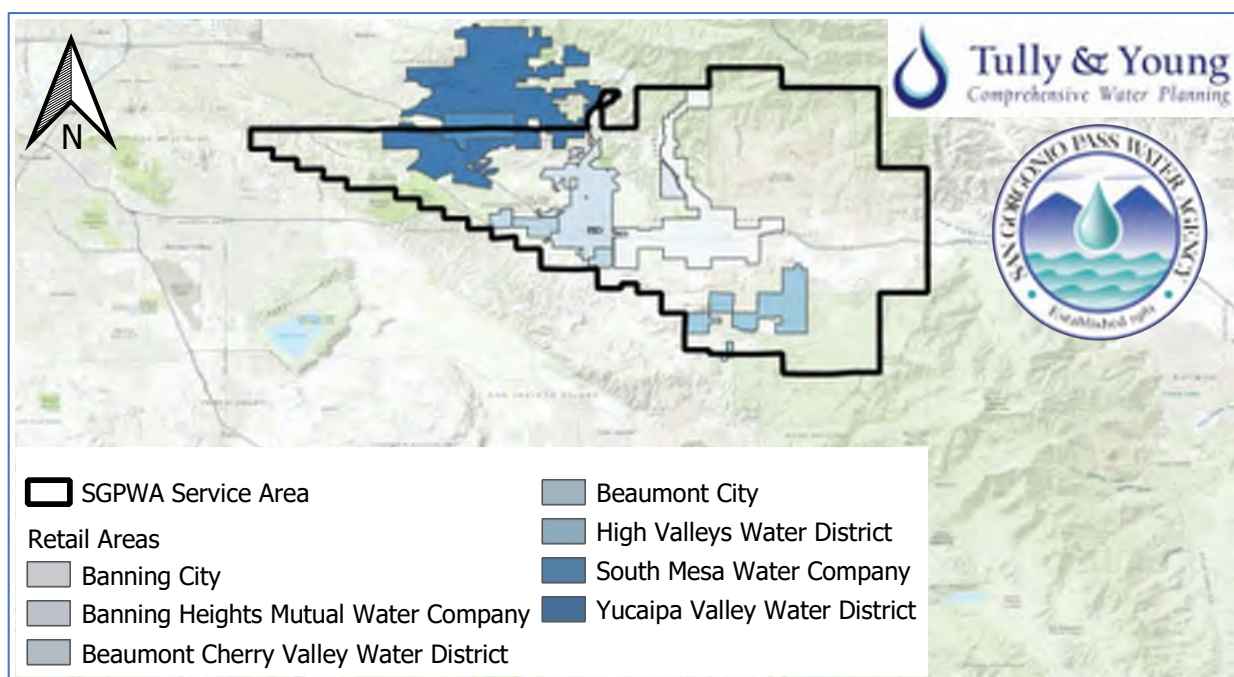
⁵ California Water Code Sections 10632.1.



ES-1 San Gorgonio Pass Water Agency

The San Gorgonio Pass Water Agency (SGPWA) was formed in 1961 as a special act district codified in Chapter 101 of the California Water Code Appendix as the San Gorgonio Pass Water Agency Act (SGPWA Act).⁶ The SGPWA Law states that SGPWA was created, in part, to eliminate groundwater overdraft conditions in the SGPWA service area.⁷ The SGPWA Act further establishes that SGPWA's service area boundaries include very specific geographical locations in Riverside County as shown in Figure ES-1 that incorporate the entire of other retail water agencies.⁸ In summary, SGPWA's fundamental purpose is to eliminate groundwater overdraft conditions by improving imported water service reliability within SGPWA's service area boundary.⁹

Figure ES-1: SGPWA Water Service Boundary with Additional Retail Areas



The SGPWA service area encompasses approximately 225 square miles of Riverside County. Its service area has numerous retail water purveyors that coordinate with SGPWA to obtain additional water supplies to supplement the limited supplies produced at the local level and contained in the groundwater basins. The retail water suppliers in the SGPWA service area are preparing individual plans under the UWMPA if they meet the Act's minimum threshold criteria. SGPWA's goals include sound fiscal and organizational policies, effectively managing water resources in conjunction with the State Water Project (SWP) and other imported supplies, maintaining water quality, and promoting efficient

⁶ California Water Code Appendix, San Gorgonio Pass Water Agency Act, Section 101-1 *et seq.*, 1961.

⁷ SGPWA Act Section 101-15.

⁸ SGPWA Act Section 101-2.

⁹ SGPWA Act Section 101-15.5

use of the region's resources through local education programs, social media, and demonstration garden.

ES-2 SGPWA Water Service Reliability

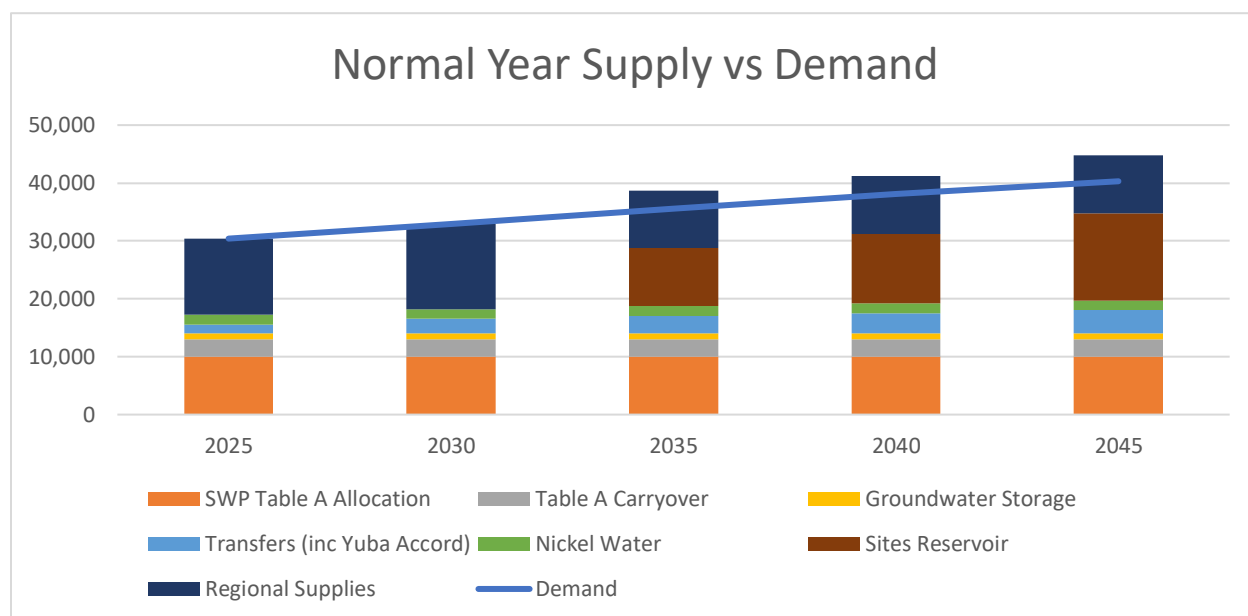
San Geronio Pass Water Agency aggregates the regional water supplies and demands in this 2020 Urban Water Management Plan (UWMP) through its roles as a wholesale water purveyor of State Water Project supplies, importer of additional water supplies, and participant in regional groundwater management activities. All these efforts necessitate examination of water supplies at a region-wide level in order to ensure supply reliability among the numerous regional retail purveyors and others that depend upon the regional water resources.

SGPWA has extended the planning horizon considered in this 2020 UWMP from the statutorily required twenty-year timeline to a twenty-five-year period through 2045. This extended planning horizon allows SGPWA and the regional retail water purveyors to address longer-term land use planning, water planning, and infrastructure considerations. Moreover, the extended timeline assists SGPWA's Board of Directors in examining historical and long-term trends in water resources conservation, management, and use in order to ground current and future decision-making. Together, all these considerations help improve regional coordination and planning.

As shown in Figure ES-2, SGPWA has reliable water supplies through the 2045 planning horizon. SGPWA has assessed the available SWP supplies, imported supplies, and locally available managed water supplies to assess regional water supply reliability through this planning horizon. In addition, SGPWA engages in annual water transfers and exchanges and stores water both within SGPWA's service area boundaries and outside its boundaries to address variable water conditions. Together, these supplies make up SGPWA's regional water asset portfolio that is actively managed by coordinated actions between SGPWA and the regional retail agencies to ensure long-term reliability.



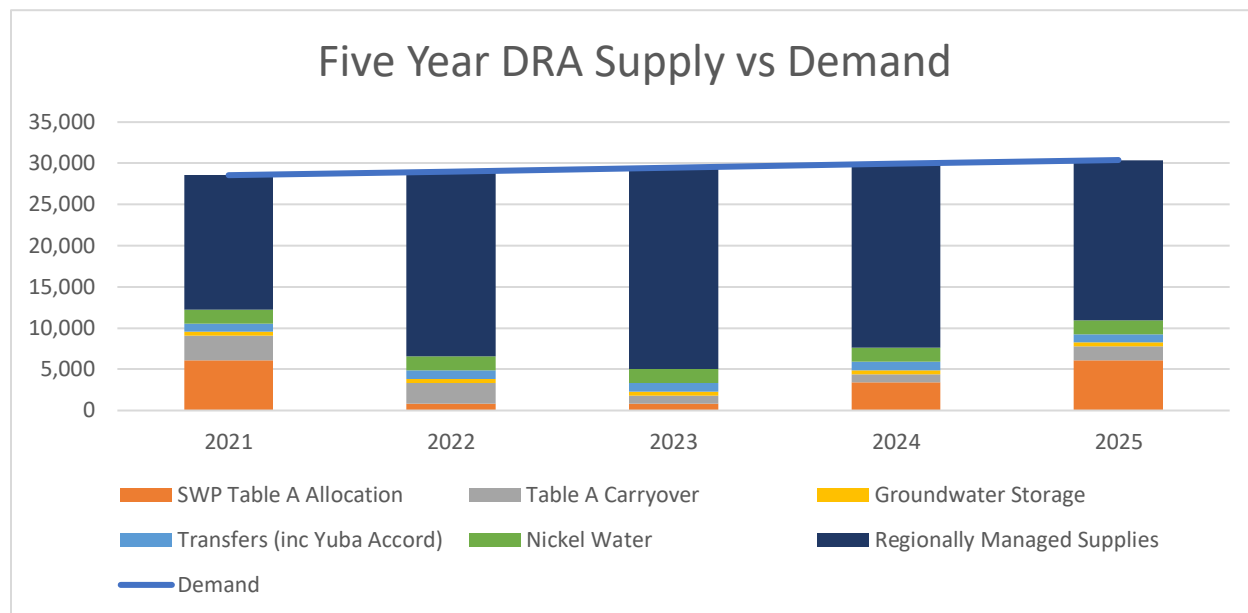
Figure ES-2: SGPWA's Water Service Reliability through 2045 (AFY)



SGPWA also coordinates management of its water supplies with the retail agencies to address projected dry conditions. Specifically, SGPWA and the retail agencies capture and store surplus imported water in normal and wet years in order to use the stored water assets to meet regional demands in dry years. Moreover, the retail agencies rely upon locally managed water supplies, including native groundwater, recycled supplies, surface water assets, and return flows, to meet their annual demands. These actions stabilize annual fluctuations in recurring imported supplies that may not meet regional demands under certain dry conditions. Figure ES-3 shows a water reliability assessment for a drought lasting five consecutive years where the retail agencies in SGPWA service area use stored water and regionally managed supplies to offset fluctuations in its SWP supplies.



Figure ES-3: SGPWA's Drought Risk Assessment from 2021 through 2025 (AFY)



In summary, SGPWA's diverse surface water supply portfolio, combined with its coordinated management of regionally managed surface and groundwater resources with retail purveyors, provide stable and reliable water supplies to meet SGPWA's current and 2045 future water demands in its service area.



Chapter 1

Introduction

The San Geronio Pass Water Agency (SGPWA) was established by the SGPWA Act, passed by the California Legislature in 1961. When formed, the service area population was approximately 21,000 but now exceeds 100,000. This population is served by numerous large and small urban retail suppliers, small public water systems, rural domestic users, and tribal governments. SGPWA's goal is to supplement water to protect and enhance local water supplies for use by current and future populations through the import of water that is managed by local water suppliers for regional sustainability.

SGPWA is a State Water Project (SWP) contractor, acting as a wholesale supplier to retail water suppliers and other water users in its service area. SGPWA's sound fiscal and organizational policies effectively manage the imported water resources in conjunction with the SWP, maintaining water quality, and promoting efficient use of the regions resources through regional conservation programs and public awareness.

Ensuring an adequate supply of water is available to help balance the local groundwater basins to serve the existing and future needs for water users within SGPWA's service area is a critical component of successful operations. This Urban Water Management Plan (UWMP) draws on local, regional, and statewide inputs to synthesize information from numerous sources into a reliable water management action plan designed to be referred to as management and Board level decisions arise and conditions change.

It is important to note that this UWMP has been completed to address regional resource management and does not address the particular conditions of any specific retail water agency or entity within the SGPWA service area. The retail urban water suppliers within SGPWA service area are preparing their own separate UWMPs where required, though SGPWA has facilitated coordination among the retailers to assure consistency.

1.1 Background and Purpose

SGPWA has prepared this 2020 UWMP to comply with the Urban Water Management Planning Act (UWMPA) requirements for urban wholesale water suppliers. This 2020 UWMP addresses SGPWA's water management planning efforts to assure adequate water supplies to meet forecast demands over the next 25 years. As required by the UWMPA, the 2020 UWMP specifically assesses the availability of its supplies to meet forecast water uses during average, single-dry, and five consecutive drought years through 2045. Verification that future demands will not exceed supplies and assuring the availability of supplies in dry-year conditions are critical outcomes of this 2020 UWMP.



The 2020 UWMP is an update to SGPWA's 2015 UWMP and presents new data and analysis as required by the California Department of Water Resources (DWR) and the California Water Code (CWC) since 2015. The 2020 UWMP is also a comprehensive water planning document that describes existing and future supply reliability, forecasts future water uses, presents demand management progress, and identifies local and regional cooperative efforts to meet projected water use.

The UWMP is designed to be a valuable water management and planning tool to guide and inform the SGPWA Board of Directors, managers, staff, local urban retail water suppliers, regional water users, and the State of California about its water management practices. The UWMP reflects SGPWA's planning assumptions and goals and should be used in combination with other planning resources and documents over the UWMP planning horizon.

The State of California's drought vulnerability and the additional pressures of climate change and population growth have emphasized the importance of planning ahead to meet water demands with potentially at-risk water supplies. Such forward planning is an important outcome of the 2020 UWMP.

1.2 Basis for Plan Preparation

SGPWA qualifies as an Urban Water Supplier as described in Water Code Section 10617: "An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers." Under this definition SGPWA is a Wholesale Water Supplier providing water for municipal purposes to more than 3,000 customers or 3,000 acre/feet of water per year. These qualifications require the preparation of an UWMP every five years.

The State Legislature passed numerous new requirements since the 2015 UWMP, which are detailed throughout this 2020 UWMP.¹⁰ Major updates to the requirements are listed below along with a reference to the corresponding section in which they are addressed in this document.

- **Five Consecutive Dry-Year Water Reliability Assessment:** The Legislature modified the dry-year water reliability planning from a "multiyear" time period to a "drought lasting five consecutive water years" designation. This statutory change requires a Supplier to analyze the reliability of its water supplies to meet its water use over an extended drought period. This new requirement is addressed in Chapter 3—Water Supply Characterization, Chapter 4—Water Use, and Chapter 5—Water Service Reliability Assessment.
- **Drought Risk Assessment (DRA):** Due to the extensiveness of recent California droughts and the variability associated with climate change predictions, the California Legislature created a DRA requirement for UWMPs. The DRA requires assessment over a five-year period from 2021 to 2025 that examines water supplies, water uses, and the resulting water supply reliability for five consecutive dry years. SGPWA's water supplies are addressed in Chapter 3 – Water Supplies; the DRA is addressed in Chapter 5— Water Service Reliability Assessment, and Chapter 6—Water Shortage Contingency Plans.
- **Seismic Risk:** Evaluating seismic risk to water system infrastructure and facilities and having a mitigation plan is now required by the Water Code. Incorporating the water system into

¹⁰ California Water Code Sections 10608 to 10608.44; Sections 10609 to 10609.38; Sections 10610 to 10657.



regional or county hazard mitigation planning is an important aspect of this new statute. Seismic risk is addressed in Chapter 6.

- **Water Shortage Contingency Plan:** In 2018, the Legislature modified the UWMPA to require a Water Shortage Contingency Plan (WSCP) with specific elements. The WSCP is a document that provides a Supplier with an action plan for a drought or catastrophic water supply shortage. The WSCP is in Chapter 6 of this UWMP.
- **Groundwater Supplies Coordination:** 2020 UWMPs are required to be consistent with Groundwater Sustainability Plans following the 2014 Legislature enactment of the 2014 Sustainable Groundwater Management Act (SGMA). Some of the groundwater supplies in SGPWA's service area are subject to adjudications, while others are in the development phase of Groundwater Sustainability Plans. Groundwater basins are described in Chapter 3—Water Supply Characterization.
- **Lay Description:** A synopsis of the fundamental determinations of the UWMP is a new statutory requirement in 2020. This section of the is intended for new staff, new governing members, customers, and the media, and it can ensure a consistent representation of the Supplier's detailed analysis.

1.3 Coordination and Outreach

As required by the UWMPA, SGPWA has coordinated with nearby agencies while developing this UWMP in order to ensure consistency with other related planning efforts such as city and county General Plans, local retailer UWMPs, Adjudications, and Groundwater Sustainability Plans (GSP). This requirement includes coordination with (a) water suppliers that share a common water source, (b) relevant water management agencies that affect SGPWA's water assets, and relevant public agencies that may have land use or other regulatory relationships with SGPWA. Qualified retail suppliers within SGPWA's service area are completing their own UWMPs and it should be noted that specific conditions within those individual retail service areas are addressed in the retailers' individual UWMPs. SGPWA has prepared this 2020 UWMP in coordination with all regional water purveyors and has appropriately notified and coordinated with other appropriate local government agencies as listed in Table 1-2.

Further, as stipulated in Water Code Section 10621(b), every urban water supplier shall seek active involvement from diverse elements of the community. SGPWA sought public participation through a public hearing and notices to members of the community. These coordination efforts and Statutory Requirements for Notice are also included in Table 1-1.



Table 1-1: Public and Agency Coordination

Coordinating Agencies	Coordinate Regarding Demands	Sent Copy of Draft UWMP	Sent 60-Day Notice	Notice of Public Hearing
City of Banning	X	X	X	X
Beaumont Cherry Valley Water District	X	X	X	X
Yucaipa Valley Water District	X	X	X	X
South Mesa Water District	X	X	X	X
High Valleys Water District	X	X	X	X
Banning Heights Mutual Water Company	X	X	X	X
Cabazon Water District	X	X	X	X
Morongo Band of Mission Indians	X	X	X	X
Riverside County Planning Department		X	X	
California Department of Water Resources		X		
Local Agency Formation Commission (LAFCO) for Riverside County			X	X
General Public				X

1.3.1 Water Supplier Information Exchange

Water Code Section 10631 requires wholesale and retail water agencies to provide each other with information regarding water supply and demand. Since SGPWA receives water from the State Water Project and provides water as a wholesaler to its retail customers, it has coordinated on both sides with supply and demand information as noted in Table 1-1.

1.3.2 Statutory Requirements for Notice

In accordance with the UWMPA, notification of the UWMP update was provided to cities and counties within the service area at least 60 days prior to the public hearing of the plan as required by Section 10621(b) of the Water Code. Electronic copies of the final UWMP will be provided to the County no later than 30 days after its submission to DWR.

1.4 UWMP Adoption

SGPWA held a public hearing regarding its 2020 UWMP on June 21, 2021. Before the hearing, a draft was made available for public inspection at the SGPWA's office building and on its website. Pursuant to CWC Section 10642, notice of the public hearing was provided through publication of the hearing date and time in local media under the requirements of Government Code 6066 and posting of the hearing at the SGPWA offices.



The SGPWA's elected body adopted this 2020 UWMP on June 21, 2021. A copy of the adopted 2020 UWMP will be submitted to DWR, provided to the County and the California State Library, and posted onto the SGPWA website.

SGPWA will submit all required documentation related to the UWMPA through the DWR submittal website soon after adoption. These include the following required DWR Excel workbooks:

- "FINAL Submittal 2020 UWMP Tables 04.02.2021.xls"
- "FINAL Energy Use Tables 04.01.21.xls"

1.5 Document Organization

This UWMP is organized as follows:

- Chapter 2 provides a description of the SGPWA service area, demographic characteristics, and climate, and describes the future population the Agency anticipates needing to serve.
- Chapter 3 describes SGPWA's current and future water supplies and the availability of the supplies through 2045.
- Chapter 4 details the regional customer uses, including the past and future estimated uses, and describes the SGPWA's past and on-going demand management measures.
- Chapter 5 presents the SGPWA's water system service reliability into the future, including an assessment of reliability if a drought occurred over the next five consecutive years.
- Chapter 6 is SGPWA's stand-alone water shortage contingency plan, incorporated as a chapter in this UWMP, but also available to be shared and utilized separate from the UWMP.

NOTE TO DWR:

San Geronio Pass Water Agency has written this Urban Water Management Plan (UWMP) primarily as a water resources planning tool to effectively manage water supply, reliability and demand. This UWMP also satisfies all the requirements of the Urban Water Management Planning Act (UWMPA).

The body of the document provides narratives, analysis and data that DWR requests in its 2020 UWMP Guidebook, including changes to the California Water Code since 2015. Efforts have also been made to include enhancements to this document wherever possible as recommended in the 2020 UWMP Guidebook.

To facilitate review by DWR for compliance with the UWMPA, data from the body of the document has been transferred into required DWR submittal tables consistent with the organization of the tables in Appendix E of the 2020 UWMP Guidebook. These tables are separately uploaded to DWR's web portal. This UWMP has been reviewed for adequacy according to the UWMP Checklist as contained in Appendix F in the 2020 UWMP Guidebook.



Chapter 2

Water Service and System Description

The SGPWA service area encompasses approximately 225 square miles of an arid inland zone in Southern California, connecting the San Bernardino Valley to the west, and the Coachella Valley to the east. The San Gorgonio Pass (aka Banning Pass) is a gap between the San Bernardino Mountains in the north and the San Jacinto Mountains in the south. The western half of the Pass is in the Santa Ana River watershed, while the eastern half drains to the Whitewater River. The area serves as a major transportation corridor with Interstate 10 and the Union Pacific railway running through it, connecting the Greater Los Angeles Area with the interior United States. SGPWA service area includes the incorporated cities of Calimesa, Beaumont, and Banning, and the communities of Cherry Valley, Cabazon, and the Banning Bench.

The Agency is one of 27 State Water Contractors (SWC), an association of public water agencies that represent the legal, policy, and regulatory interests of the State Water Project contractors, who are responsible for the capital and operations and maintenance costs of the SWP. The SWC works in partnership with other water organizations, and coordinates with Department of Water Resources on behalf of its members. Legislation for the State Water Project (SWP) passed in 1959 to begin work on the California Aqueduct, along with the Davis-Gunsky Act, which allowed regions the opportunity to form local water agencies. Soon after, in 1961, the SGPWA was formed to “import water to local water agencies and protect and enhance local water supplies for use by present and future water suppliers.”¹¹ Water is imported into the service area by the California Aqueduct via the East Branch Extension and extensive transmission pipelines to local groundwater basins and reservoirs.

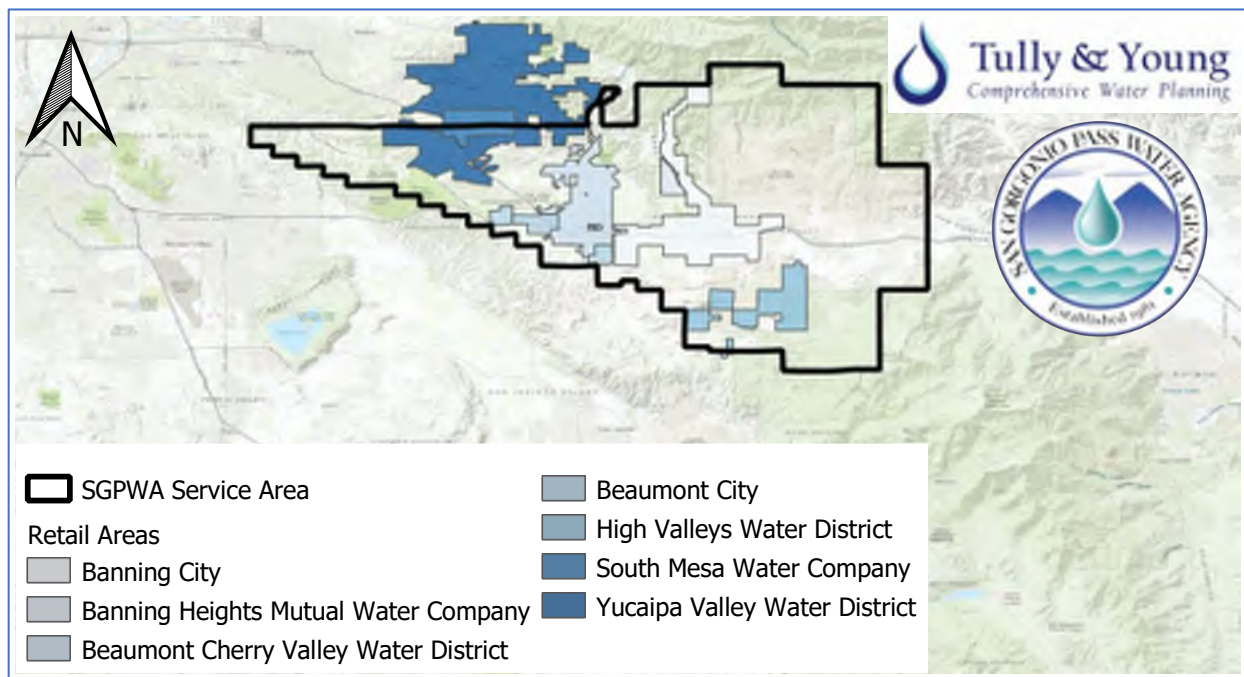
The SGPWA service area is divided into five geographical divisions, each one represented by a publicly elected board member who serves a four-year term. There are also two at-large Directors making a total of seven. Elections are held in November of even numbered years. SGPWA’s Sphere of Influence (SOI) is generally contiguous with its service area. The service area is shown in Figure 2-1.

Water supply for the SGPWA’s service area is sourced almost entirely from pumped groundwater from the various basins, subbasins, and aquifers in the area. Groundwater is recharged by natural storm water flows, infiltration of the local river and streams, SWP imports to recharge basins, other water supply imports, and irrigation and wastewater return flows derived from septic system and recycled water assets. SGPWA is working diligently with its retail partners to shore-up SGPWA’s current and future surface water supplies and to help manage these supplies in the context of improved regional conservation and regional water resources management actions.

¹¹ San Gorgonio Pass Water Agency Strategic Plan, 2019



Figure 2-1: Water Service Area Map



2.1 Integrated Regional Water Management Plan

In 2016, the San Geronio IRWM Regional Water Management Group (RWMG) was formed to manage the development of a new IRWM Region in the San Geronio Pass. The RWMG includes the City of Banning, Banning Heights Mutual Water Company, Cabazon Water District, High Valleys Water District, Riverside County Flood Control and Water Conservation District, and the San Geronio Pass Water Agency. The RWMG is responsible for preparing the IRWM Plan and governing the planning process, as well as approving projects for inclusion in the Plan. In 2018 SGPWA and its regional partners adopted the first IRWM to establish a collaborative, stakeholder driven effort to manage water resources in the region¹². The IRWM covers objectives, resources management strategies, localized water and land use planning, and other DWR requirements.

2.2 Retail Water Suppliers

The San Geronio Pass service area encompasses several retail public water entities that provide water service to residents within the service area mostly from groundwater supplies replenished by SWP water imported by SGPWA (see Figure 2-1). The City of Banning (Banning), Beaumont Cherry Valley Water District (BCVWD), and Yucaipa Valley Water District (YVWD) have historically been required to complete their own UWMPs, with South Mesa Water Company completing its first UWMP for 2020.¹³ Table 2-1

¹² SGPWA IRMW Plan 2018 Text: https://28c3dd9f-69f5-4dd5-bf25-251074d401bb.filesusr.com/ugd/1f9eac_5c710c4ce81240acb3f01a38afb57bca.pdf

¹³ California Water Code Section 10620

lists most of the retail public water entities within the SGPWA service area along with relevant service area and connection information.

Table 2-1: Retail Water Suppliers

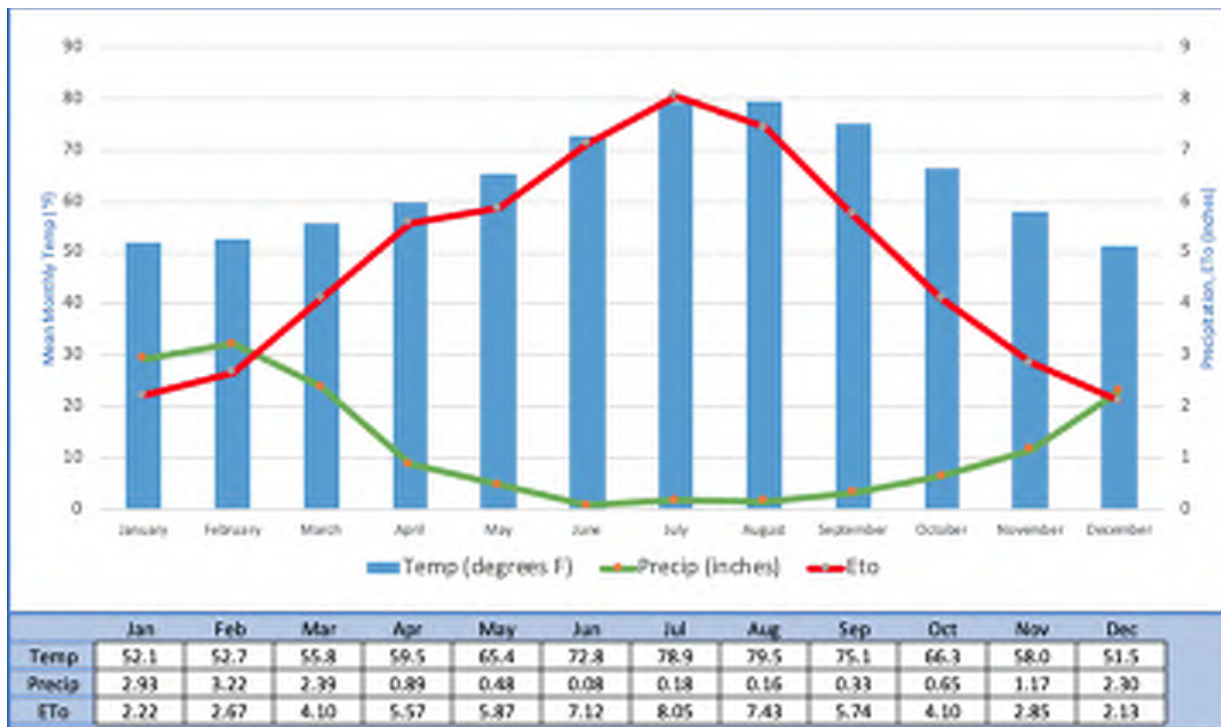
Retail Supplier	Approximate Connections
City of Banning	10,500
Beaumont-Cherry Valley Water District	19,300
Yucaipa Valley Water District (<i>partially in SGPWA</i>)	13,600
South Mesa Water Company (<i>partially in SGPWA</i>)	3,000
Cabazon Water District	930
Banning Heights Mutual Water Company	170
High Valleys Water District	250
Morongo Band of Mission Indians (<i>partially in SGPWA</i>)	12,750

2.3 Service Area Climate

The San Geronio Pass lies between the San Bernardino Mountains to the north and the San Jacinto Mountains to the south, with an elevation between 1,450 to 7,450 feet, but with most water use occurring from 1,450 to 3,500 feet. Typical of the area, the pass has a hot-summer Mediterranean climate with most of the precipitation falling in winter. Due to the higher elevation, the weather is usually 5-10 degrees cooler than neighboring lower lying areas, with occasional snowfall during winter. Historical averages show December through February as the coldest months, July and August as the hottest. The wet season is from December to March with a 30-year annual average rainfall of about 15 inches. The annual average temperature is 63 degrees, but the summer months can regularly see average highs in the mid-90s, and average winter lows drop down to the high 30s. Other climate characteristics include occasional summer thunderstorms from monsoonal moisture in the nearby low desert, but the amount of precipitation from these storms is very low. Snowfall is rare compared to the surrounding mountains. Any snow that does occur usually melts before it accumulates. Autumn remains very warm, cooling dramatically by late November, when the rainy season usually starts. Spring brings gradual warming by late March with most winter rain ending by late April. Evapotranspiration (ET_o), representing the consumptive use of water from plants to the atmosphere, averages about 57.8 inches, or about 4.8 feet annually.



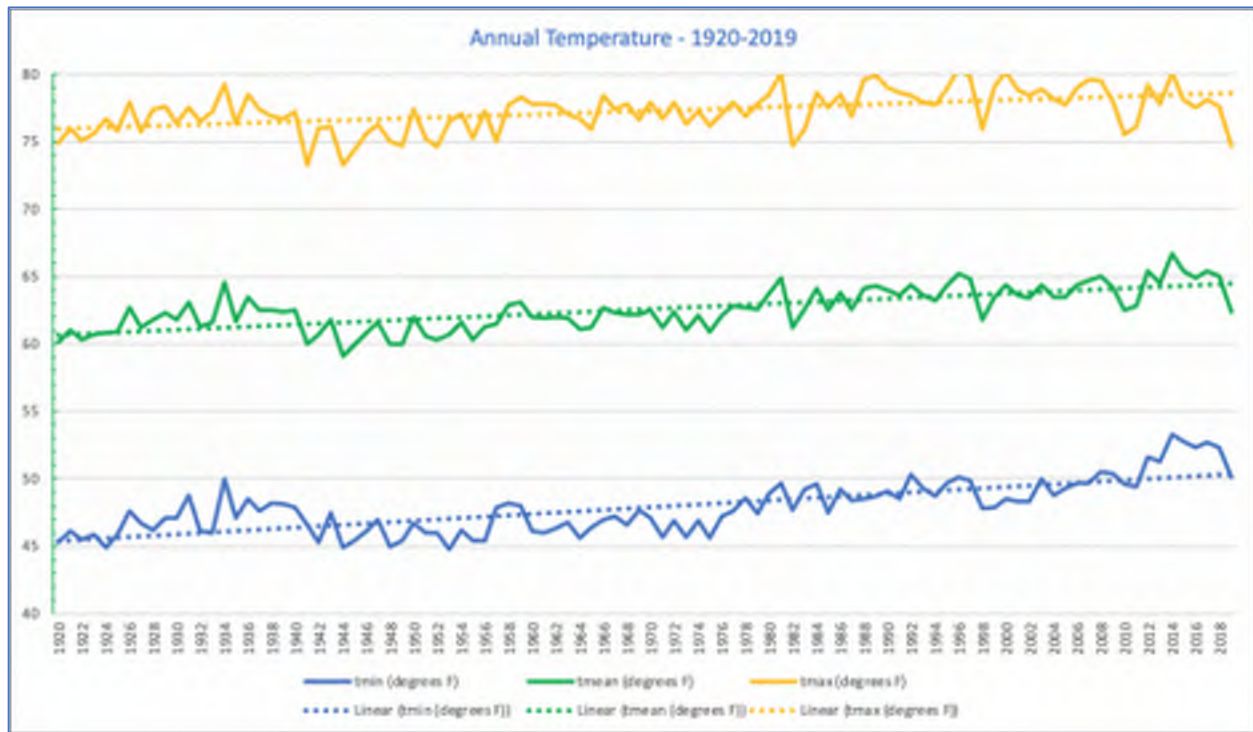
Figure 2-2: Average Climate Conditions¹⁴



¹⁴ Temperature and rainfall data represents annual averages from 1981-2019 from the PRISM Climate Group <https://prism.oregonstate.edu/> Location: Lat: 33.9140 Lon: -116.8746 Elev: 2339ft. ETo data is from CIMIS Highland - Los Angeles Basin - Station 251, Oct 2016 - Jan 2021



Figure 2-3: Annual Precipitation Variability (1981 – 2019)

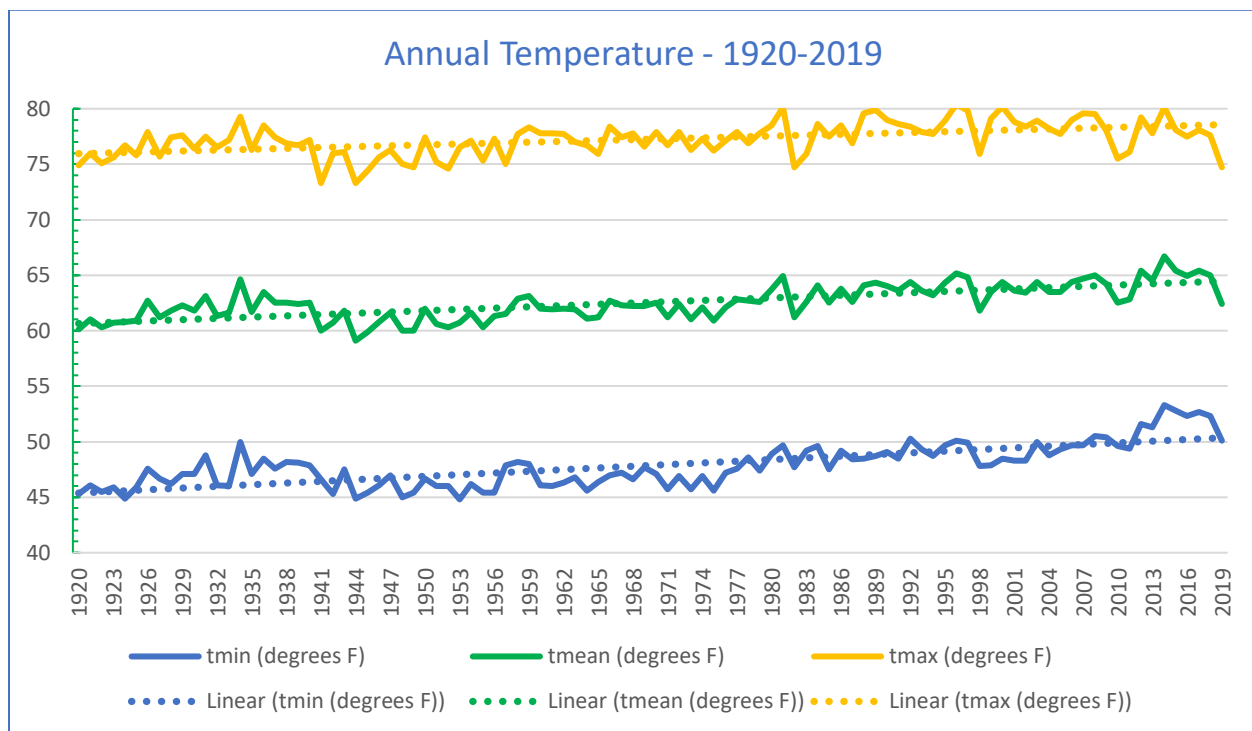


2.3.1 Climate Change

While the California Water Code now requires that water suppliers consider the effects of climate change in their water supply planning efforts. It also provides that climate change is appropriate to consider when assessing drought risk assessment, water conservation and use efficiency, and demand management and supply—both in a historical and projected context.

The San Geronio Pass Water Agency is one of 29 contractors that import water from Northern California and the Sacramento Delta through the State Water Project (SWP); it does so to help manage the local groundwater conditions. Any effect from climate change that impacts water flows derived from the Sierra Nevada snowpack will impact SWP water deliveries, including to the SGPWA. The State Water Project Delivery Capability Report (DCR) compiled by the California Department of Water Resources (DWR) addresses the capabilities of the SWP to operate during more intense flood and drought cycles predicted to occur as a result of future climate change, including risk management for the Delta against rising sea levels. These effects are discussed further in Chapter 3.

As shown by the trendlines in Figure 2-4 there has been a gradual warming in average temperatures over the past 100 years. Increasing temperatures locally within the service area can result in higher evapotranspiration, leading to additional water demand.

Figure 2-4: Historical Annual Temperature (1920-2019)¹⁵

The SGPWA participated in the Integrated Regional Water Management Plan for the Upper Santa Ana River Watershed, which included a comprehensive analysis of the impact climate change may have on water demand, water supply, water quality, sea levels, flooding, and the ecosystem for the region, including an assessment of the vulnerability of water resources. It addresses federal and state requirements for preparations to mitigate expected consequences on future water supply and encourage conservation. Further reductions in per capita water usage through mandatory conservation measures are expected to offset any increase in demand.

This 2020 UWMP Update includes additional Climate Change discussion in Chapter 3, Chapter 4, and Chapter 5.

2.4 Current and Projected Population, Land Use, Economy, and Demographics

Service area population and land use projections are critical to developing a useful planning framework as population dynamics and growth are a primary influence on water use. These projections directly influence planning measures for system supply, delivery, infrastructure, and demand management. Similarly, understanding the service area's economic, social, and demographic trends provides valuable

¹⁵ Temperature data is from the PRISM Climate Group <https://prism.oregonstate.edu/> Location: Location: Lat: 33.9140 Lon: -116.8746 Elev: 2339ft.



insight to water management and planning. This section of the UWMP addresses these factors to provide a supportable basis for forecasting future water use.

2.4.1 Current Population and Historic Trends

The SGPWA service area includes three incorporated cities, Banning, Beaumont, and Calimesa, along with other unincorporated communities and census designated places in the San Geronio Pass region. The service area also encompasses the Morongo Band of Mission Indians sovereign nation lands and community, although they operate their own water department.

The population of the SGPWA service area grew steadily throughout the 20th century but a housing boom in the area caused a spike around the year 2000. With the region's close proximity to Los Angeles, increased residential development occurred within the SGPWA due to lower housing costs resulting in a jump in population over the past two decades. The cities of Beaumont and Banning were two of the fastest growing cities in the state over the last 20 years, with Beaumont growing over 200% between 2000 -2010.

Historical data of the incorporated cities were obtained from the California Department of Finance (DoF), which makes estimates available from 1970 forward on an annual basis. Historical population data for the cities of Beaumont, Banning, and Calimesa were correlated to surrounding unincorporated areas to determine the historical population of these non-census designated places.

The 2015 UWMP (Kennedy/Jenks) population of 87,192 was based on a five-year American Community Survey (ACS) estimate for 2010- 2014. This 2020 UWMP revises that number using historical California DoF data and newer GIS mapping tools including the California Hard-to-Count Index Interactive Map¹⁶ and the DWR Disadvantaged Communities (DAC) Mapping tool.¹⁷ Combined with available individual water retailer population forecast data and U.S. Census Vintage 2019 City and Town Population Tables,¹⁸ this 2020 UWMP calculates an approximate historical population and rate of growth shown in Table 2-2.

Table 2-2: Regional Population Growth Rate – 2010-2020

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Population	74,902	77,360	79,818	82,276	84,734	87,192	90,443	93,695	96,946	100,198	103,400
Growth Rate		1.8%	1.3%	1.6%	2.4%	1.7%	2.1%	2.2%	2.2%	2.1%	3.2%

2.4.2 Projected Population

To forecast projected service area population as accurately as possible requires consideration of the past growth rate, local economic predictions, and current and projected land uses. Importantly, one of the recent statutory updates to the UWMP Act states urban water suppliers “shall coordinate with local or regional land use authorities” regarding land uses that may affect water management planning. SGPWA accomplished this by coordinating closely with the retail water suppliers that are each preparing

¹⁶ <https://census.ca.gov/>

¹⁷ <https://gis.water.ca.gov/app/dacs/>

¹⁸ Annual Estimates of the Resident Population for Incorporated Places in California: April 1, 2010 to July 1, 2019



their own 2020 UWMP to assure consistency in population projections. Based upon these interactions, a regional population estimate was constructed to reflect growth within the incorporated and unincorporated regions of the service area. The resulting projected population through the planning horizon of 2045 is presented in Table 2-4.

Table 2-3: Regional Population Forecast

2020	2025	2030	2035	2040	2045
103,400	118,000	133,500	149,500	164,000	177,700

2.4.3 Economic Trends & Other Social and Demographic Factors

The San Geronio Pass region's economy has traditionally focused on retail and commercial services. It is a key transportation corridor with Interstate 10 and the Union Pacific railway running through it connecting the greater Los Angeles region with the Coachella Valley and beyond. Most of the regional economy is centered around the commercial districts of the incorporated cities and unincorporated communities adjacent to the freeway. The incorporated cities include Calimesa, Beaumont and Banning. Larger unincorporated communities include Cherry Valley and Cabazon, plus a small portion of Whitewater which is in the easternmost part of the service area and part of the small overlap of Mission Springs Water District. The local employment market is relatively small compared to the residential population since many households commute west to the San Bernardino Valley and Los Angeles area, or east to the Coachella Valley for work.

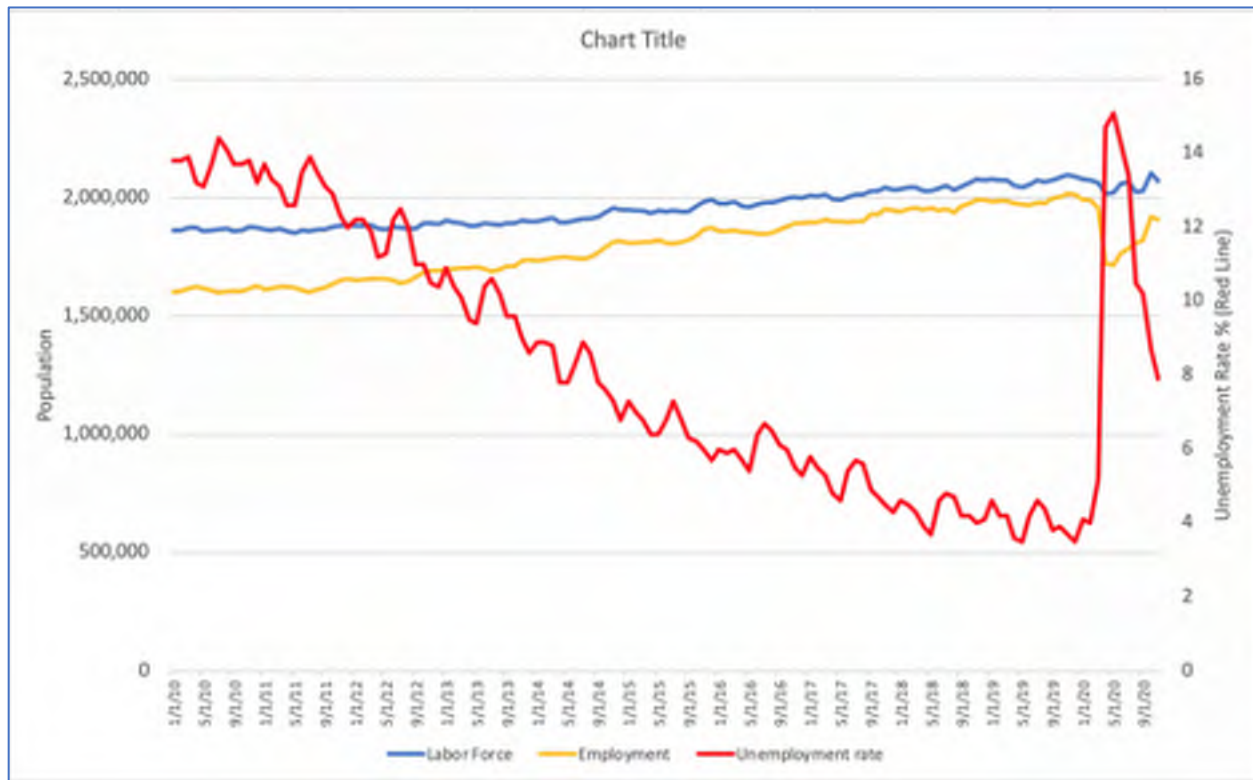
Major employment industries in the region include jobs in education, retail, production, transportation, and wholesale fulfillment. Large employers include an Amazon fulfillment warehouse in Beaumont (~1,000 jobs) and Nestle Water North America bottling plant in Cabazon (~1,000 jobs). Employment growth forecasts suggest that by 2040 professional services, healthcare and education, art and entertainment, and construction will develop as important employment industries in the region.¹⁹

Since 2010 Riverside County has seen steady growth, adding jobs and decreasing the unemployment rate from as high as 14.4% in 2010 to 3.5% as recently as May 2019.

The coronavirus pandemic crippled the national (and global) economy in 2020 and the San Geronio Pass region and Riverside County were no exception. The County's unemployment rate spiked to 15% in May 2020 – with the SGPWA region likely experiencing similar conditions. Since then, the County has regained some of the jobs but there remains a level of uncertainty with the pace of economic recovery due to the pandemic.

¹⁹ <https://ucreeconomicforecast.org/index.php/services-for-business/>



Figure 2-5: Riverside County Employment Data²⁰

The San Geronio Pass region's average income is \$52,493 which gives many communities in it a Disadvantaged Community status according to the DWR mapping tool. The designation is based on the median household income being less than 80% of the State's median household income. The mapping context is in order to provide funding pursuant to California Proposition 1 "Water Quality, Supply, and Infrastructure Improvement Act of 2014", Proposition 84, Integrated Regional Water Management (IRWM) Grant Program, and likely other forthcoming state assistance programs.

2.5 Delivery System Details

This subsection focuses specifically on San Geronio Pass Water Agency's water delivery system. The water supplies delivered through this system are described in Chapter 3, with water uses described in Chapter 4. Each retail water supplier serving over 3,000 AF/YR is required to complete its own UWMP describing their individual delivery system detail, so this UWMP will focus on the SGPWA wholesale delivery system.

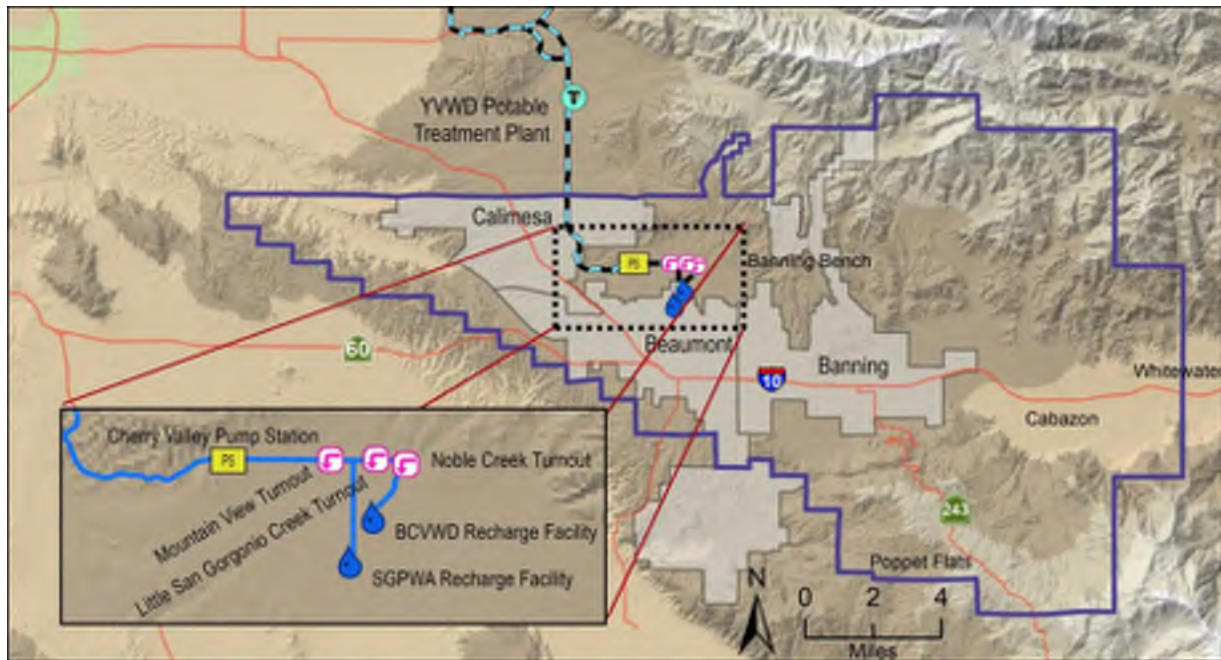
SGPWA imports water via the East Branch Extension (EBX) which begins at Devil Canyon Power Plant in San Bernardino and ends in Cherry Valley on Noble Street just south of Orchard Street in Beaumont. Phase 1 of the EBX was completed in 2003 and Phase 2 in 2018. Phase 2 infrastructure includes six miles of 66-inch pipe which travel under the Santa Ana River then through Mentone to the Yucaipa area.

²⁰ U.S. Bureau of Labor Statistics, https://www.bls.gov/regions/west/ca_riverside_msa.htm

Phase 2 facilities include a new Citrus Pump Station and Reservoir in Mentone, and additional pumps for the Crafton Hills and Cherry Valley Pump Stations.

The water received from the SWP goes to the Yucaipa Valley Regional Water Filtration Facility (YVRWFF) or directly into groundwater recharge basins without treatment or distribution (see Figure 2-7). Full delivery system descriptions for SGPWA retail customers are included in each entity's 2020 UWMP.

Figure 2-6: Water System



2.6 Energy Intensity

Among the statutory changes enacted with new requirements for 2020 UWMPs, an urban supplier shall include information it can readily obtain related to the energy use to produce, treat and deliver water.²¹

Referred to as the “Energy Intensity Reporting” for urban water suppliers, it is defined as the total amount of energy expended in kilowatt-hours (kWh) by the urban water supplier on a per acre-foot basis to take water from the location where the urban water supplier acquires the water to its point of delivery.

However, due to the unique circumstances of the SGPWA as a wholesale water supplier that receives water delivered by the EBX (see Figure 2-7), there is no energy used to produce, treat, or deliver water directly by the SGPWA. Rather, water flows by gravity from the EBX directly to the SGPWA’s recharge basins or by gravity to retail water suppliers. Therefore, no energy intensity is reported in this UWMP.

²¹ California Water Code Section 10631.2(a).

Chapter 3

Water Supply

This section describes San Geronio Pass Water Agency’s (SGPWA) water supply sources. The description includes the historical sources available in the SGPWA service area and quantifies existing and projected water supply sources over five-year increments through 2045 under normal, single-dry, and five-year droughts. SGPWA delivers water supplies to retail agencies by making surface water deliveries to managed groundwater systems in the SGPWA service area boundary that can be extracted by retail agencies and end users. The section also captures regionally managed water supplies to address regional capabilities to meet regional demands.

SGPWA was created as a special district in 1961 per the San Geronio Pass Water Agency Act (Act).²² The Act created the SGPWA, and section 101-15 described the “Powers of agency” to include acquisition of water, water rights and waterworks and to supply and deliver agency water to other entities. The Act established the SGPWA boundaries and expressly identified the need to acquire State Water Project water. The Act states: “It is the intent of the Legislature that, in allocating water received from the State Water Project pursuant to this act, the highest priority shall be given to eliminating groundwater overdraft conditions within any agency or district receiving the water.”²³ In this way, SGPWA was charged with acquiring and distributing SWP water and other water supplies as available for delivery to entities within its boundaries.²⁴

3.1 SGPWA Imported Water Supply Sources

In November of 1962, SGPWA entered a State Water Project water service contract (SWP Contract) with the State of California Department of Water Resources (DWR). The SWP Contract authorized DWR to deliver SWP water to SGPWA under certain terms and conditions. SGPWA’s original SWP Contract has numerous amendments that modify the original 1962 terms and conditions. SGPWA’s SWP Contract Amendment No. 19 was signed in 2019 to extend the term of the contract through 2085 with terms and conditions substantially similar to the existing terms and conditions.²⁵ However, the contract extension is not effective until the conditions are met per the “Contract Extension Amendment Effective Date”

²² California Water Code Appendix Chapter 101 *et seq.*, 1961. (CWC Appendix)

²³ CWC Appendix section 101-15.5.

²⁴ A detailed history of the SGPWA can be found here: <https://www.sgpwa.com/wp-content/uploads/2021/01/History-of-San-Geronio-Pass-Water-Agency.pdf>

²⁵ https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Management/Water-Supply-Contract-Extension/Files/San_Geronio_WSC_Extension_Amendment_1_121520.pdf



provisions. Nevertheless, for purposes of the 2020 UWMP, SGPWA assumes that no major terms and conditions will change.

SGPWA also acquires water supplies through contracts with other agencies and annual water transfers and exchanges. SGPWA annually acquires Yuba Accord water as well as water under the Nickel Agreement. SGPWA may also acquire water through an agreement with San Bernardino Valley Municipal Water District (SBVMWD) as well as annual transfers and exchanges with other SWP contractors. And, in the future, SGPWA will acquire water through the Sites Reservoir Agreement. All of these additional supplies, beyond SGPWA's SWP supply, are discussed in other sections of this Chapter.

SGPWA's delivery of supplemental water includes both delivery to water filtration facilities and groundwater recharge basins to assist with the management of groundwater in the SGPWA service area. Whether by direct delivery, in-lieu recharge, or direct recharge, the SGPWA plays a critical role in the local management of groundwater and surface water resources.

3.1.1 State Water Project Overview

The State Water Project (SWP) is the largest state-built, multi-purpose water project in the country. It was authorized by the California State Legislature in 1959, with the construction of most facilities completed by 1973. Today, the SWP includes 28 dams and reservoirs, 26 pumping and generating plants, and approximately 660 miles of aqueducts.

The primary water source for the SWP is the Feather River, a tributary of the Sacramento River. The water flowing in the Feather River is captured by the SWP in Oroville dam and reservoir. Storage released from Oroville Dam flows down natural river channels to the Sacramento-San Joaquin River Delta (Delta). While some SWP supplies are pumped from the northern Delta into the North Bay Aqueduct or diverted by SWP contractors upstream, the vast majority of SWP supplies are pumped from the southern Delta into the 444-mile-long California Aqueduct. The California Aqueduct conveys water along the west side of the San Joaquin Valley to the Edmonston Pumping Plant, where water is pumped over the Tehachapi Mountains. From there the California Aqueduct divides into the East and West Branches. SGPWA takes its SWP deliveries from the East Branch, which was completed in 2003. Phase 2 of the East Branch Extension was completed in 2018 which increased the capacity of the supplemental water supplies and allowed the SGPWA to take the Agency's official maximum allotment of State Project Water.

SGPWA delivers its SWP supplies, along with other water supplies, to recharge local groundwater basins through transmission pipelines and recharge systems as well as some delivery to Yucaipa Valley Water District. Figure 3-1 depicts the SWP facilities that deliver water to SGPWA and Figure 3-2 details the sections of the SGPWA systems that intersect the California Aqueduct.



Figure 3-1: SWP Facility Map

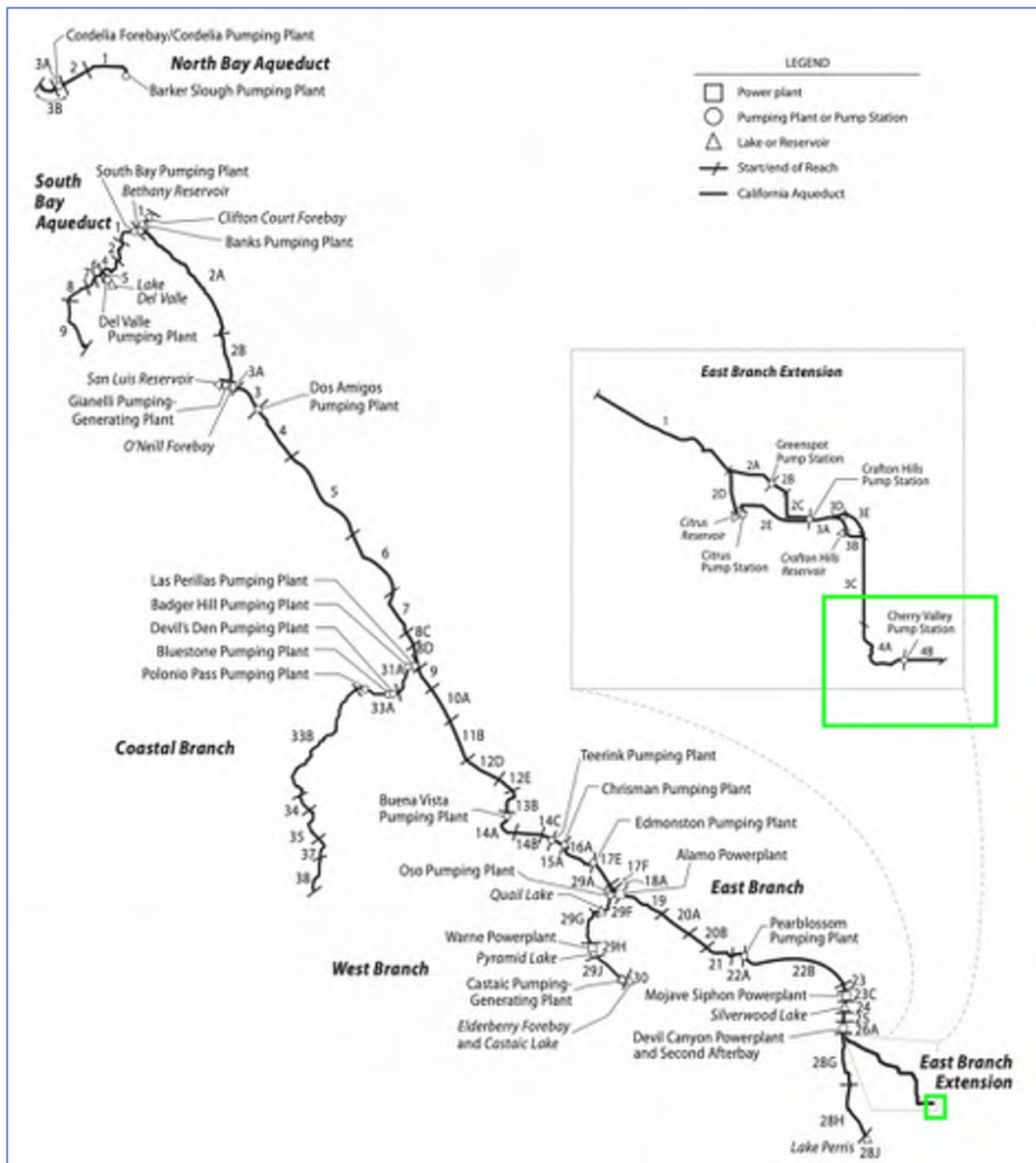
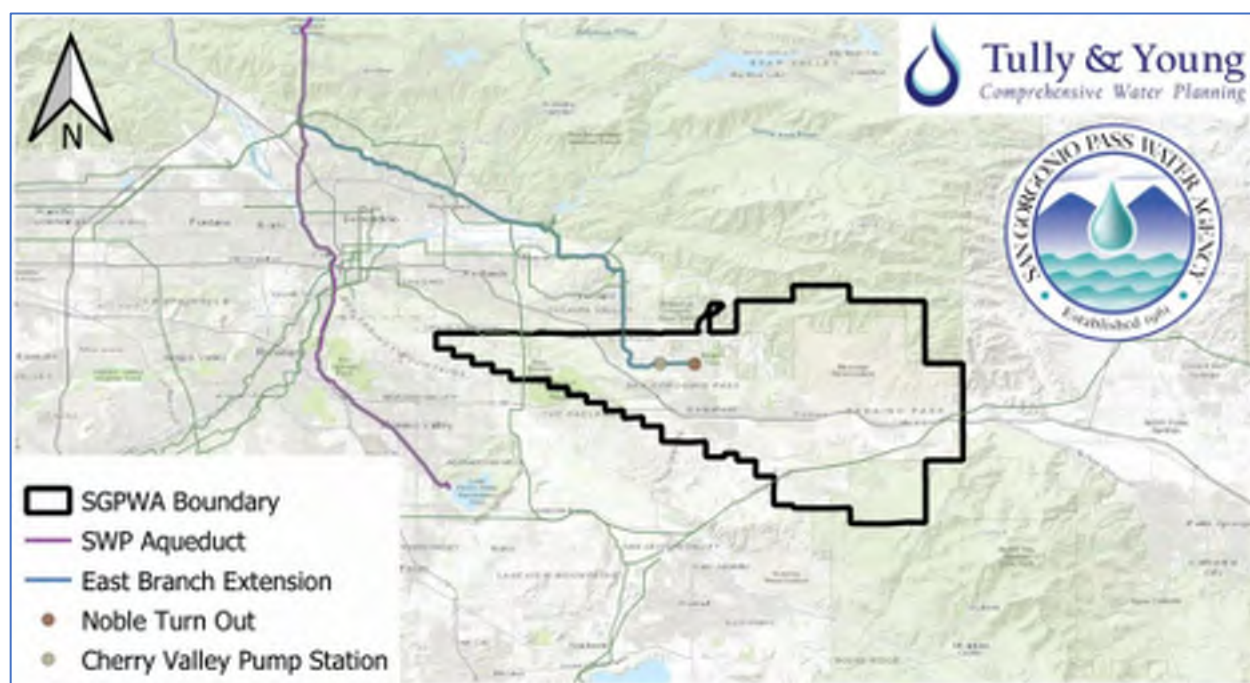


Figure 3-2: SWP SGPWA Aqueduct Reach Sections



SGPWA is one of 29 water agencies that have a SWP Contract with DWR. Each SWP contractor's SWP Contract contains a "Table A Annual Amounts" (Table A) which lists the contracted maximum amount of water an agency may receive under its contract. Table A is also used in determining each contractor's share of the total SWP water supply DWR determines to be available each year. The total planned annual delivery capability of the SWP and the sum of all contractors' maximum Table A amounts was originally 4.23 million acre-feet. The initial SWP storage and conveyance facilities were designed to meet contractors' water demands with the construction of additional storage facilities planned as demands increased. However, few additional SWP storage facilities have been constructed since the early 1970s and a portion of the original conveyance design was never completed. SWP conveyance facilities were generally designed and have been constructed to deliver Table A to all contractors. The maximum Table A of all SWP contractors now totals about 4.133 million AF.²⁶

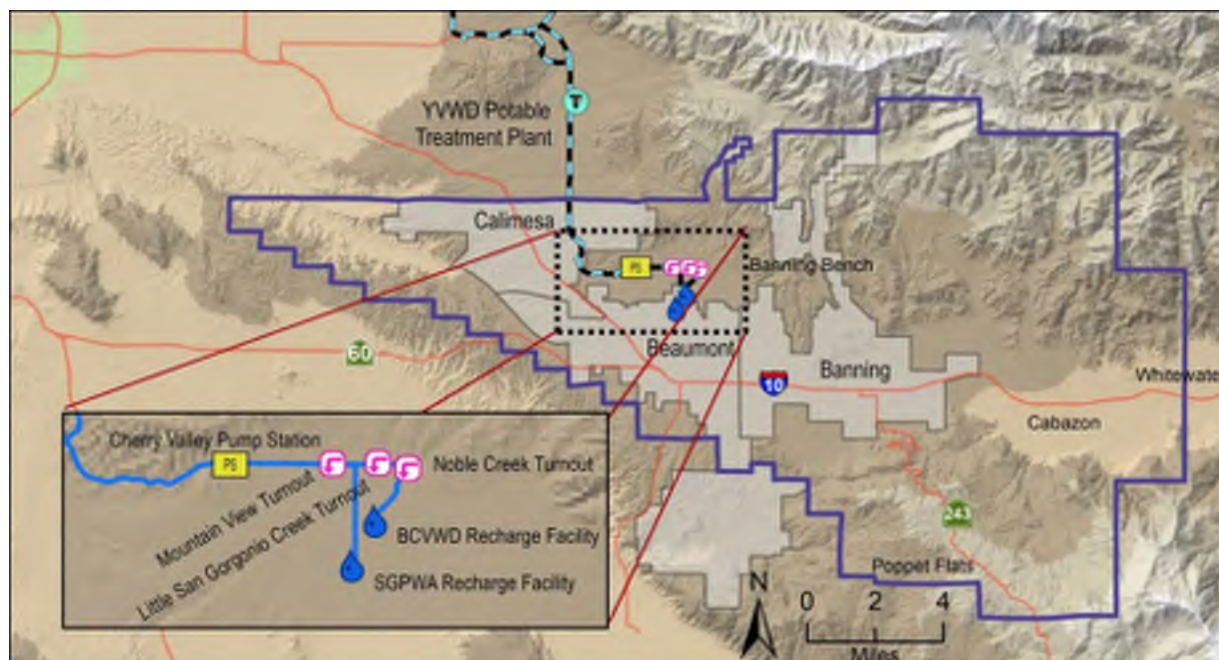
SGPWA manages its SWP supplies to maximize the availability of these supplies to its retail customers. In this way, SGPWA seeks to optimally manage its Table A wet year supplies, acquire additional SWP supplies through Article 21 conditions (SWP surplus conditions), access Advanced Table A supplies, and potentially exchange Table A supplies with other SWP contractors. All of these actions improve the long-term reliability of Table A supplies.

²⁶ The Final State Water Project Delivery Capability Report, DWR, August 2020 at 30.

3.1.2 SGPWA SWP Water Delivery Facilities

SGPWA receives its SWP water from the East Branch Extension of the California Aqueduct. Imported water delivered through the East Branch Extension is used to deliver supplemental water to water filtration facilities and recharge facilities in SGPWA's service area and additional facilities may be available for future deliveries throughout the region. Figure 3-3 below depicts the San Geronio Pass Water Agency's existing water turnout and delivery facilities.

Figure 3-3: SWP SGPWA Facilities



The turnouts and recharge facilities within the SGPWA service area typify the Agency's fundamental responsibility: to bring SWP supplemental surface water into the SGPWA service area to recharge the groundwater basins. These facilities provide the backbone infrastructure for SGPWA's water management activities. The groundwater basins and SGPWA's roles and responsibilities related to the groundwater basins are further described in elsewhere in this Chapter.

As shown in Figure 3-3, Beaumont Cherry Valley Water District's (BCVWD) Noble Creek facility is used to recharge SWP deliveries. The facility consists of 14 ponds and recharge facilities totaling approximately 25 acres and estimated to have a long-term recharge capacity of approximately 25,000 AFY. SWP deliveries to this facility consist of BCVWD's imported water supply requirements, plus any water purchased for long-term banking.

The primary SGPWA recharge facility shown in Figure 3-3 was completed in 2019 and enables SGPWA to import more water in wet years when available and to store it in the local groundwater basins. The SGPWA facility consists of five recharge basins totaling approximately 20 acres and a pipeline connecting the ponds to the East Branch Extension. This facility has an annual recharge capacity estimated at 20,000 AFY.

SGPWA has delivered some imported water directly to water treatment facilities via an exchange agreement with the neighboring State Water Contractor to the west, SBVMWD and an agreement with the Department of Water Resources. The imported supplies are distributed in both the SBVMWD and SGPWA service areas, including retail user areas contained within both San Bernardino County and Riverside County. Imported supplies utilized by the retail agencies are carefully tracked to ensure water used in each Contractor’s service areas is properly accounted for and allocated to each agency’s respective Table A contract.

3.1.3 Table A Allocations

SGPWA’s Table A Annual Amount is 17,300 acre-feet per year up through the 2045 UWMP planning horizon. SGPWA’s Table A represents a maximum contract amount that could be available each year assuming that the SWP could deliver 100% contract supplies to all SWP contractors. The last 100% allocation year occurred in 2006.²⁷ SGPWA’s SWP Contract has numerous components that allow SGPWA to manage and control the annually available SWP water supplies.

3.1.4 Historical SWP Allocations

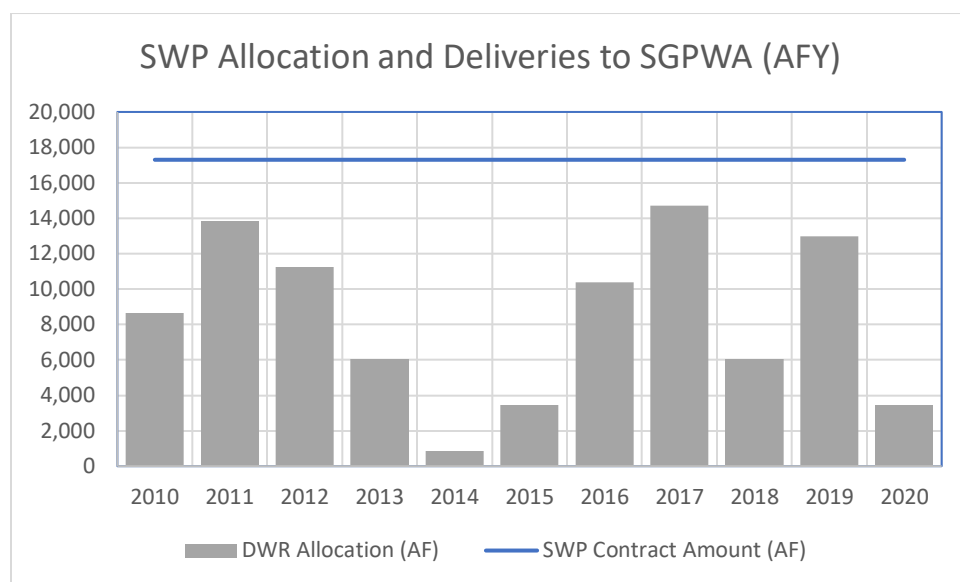
More often than not, actual SWP allocations are less than 100% SGPWA’s Table A Annual Amount. Annual SWP percentage Table A allocations fluctuate based upon hydrology, water storage, and regulatory criteria in the Delta. Table 3-1 below shows the SGPWA Table A Annual Amount from 2010 through 2020, the SWP allocation percentage, and the final available Table A allocation from 2010-2020. During this period, the SGPWA received on average 8,335 acre-feet, or about 48% of the Table A contract amount. It is important to recognize that this period included a significant and recent drought event.

Table 3-1: SWP Table A Allocations and Deliveries (AFY)

Year	SWP Contract Table A	Percent Allocation	Allocation Amount
2010	17,300	50%	8,650
2011	17,300	80%	13,840
2012	17,300	65%	11,245
2013	17,300	35%	6,055
2014	17,300	5%	865
2015	17,300	20%	3,460
2016	17,300	60%	10,380
2017	17,300	85%	14,705
2018	17,300	35%	6,055
2019	17,300	75%	12,975
2020	17,300	20%	3,460

²⁷ State Water Project Historical Table A Allocations Years 1996-2020.





3.1.5 Future SWP Allocations and Long-Term Reliability

DWR has projected that it is less likely that 100% allocation years will occur on a regular basis in the future. In August 2020, DWR finalized the “2019 SWP Delivery Capability Report” (DCR) that outlined the probable future water supply allocations for the SWP system. The DCR showed variations in future Table A deliveries based upon hydrological and regulatory conditions. These conditions are summarized in Table 3-2 below along with SGPWA’s corresponding Table A amount.

Table 3-2: SWP Estimated Table A Deliveries from DCR²⁸ (values in acre-feet)

	Long Term Average		Single Dry Year (1977)		Dry Periods							
					2 Year Drought (1976-1977)		4-Year Drought (1931-1934)		6-Year Drought (1987-1992)		6 Year Drought (1929-1934)	
2017 Report	2,571	62%	336	8%	1,206	29%	1,397	34%	1,203	29%	1,408	34%
2019 Report	2,414	58%	288	7%	1,311	32%	1,228	30%	1,058	26%	1,158	28%

As shown in Table 3-2, DWR’s long-term average reliability shows a downward trend from 62% in the 2017 SWP DCR to 58% in the 2019 DCR. DWR attributes this downward trend to climatological and hydrological factors that impact precipitation patterns and snowfall accumulation above its main SWP facility, Lake Oroville. In this way, SGPWA characterizes its average normal year SWP water supply through 2045 as 58% of its Table A Annual Amount in accordance with the DCR. Thus, from 2025 through 2045, SGPWA’s projected Table A final available allocation will be 58% of 17,300 acre-feet or 10,034 acre-feet per year. Importantly, SGPWA anticipates years where its Table A Allocation exceeds the average normal year delivery of 58%. In these years, SGPWA will capture and store the surplus water assets.

²⁸ The Final State Water Project Delivery Capability Report, DWR, August 2020 at page 30 with values in TAF/Yr.



The single dry year characterization and five consecutive dry year characterization for the SWP supplies are also an important consideration in SGPWA’s UWMP. The 2017 and 2019 DCR represent the single driest year as 1977 with an 8% SWP allocation estimate in 2017 DCR and a 7% SWP allocation estimate in 2019 DCR. The single lowest historical SWP allocation occurred in 2014 at 5%, and this 5% allocation is also representative of the 2021 Table A Allocation. As such, to be conservative in its projections, SGPWA will use 5% of 17,300 acre-feet or 865 acre-feet per year as the single dry year allocation through 2045 as depicted in Table 3-3.

The 2019 DCR also identifies various drought periods for purposes of characterizing SWP allocation percentages that would accompany those drought periods. The averaging of the allocations over the course of the drought period is not representative of SGPWA drought planning purposes. SGPWA will use the following drought characterization for its short-term and long-term planning: year 1 at 35%; year 2 at 5%; year 3 at 5%; year 4 at 20%; and year 5 at 35%. SGPWA examined the historical record and determined that there was no representative five consecutive year historical SWP delivery dry period that adequately reflects a potential future five-year critical drought condition that could drastically reduce SWP supply deliveries for SGPWA’s service area. As such, taking a more conservative planning approach, SGPWA created a more restrictive dry year characterization that adequately represents a critical drought over five consecutive years. In this dry year modeled sequence, two consecutive critically dry years are bounded by Table A allocations that are reflected in the recent historical record. Table 3-4 shows the normal year, single dry year, and five consecutive dry years planned SWP Table A Allocation for San Geronio Pass Water Agency through 2045.

Table 3-3: SWP Future Table A Projected Water Year Deliveries (AFY)

Table A	Year Type	Amount
	Normal	10,034
	Single Dry Year	865
Multi-Year Drought	Year 1	6,055
	Year 2	865
	Year 3	865
	Year 4	3,460
	Year 5	6,055

Table 3-4: Future SWP Allocations by Year Type Through 2045 (AFY)

Total Supply		2025	2030	2035	2040	2045
	Normal	10,034	10,034	10,034	10,034	10,034
	Single Dry Year	865	865	865	865	865
Multi-Year Drought	Year 1	6,055	6,055	6,055	6,055	6,055
	Year 2	865	865	865	865	865
	Year 3	865	865	865	865	865
	Year 4	3,460	3,460	3,460	3,460	3,460
	Year 5	6,055	6,055	6,055	6,055	6,055



The characterizations of SGPWA’s SWP Table A Allocation long-term reliability reflect numerous hydrological and regulatory issues that inform the DCR modeling, are reasonable assessments related to SWP system management, and reflect SGPWA’s local conditions. Long-term water management hydrological and regulatory issues include the Bay-Delta Water Quality Control Plan, the Coordinated Operations Agreement, the Delta Biological Opinion, the Delta Conveyance Project, modifications to San Luis Reservoir, SWP seismic considerations, subsidence, DWR’s emergency planning, and assessments related to SGPWA’s local groundwater conditions and climate. These issues are all considered in SGPWA’s planning incorporated into its supply characterizations in this 2020 UWMP.

3.1.6 Other SWP Water Supplies

SGPWA has opportunities to use additional SWP water assets that supplement its Table A amount. Specifically, Article 21 of SGPWA’s SWP contract and the State Water Contractor’s “Turnback Pool” may provide access to additional water supplies. Article 21 water is water that may be made available by DWR when excess flows are available in the Delta and the Turnback Pool allows State Water Contractors that have excess supplies to “turn back” some supplies for purchase by other contractors. Furthermore, where water supplies are acquired by a SWP Contractor but may be unused or stored, SGPWA may have opportunities to acquire these water supplies through transfers and exchanges. These supplies improve supply reliability and create flexible management opportunities for SGPWA that furthers the reliability of SGPWA’s Table A allocation. In brief, the availability of wet year water supplies through SGPWA’s Table A, Article 21, Turnback Pool, and SWP transfers and exchanges improve SGPWA’s opportunities to store and manage all regional supplies for the benefit of its customers.

3.1.7 Table A Carryover Water

SGPWA’s SWP Contract allows it to forego use of its allocated SWP Table A supply and retain a portion of that allocated supply in storage for future use. This retained supply is termed “Carryover” and is governed under Article 56 of SGPWA’s SWP contract. Carryover water is water that is released from Oroville dam and reservoir, re-diverted at the Delta, and then stored in San Luis Reservoir – an off-stream reservoir located just outside the City of Santa Nella at the junction of Interstate 5 and California State Highway 152. San Luis Reservoir is jointly owned and operated by the state and federal governments and all SWP contractors may use the storage facility to manage Carryover water supplies. In short, the San Luis Reservoir receives, regulates, and stores exported water derived from the State Water Project and Federal Central Valley Project.

The amount of water that SGPWA may carryover in any given year is subject to a set of rules that implicate all SWP contractors throughout California. In brief, SGPWA delivers its Table A supplies to Carryover in San Luis Reservoir with an expectation that it will be able to divert all or a portion of these supplies in a subsequent year. In the event that water supplies are abundant, San Luis Reservoir may “spill.” When San Luis Reservoir reaches a “spill” stage, DWR releases SGPWA’s Carryover in accordance with the aforementioned rules as they apply in the context of all entities with stored water in San Luis Reservoir. Nevertheless, over the last 10 years SGPWA has retained a portion of its Table A Allocation as Carryover even in the driest years and continues to maintain a Carryover balance. Table 3-5 shows SGPWA’s Carryover balance from 2010 through 2020.



Table 3-5: SGPWA Historic SWP Carryover Storage and Use (AFY)

Year	Source	Available Carryover
2010	97-12 Historic Delivery Database	2,719
2011	97-12 Historic Delivery Database	4,535
2012	97-12 Historic Delivery Database	4,956
2013	Finalization Report	5,277
2014	Finalization Report	5,264
2015	Finalization Report	954
2016	Finalization Report	936
2017	Finalization Report	1,700
2018	Finalization Report	5,159
2019	Finalization Report	2,668
2020	Finalization Report	4,211

The Carryover supplies noted in Table 3-5 combine a number of water management factors that impact SGPWA's overall water supply availability. For example, where SGPWA is able to acquire additional water assets in normal and wet year types, SGPWA may carryover SWP supplies to water shortage years for use. Moreover, where SGPWA may acquire alternative supplies through transfers and exchanges, even in the driest years, the Agency may then manage its supply portfolio to preserve Carryover supplies for later use. For instance, in 2015, SGPWA stored 954 acre-feet of water supplies as Carryover when SWP allocations were at the lowest historical allocation on record – five percent (5%) – in the 2014 water year (see Table 3-1). Similarly, in 2015 – a 20% allocation year – SGPWA was able to carryover 936 acre-feet of water into the 2016 water year by acquiring alternative supplies and flexibly managing regional supplies in coordination with the retail agencies. SGPWA's management actions coordinated the Agency's available water supply portfolio in these years with the regional retail agencies water supply portfolios and water conservation efforts in order to preserve SWP supplies for future uses.

SGPWA will have access to its Table A Carryover supplies in future years based upon the hydrological and regulatory conditions. The Table A Carryover supplies result from a number of variables that are tied to the SWP Table A annual percent allocation, operations in San Luis Reservoir, and water supply management by SGPWA throughout its service area. In wet years, SGPWA carries over substantial supplies that are considered in the annual carryover numbers.

Accordingly, water years 2013 through 2017 above are representative of a five-year Carryover supply availability for SGPWA – and include 2014 and 2015 two of the driest years on record. Furthermore, SGPWA conservatively estimates future Carryover supplies in a normal year to be approximately 5,200 acre-feet similar to 2013, 2014, and 2018 and carryover in a single dry year to be just over 900 acre-feet like 2015 and 2016. These supplies are estimated based upon typical SWP management in a normal year in context of SGPWA's total water supply portfolio. The future normal year Carryover supply represents approximately half of SGPWA's normal year carryover number as noted in Table 3-5 but other years represent Carryover supplies that may result from additional SGPWA multi-year



management actions that allow Carryover supplies to be available in these year types.²⁹ Table 3-6 shows the Carryover supplies through 2025 and Table 3-7 shows the representative Table A Carryover supplies through 2045

Table 3-6: Carryover Supplies Through 2025 (AFY)

Carryover	Year Type	Amount
	Normal	3,000
	Single Dry Year	936
Multi-Year Drought	Year 1	3,000
	Year 2	2,500
	Year 3	954
	Year 4	936
	Year 5	1,700

Table 3-7: Future Available Table A Carryover Supplies (AFY)

Year Type	2025	2030	2035	2040	2045
Normal	3,000	3,000	3,000	3,000	3,000
Single Dry Year	936	936	936	936	936
Multi-Year Drought	Year 1	3,000	3,000	3,000	3,000
	Year 2	2,500	2,500	2,500	2,500
	Year 3	954	954	954	954
	Year 4	936	936	936	936
	Year 5	1,700	1,700	1,700	1,700

3.1.8 Delta Conveyance Project Future SWP Increment

The Delta Conveyance Project, if implemented, would increase the future reliability of SGPWA water supplies derived from the SWP. Consistent with Executive Order N-10-19, in early 2019, the state announced a new single tunnel project, which proposed a set of new diversion intakes along Sacramento River in the north Delta for SWP. In 2019, the California Department of Water Resources (DWR) initiated planning and environmental review for a single tunnel Delta Conveyance Project (DCP) to protect the reliability of State Water Project (SWP) supplies from the effects of climate change and seismic events, among other risks. DWR's current schedule for the DCP environmental planning and permitting extends through the end of 2024. DCP will potentially be operational no later than 2040 following extensive planning, permitting, and construction.

DWR estimates of SWP supply reliability in its 2019 Delivery Capability Report are based on existing facilities, and so do not include the proposed conveyance facilities that are part of the DCP. Since this

²⁹ This conservative number was chosen based upon the ongoing negotiations between DWR and SWP Contractors to determine SWP water that will be permitted as Carryover in San Luis Reservoir. We anticipate that SGPWA carryover number will likely be more in an above normal year but use this figure as a conservative estimate for planning purposes.



UWMP uses DWR’s 2019 Delivery Capability Report to estimate SWP supplies at 2045, any changes in SWP supply reliability that would result from the proposed DCP are not included in this UWMP.

Nevertheless, SGPWA anticipates that the DCP will increase access to water assets by providing conveyance opportunities that are currently unavailable. SGPWA recently increased its investment in the DCP from 1.22% to 2% of project capacity in order to improve future conveyance actions related to its water asset portfolio.³⁰ As such, the DCP investment should provide better access to SWP supplies in normal and wet years as well as opportunities to deliver alternative planned supplies as they become available to SGPWA.

3.2 SGPWA Additional Imported Water Supplies

SGPWA has numerous other current and future water assets besides its Table A Annual Amount and Table A carryover supplies. These supplies are derived from the following items: Yuba Accord, Nickel Agreement, San Bernardino Valley Municipal Water District Agreement, and Sites Reservoir Agreement. These additional water sources are more fully described below.

3.2.1 Yuba Accord Water

In 2008, SGPWA entered into the Yuba Accord Agreement and has amended the agreement several times through 2014. The Yuba Accord Agreement allows SGPWA to purchase water from Yuba County Water Agency through its contractual arrangement with DWR that permits 21 SWP contractors (including SGPWA) and the San Luis and Delta-Mendota Water Authority regular access to the supply.³¹ Yuba Accord water comes from the Yuba River, located north of the Delta, and the water purchased under this agreement is subject to losses associated with transporting it to SGPWA’s service area. While the amount of this water varies each year depending on hydrologic conditions, the Agency anticipates receiving an average future amount of approximately 300 AFY. The Agency recently signed an extension to this agreement allowing it to purchase this water well into the future. Table 3-8 shows the last five years of Yuba Accord water supplies coming to SGPWA.

Table 3-8: Last Five Years of Yuba Accord Water Deliveries (AFY)

Year	Yuba Accord Deliveries
2015	0
2016	0
2017	0
2018	124
2019	0
2020	406

³⁰ https://www.sgpwa.com/wp-content/uploads/2021/02/6B_Continued-Participation-in-the-Delta-Conveyance-Project-.pdf

³¹ This Agreement has five additional amendments, with the latest amendment (Amendment 5) adopted in November 2014.



Table 3-9 shows the normal, single dry, and five consecutive dry year water supplies available under the Yuba Accord.

Table 3-9: Yuba Accord Future Water Deliveries in all Year Types (AFY)

Yuba Accord Supply		2025	2030	2035	2040	2045
Normal		400	400	400	400	400
Single Dry Year		100	100	100	100	100
Multi-Year Drought	Year 1	300	300	300	300	300
	Year 2	100	100	100	100	100
	Year 3	100	100	100	100	100
	Year 4	200	200	200	200	200
	Year 5	300	300	300	300	300

3.2.2 Nickel Agreement

SGPWA signed an agreement with Antelope Valley – East Kern Water Agency (AVEK) on July 7, 2017 (hereafter called “Nickel Agreement”). The Nickel Agreement entitles SGPWA to purchase 1,700 acre-feet of AVEK water each year under a take or pay provision. The AVEK water is non-project water that is provided by the Kern County Water Agency. The Nickel Agreement expires in 2036 and SGPWA has a right of first refusal for an additional 20-year term. AVEK is required to deliver 100% of the supply in all years. Table 3-10 shows SGPWA Nickel Agreement water deliveries since 2017.

Table 3-10: Nickel Agreement Water Deliveries since 2017 (AFY)

Year	Nickel Agreement Deliveries
2017	1,700
2018	1,700
2019	1,700
2020	1,700

SGPWA may consider the Nickel Agreement water supply always available in normal, single dry, and five consecutive dry years. The Nickel Agreement is a take or pay contract with no shortage provision that obligates AVEK to deliver the water in all year types.³² Table 3-11 shows the SGPWA Nickel Agreement future water supply availability.

³² Water Supply Agreement between San Geronio Pass Water Agency and Antelope-East Kern Water Agency signed July 7, 2017.



Table 3-11: Nickel Agreement Future Water Deliveries in all Year Types (AFY)

Nickel Agreement Deliveries		2025	2030	2035	2040	2045
Normal		1,700	1,700	1,700	1,700	1,700
Single Dry Year		1,700	1,700	1,700	1,700	1,700
Multi-Year Drought	Year 1	1,700	1,700	1,700	1,700	1,700
	Year 2	1,700	1,700	1,700	1,700	1,700
	Year 3	1,700	1,700	1,700	1,700	1,700
	Year 4	1,700	1,700	1,700	1,700	1,700
	Year 5	1,700	1,700	1,700	1,700	1,700

3.2.3 San Bernardino Valley Municipal Water District Agreement

SGPWA entered the Surplus Water Sale Agreement with San Bernardino Valley Municipal Water District Surplus Water Sale Agreement (SBVMWD Agreement) in June of 2018. SBVMWD is a SWP contractor that holds an entitlement to 102,600 acre-feet under its Table A Annual Amount in its 1960 SWP contract. The SBVMWD Agreement entitles SGPWA to purchase up to 5,000 acre-feet of SWP entitlement each year with SBVMWD's express concurrence. The SBVMWD Agreement expires on December 31, 2032, and there is no right of renewal. Nevertheless, SGPWA anticipates renewing this contract through the period covered by this UWMP.

The amount of water available under the contract varies each year and is subject to the "sole discretion" of SBVMWD whether the water will be made available for SGPWA to purchase. The water supply under this agreement may be available depending upon SBVMWD's supply availability determination. The SGPWA is not incorporating this potential supply into its water supply reliability determinations for all year types but considers the supply a component of its available transfer and exchange supplies and, when acquired, may be incorporated into its groundwater storage facilities.

3.2.4 Sites Reservoir Agreement

SGPWA signed the Sites Reservoir Agreement in 2019. Sites Reservoir is a proposed new 1,500,000 acre-feet off-stream storage reservoir in northern California near Maxwell. Sacramento River flows will be diverted during excess flow periods and stored in the off-stream reservoir and released for use in the drier periods. Sites Reservoir is expected to provide water supply, environmental, flood, and recreational benefits. The proponents of Sites Reservoir include 30 entities including several individual SWP Public Water Agencies (PWAs).³³ Sites Reservoir is expected to provide approximately 240 TAF of additional deliveries on average to participating agencies under existing conditions. Sites Reservoir is currently undergoing environmental planning and permitting. Full operations of the Sites Reservoir are estimated to start by 2029 following environmental planning, permitting, and construction. Sites was conditionally awarded \$816 million from the California Water Commission for ecosystem, recreation,

³³ <https://3hm5en24txyp2e4cxyxaklbs-wpengine.netdna-ssl.com/wp-content/uploads/2021/02/2020-Sites-Reservoir-Annual-Report-FINAL-1.pdf>



and flood control benefits under Proposition 1. Reclamation has also invested in Sites Reservoir and has allocated \$13.7 million in 2021 for the project.³⁴

Both SGPWA and Beaumont Cherry Valley Water District have purchased shares in Sites Reservoir, 10,000 shares and 4,000 shares respectively, that would augment supplies in the San Geronio Pass Water Agency service area. Table 3-12 shows the future availability of Sites Reservoir water in the SGPWA’s service area and incorporates both the SGPWA and Beaumont Cherry Valley potential supplies. Other stakeholders with investments in Sites Reservoir have accounted for available supplies in 2035 as well.³⁵

Table 3-12: Future Availability of Sites Reservoir Water (AFY)

Sites Reservoir		2025	2030	2035	2040	2045
Normal		0	0	10,000	12,000	15,000
Single Dry Year		0	0	10,000	12,000	15,000
Multi-Year Drought	Year 1	0	0	10,000	12,000	15,000
	Year 2	0	0	10,000	12,000	15,000
	Year 3	0	0	10,000	12,000	15,000
	Year 4	0	0	10,000	12,000	15,000
	Year 5	0	0	10,000	12,000	15,000

3.2.5 Water Transfers and Exchanges

SGPWA also engages in water transfers and exchanges involving its SWP assets and other contractors’ SWP water assets. Historically, SGPWA has both received and delivered water through these transfers and exchanges with various agencies throughout California. These transfers are essentially spot market transfers where short-term opportunities are identified and then actions taken for acquisition. These transfers help support management of SGPWA’s and the retail agencies’ water supply portfolios. Future SGPWA transfers and exchanges depend upon the allocations available to SGPWA and other water purveyors. As noted in section 3.2.1, SGPWA has regularly acquired Yuba Accord water through its transfer and exchange activities. In addition, the State Water Contractors collectively develop annual water transfer and exchange programs to develop transferable supplies and negotiate transfer terms. SGPWA regularly participates in SWC’s transfer programs. SGPWA seeks to augment potential opportunities for exchanges and transfers with SWP contractors and alternative transfer opportunities like the SWC annual transfer program. Table 3-13 shows the planned future SWP and other water transfer opportunities that could be available for SGPWA.

³⁴ <https://www.dailydemocrat.com/2020/12/29/sites-reservoir-receives-13-7-million-in-federal-spending-bill/>

³⁵ <https://www.dropbox.com/s/egtysmhlcry43u1/2020%20UWMP%20Public%20Draft%205-3-2021.pdf?dl=0> for Alameda Flood Control and Water Conservation District, Zone 7 and Coachella Valley Water District at <http://www.cvwd.org/DocumentCenter/View/5437/Public-Review-Draft-2020-Coachella-Valley-Regional-Urban-Water-Management-Plan?bidId=>



Table 3-13: SGPWA Future Transfers and Exchanges (AFY)

Target Supply	2025	2030	2035	2040	2045
State Water Project	500	1,000	1,000	1,000	1,000
Additional Supplies	600	1,100	1,600	2,100	2,600
Total Transfers	1,100	2,100	2,600	3,100	3,600

3.3 SGPWA Groundwater and Basin Description

Managed groundwater is the primary source of water for nearly all entities within the SGPWA service area. As noted above, SGPWA supports the groundwater basins in its service area by importing water supplies that are used to offset and replenish groundwater extractions and support the legal and regulatory requirements of the applicable management structures. Accordingly, SGPWA has important responsibilities in supporting water supply development in the various groundwater basins within its boundary.

Managed groundwater does not provide a source of water to SGPWA. However, SGPWA provides supplies to recharge the Beaumont Groundwater Basin and allow potential offsets in extracted native groundwater with the recharged supplies. The storage capacity of the Beaumont Basin exceeds the total annual demand for water at build-out and this storage capacity is not likely to be a limiting factor for importing SWP supplies and any additional supplemental imported water.³⁶ The capacity to store imported water in the Beaumont Basin by spreading water in recharge basins is a key component of SGPWA's role as a wholesaler of SWP supply.

Local runoff of surface water accounts for a small portion of local water resources utilized by the retail agencies. Most of this runoff is typically recharged into local groundwater basins where it becomes part of the managed groundwater supply. Stormwater capture represents an additional source of water within the SGPWA service area; however, it is not currently considered a large supply source in the SGPWA service area. In addition, return flows derived from recycled water and percolating water also constitute an additional component of the supplies entering the Beaumont Basin and other groundwater basins in the region. Together, the native groundwater supplies, recharged groundwater supplies, and other local surface supplies are termed Regionally Managed Supplies and are aggregated as a supply source later in this Chapter.

SGPWA is underlain by portions of two large groundwater basins, the Upper Santa Ana Valley Basin and Coachella Valley Basin, both of which are divided into subbasins. Of the many subbasins, three fall within the SGPWA boundaries, including the Upper Santa Ana Valley – Yucaipa Subbasin, the Upper Santa Ana Valley – San Timoteo Subbasin, and the Coachella Valley – San Gorgonio Pass Subbasin. The latter two subbasins are in turn divided into water storage units, (locally called "basins"). The principal storage units and basins that are used by the water purveyors are the Beaumont, Banning, Yucaipa, and Cabazon groundwater basins. Figure 3-4 shows the DWR described groundwater subbasins.

³⁶ SGPWA 2015 UWMP.



Figure 3-4: DWR Groundwater Basin Descriptions



3.3.1 Upper Santa Ana Valley – Yucaipa Subbasin³⁷

The Yucaipa Basin encompasses approximately 40 square miles and underlies the southeast part of San Bernardino Valley and the northern tip of the SGPWA service area. The Yucaipa groundwater subbasin underlies Yucaipa Valley in southwestern San Bernardino County and northwestern Riverside County. The subbasin is bound on the north by surface drainage divides, the Crafton Hills, and the San Andreas fault zone. The subbasin is bound on the east by surface drainage divides and consolidated rocks in the foothills of the San Bernardino Mountains. The southern boundary adjoins the San Timoteo groundwater subbasin and is defined by surface drainage divides and the Cherry Valley fault. The area overlying the basin is drained by Oak Glen, Wilson, and Yucaipa Creeks, which flow westerly toward San Timoteo Wash, a tributary to the Santa Ana River. The average annual precipitation ranges from 12 to 28 inches.

The Basin is not adjudicated, and the sustainable yield is estimated to be approximately 9,600 AFY with a storage capacity of more than 800,000 AF with extractions from the basin approximately 14,000 AFY.³⁸ The amount of groundwater pumping from the basin has significantly decreased being attributable to the supplemental supply of SWP and the use of recycled water. The Basin is conjunctively managed by

³⁷ Bulletin 118 description published March 3, 2020. https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2016-Basin-Boundary-Descriptions/8_002_07_Yucaipa.pdf

³⁸ Bulletin 118 description published March 3, 2020. https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2016-Basin-Boundary-Descriptions/8_002_07_Yucaipa.pdf

SGPWA, SBVMWD, YVWD, South Mesa Water Company, Western Heights Water Company, and the City of Yucaipa.

3.3.2 Upper Santa Ana Valley – San Timoteo Subbasin³⁹

The Upper Santa Ana Valley – San Timoteo Subbasin crosses the boundary of San Bernardino County and Riverside County, with a majority of the subbasin in Riverside County. The San Timoteo Subbasin underlies Cherry Valley and the City of Beaumont in southwestern San Bernardino and northwestern Riverside Counties. The subbasin is bounded to the north and northeast by the Banning fault and impermeable rocks of the San Bernardino Mountains, Crafton Hills, and Yucaipa Hills, on the south by the San Jacinto fault, on the west by the San Jacinto Mountains, and on the east by a topographic drainage divide with the Colorado River Hydrologic Region. The surface is drained by Little San Gorgonio Creek and San Timoteo Canyon to the Santa Ana River. Average annual precipitation ranges from 12 to 14 inches in the western part to 16 to 18 inches in the eastern part of the subbasin.

3.3.3 Coachella Valley – San Gorgonio Pass Subbasin⁴⁰

The San Gorgonio Pass Subbasin stretches from the City of Banning on its western edge to the Verbenia area to its east, including the community of Cabazon. The portion of the Coachella Valley Groundwater Basin that lies entirely within the San Gorgonio Pass is described as the San Gorgonio Pass Subbasin. This subbasin is bounded on the north by the San Bernardino Mountains and by semi-permeable rocks, and on the south by the San Jacinto Mountains. A surface drainage divide between the Colorado River and South Coastal Hydrologic Study Areas bounds the subbasin on the west. The eastern boundary is formed by a bedrock constriction that creates a groundwater cascade into the Indio Subbasin. Average annual rainfall over the subbasin ranges from 15 to 18 inches. The San Gorgonio River flows intermittently over the subbasin and is the main surface drainage feature for the subbasin. Precipitation in the northern San Bernardino Mountains contributes its runoff to the San Gorgonio River.

3.3.4 Groundwater Basins Management Activities

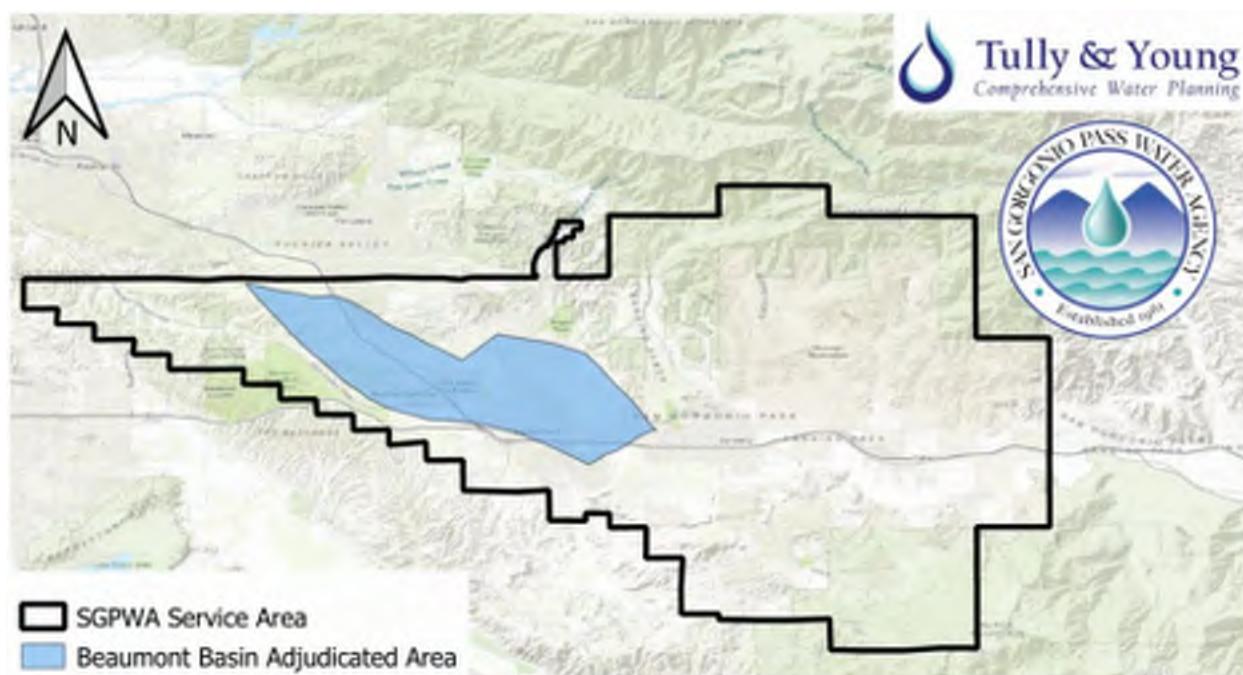
There are numerous groundwater management actions occurring in the SGPWA jurisdictional boundary that impact regional supply activities. These management actions include implementation of the Beaumont Basin Adjudication (Adjudication) and compliance with the Sustainable Groundwater Management Act. Figure 3-5 shows the Beaumont Basin Adjudication boundary.

³⁹ Bulletin 118 description published March 3, 2020. https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/8_002_08_SanTimoteoSubbasin.pdf

⁴⁰ Bulletin 118 description published March 3, 2020. https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/7_021_04_SanGorgonioPassSubbasin.pdf

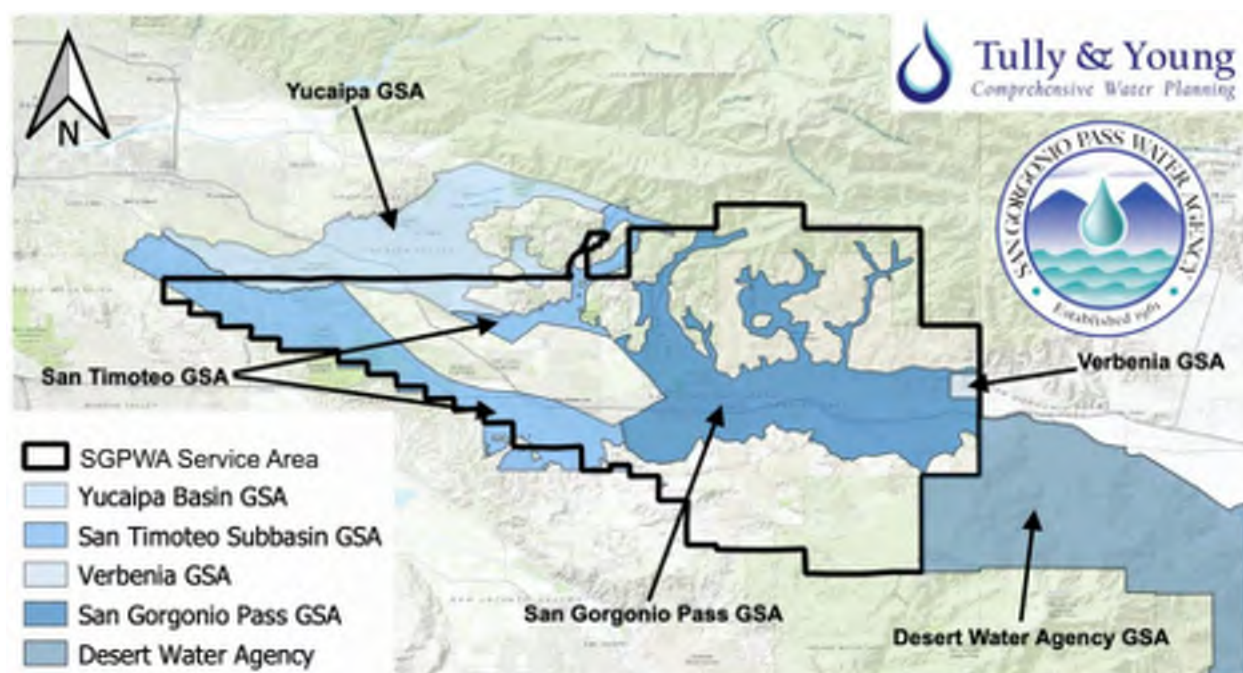


Figure 3-5: Beaumont Basin Adjudication Boundary



There are three groundwater sustainability agencies (GSAs) in the San Gorgonio subbasin. The Desert Water Agency acts as the exclusive GSA of the easternmost edge of the San Gorgonio subbasin but that GSA lies outside the service area of the SGPWA. Verbenia GSA covers one square mile in the eastern portion of the subbasin and the San Gorgonio Pass GSA encompasses the remainder – both of those GSA's are within the SGPWA service area boundary. Figure 3-6 shows the boundaries for the Yucaipa Basin GSA, San Timoteo Subbasin GSA, San Gorgonio Pass GSA, Verbenia GSA, and Desert Water Agency GSA.

Figure 3-6: GSA's Affecting Groundwater Basins Within SGPWA Boundaries



3.3.5 Beaumont Basin Judgment and Stipulation

The Beaumont Groundwater Basin lies in the heart of the SGPWA Service Area. On February 4, 2004, the stipulated judgment *San Timoteo Watershed Management Authority, vs. City of Banning, et al.*, Case No. RIC 389197, was signed in Riverside County Superior Court that created the five-member watermaster committee that manages all adjudicated water rights in the Beaumont groundwater basin. The members of the watermaster committee are the City of Banning, the City of Beaumont, Beaumont-Cherry Valley Water District, South Mesa Mutual Water Company, and the Yucaipa Valley Water District. The Riverside County Superior Court maintains ultimate jurisdiction over the watermaster should any disputes between the parties arise. As an adjudicated basin, the Beaumont Groundwater Basin is largely exempt from the requirements of the Sustainable Groundwater Management Act (SGMA).

The Beaumont Basin Stipulation allows the watermaster committee to allocate available storage to regional entities seeking to store water supplies for later extraction and use. As of December 31, 2019, the total storage allowed in the Beaumont Basin was 290,000 acre-feet with the allocation among participating agencies as follows:

- | | |
|-----------------------------------|-----------|
| • City of Banning | 80,000 AF |
| • City of Beaumont | 30,000 AF |
| • Beaumont Cherry Valley WD | 80,000 AF |
| • South Mesa Water Company | 20,000 AF |
| • Yucaipa Valley Water District | 50,000 AF |
| • Morongo Band of Mission Indians | 20,000 AF |
| • San Gorgonio Pass Water Agency | 10,000 AF |

The Judgment allocates pumping rights to both overlying groundwater users and groundwater appropriators and provides guidelines for conversion of pumping rights from overlying users to appropriators. Overlying users are parties that own land overlying the Beaumont Basin and have exercised pumping rights. Groundwater appropriators are the water purveyors who pump water to serve urban demands within the Beaumont Basin, including the City of Banning, BGVWD, SMWC, and YVWD. Groundwater appropriators can obtain additional pumping rights from an overlying user and the Beaumont Basin Watermaster develops annual projections of pumping rights conversion from overlying users to appropriators.

The long-term safe yield of the Beaumont Basin is 6,700 AFY.⁴¹ SGPWA provides purchased surface water assets that augment the managed groundwater basin that is eventually delivered to retailers within SGPWA's service area.

3.3.6 San Timoteo Subbasin GSA

In 2017, the San Timoteo Groundwater Sustainability Agency was formed by a Memorandum of Agreement (MOA) between four forming parties: the City of Redlands, SGPWA, BGVWD, and YVWD. The San Timoteo GSA will manage the non-adjudicated portion of the San Timoteo Subbasin which straddles the adjudicated portion of the Beaumont Basin. Each agency overlies a portion of the groundwater basin and exercises water management, water supply and/or land use authority. The San Timoteo Groundwater Sustainability Agency will coordinate with Eastern Municipal Water District for the separate GSA in the southern portion of non-adjudicated part of the Basin and the Beaumont Basin Watermaster for the adjudicated portion of the basin. Figure 3-6 shows the San Timoteo GSA boundary.

3.3.7 Yucaipa Basin GSA

In July 2017, San Bernardino Valley Municipal Water District (Valley District) joined the City of Calimesa, the City of Redlands, San Geronimo Pass Water Agency, South Mesa Water Company, South Mountain Water Company, Western Heights Water Company, the City of Yucaipa, and the Yucaipa Valley Water District to form the Yucaipa Basin Groundwater Sustainability Agency (Yucaipa GSA) under the Sustainable Groundwater Management Act (SGMA). The Yucaipa Basin GSA covers areas in both San Bernardino and Riverside Counties encompassing the entire Upper Santa Ana – Yucaipa Subbasin area. The Yucaipa Basin GSA is preparing a Groundwater Sustainability Plan (GSP) for publication in January of 2022. The GSP will impact retailers using water supplies and storage in the Yucaipa Basin and may provide opportunities for SGPWA to store imported water assets. Figure 3-6 shows the Yucaipa Basin GSA boundary.

⁴¹ 2019 Consolidated Annual Report and Engineering Report, Beaumont Basin Watermaster, December 12, 2020 at 2-8.



3.3.8 San Gorgonio Pass Subbasin Groundwater Sustainability Agency

San Gorgonio Pass Subbasin GSA covers the majority of the area overlying the Coachella Valley - San Gorgonio Pass Subbasin. The San Gorgonio Pass GSA members include the SGPWA, Banning Heights Mutual Water Company, the City of Banning, and the Cabazon Water District. Figure 3-6 shows the San Gorgonio Pass Subbasin GSA boundary.

3.3.9 Verbenia Groundwater Sustainability Agency

The Verbenia GSA covers the one square mile in the eastern part of the San Gorgonio Subbasin where the service areas of the SGPWA and Mission Springs Water District overlap. The SGPWA and Mission Springs WD are the two members of this GSA. Figure 3-6 shows the Verbenia GSA boundary.

3.3.10 Desert Water Agency Groundwater Sustainability Agency

The Desert Water Agency occupies an area outside the SGPWA boundary but influences the water management actions of the San Gorgonio Pass Groundwater Basin. This GSA will coordinate development of planning activities as they apply to the San Gorgonio Pass Groundwater Basin.

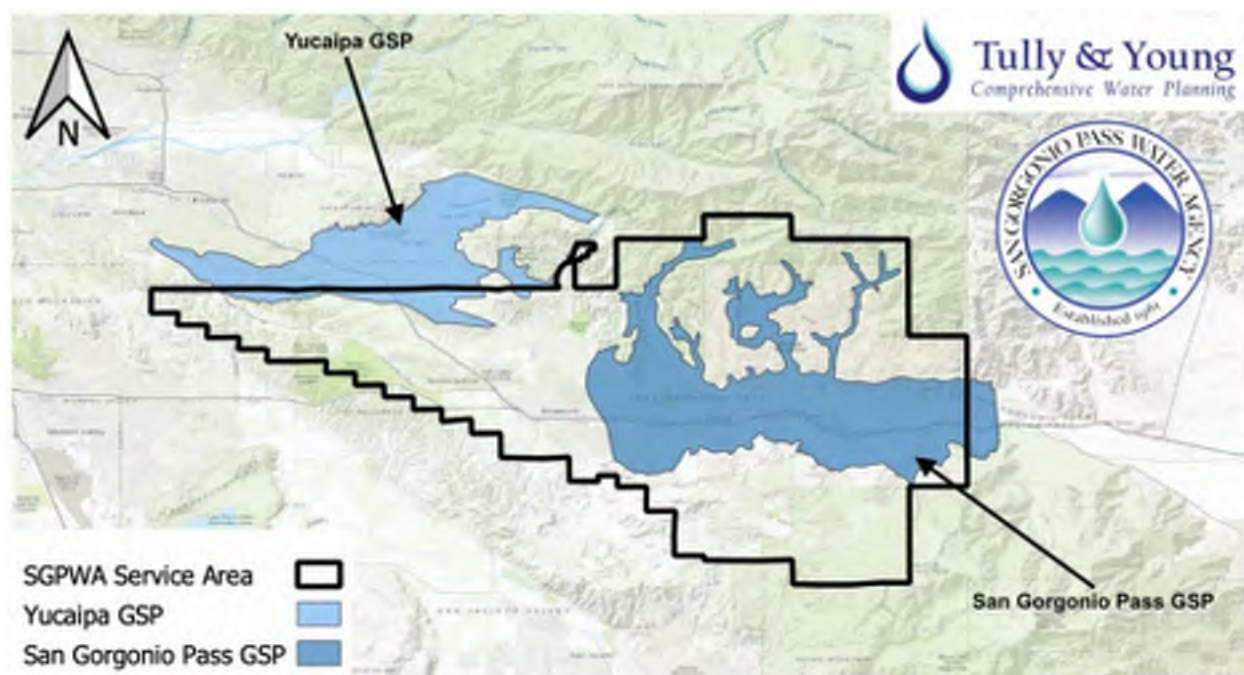
3.3.11 Groundwater Sustainability Plans

The Yucaipa Basin GSA will prepare a single GSP that will cover the entire Upper Santa Ana Valley – Yucaipa Subbasin area. This GSP will be finalized January 31, 2022.

The Coachella Valley – San Gorgonio Pass Subbasin will also have a single GSP that will be jointly prepared by the GSA's overlying the subbasin – San Gorgonio Pass Subbasin GSA, the Verbenia GSA, and Desert Water Agency GSA. The Morongo Band of Mission Indians will likely provide input on San Gorgonio Pass Subbasin GSP because the reservation is entirely contained in the subbasin, but the Morongo Band is not subject to the requirements of the Sustainable Groundwater Management Act because of their status as a sovereign nation. Figure 3-7 shows the Yucaipa GSP and San Gorgonio Pass GSP boundaries that have been submitted to the state as of 2020.



Figure 3-7: Yucaipa and San Gorgonio Groundwater Sustainability Plan Boundaries



Lastly, the San Timoteo Subbasin GSA will develop a GSP that will cover the five separate sub-areas and will coordinate efforts with the Beaumont Basin Judgment as that judgment applies to the Upper Santa Ana Valley – San Timoteo Subbasin. Figure 3-8 shows the boundaries for the five sub-areas that will be created in the unadjudicated portion of the San Timoteo Subbasin. As of early 2021, San Timoteo has not submitted a proposed GSP boundary to the state.

Figure 3-8: Sub-Areas in the Unadjudicated San Timoteo Subbasin



Collectively, the Beaumont Basin Adjudication and the GSAs that are developing groundwater basin GSPs will provide a comprehensive approach to the groundwater systems that may impact SGPWA's water storage and management interests.

3.3.12 SGPWA Groundwater Storage

SGPWA also stores imported water supplies in the Beaumont Basin within the SGPWA service area and anticipates storing water in other basins when appropriate agreements and protocols can be developed. SGPWA's total stored water in 2020 was approximately 471.8 acre-feet in the Beaumont Basin.⁴² SGPWA entered the Beaumont Basin Watermaster Groundwater Storage Agreement (Agreement) in 2018 consistent with the Beaumont Basin Adjudication storage allocation to SGPWA.⁴³ The Agreement allows SGPWA to store up to 10,000 acre-feet of water in the Beaumont Basin. The Agreement has no expiration, but the Beaumont Basin Watermaster may unilaterally terminate the Agreement with 180 day written notice. There is no indication that the Agreement will be terminated now or in the future. As such, the ability to store as much as 10,000 acre-feet in the Beaumont Basin is incorporated into the UWMP planning efforts. Table 3-14 shows SGPWA's total groundwater storage accounts in 2020.

Table 3-14: SGPWA Stored Groundwater⁴⁴ (AF)

Total Groundwater Storage	Beaumont Basin	Yucaipa Subbasin	San Timoteo Basin	San Gorgonio Subbasin
471.8	471.8	0	0	0

SGPWA will continue to store water supplies as allowed in each groundwater basin. Additional storage may occur in the Yucaipa, San Timoteo, and San Gorgonio groundwater basins as systems allow water supplies to reach these basins. Table 3-15 shows SGPWA's conservative estimate of total future storage supplies in five-year increments through 2045 in the regional groundwater basins, including SGPWA's ability to exclusively use the Beaumont Basin if no other groundwater storage options materialize. The conservative estimates reflect supplies available for use in an identified year rather than total stored water managed by SGPWA.

Table 3-15: SGPWA Future Stored Groundwater (AF)

2025	2030	2035	2040	2045
1,000	1,000	1,000	1,000	1,000

⁴² 2019 Consolidated Annual Report and Engineering Report, Beaumont Basin Watermaster, December 12, 2020 at 3-12.

⁴³ Beaumont Basin Watermaster Groundwater Storage Agreement, February 8, 2018.

⁴⁴ The SGPWA has yet to develop formal water storage accounts in Yucaipa Subbasin, San Timoteo Basin, and the San Gorgonio Subbasin but is actively engaged in those discussion per the ongoing Sustainable Groundwater Management Act efforts.



3.3.13 Total Water Supplies

The projected total water supplies needed to meet all the regional retail agencies' demands and other demands within SGPWA's service area is summarized in Table 3-16 below. SGPWA does not anticipate providing all the supplies through the collective water assets that it controls, but it will work closely with the retail agencies and other interest to manage water assets so that the regional water supplies can meet the projected regional water demands. The supplies that make up the water supply portfolio to meet the needs shown below include, SWP Table A, SWP Carryover Supplies, Yuba Accord Water, Nickel Agreement Water, Sites Reservoir water shares, Water Transfer and Exchange Water, native groundwater, local water rights, groundwater return flows, and recycled water supplies. The annual characterization of each of these supplies is shown in section 3.7 of this Chapter.

Table 3-16: Projected Total Water Supply for SGPWA Region through 2045⁴⁵ (AFY)

Service Area Water Supply to Meet Demands	2025	2030	2035	2040	2045
City of Banning	9,473	10,198	10,853	11,565	12,278
Beaumont Cherry Valley	14,963	16,160	17,515	18,710	19,693
Yucaipa Valley WD (Riverside Portion)	1,509	1,841	2,174	2,507	2,839
South Mesa WC (Riverside Portion)	1,032	1,084	1,138	1,196	1,196
High Valley WD	3,400	3,600	3,900	4,100	4,300
Cabazon County WD					
Mission Springs (SGPWA area)					
Other SGPWA service area not served by named retailers					
Total SGPWA Boundary Supply to meet Demands	30,400	32,900	35,600	38,100	40,300

3.4 Water Quality

Water quality is a critically important consideration in the SGPWA service area. All consumer water supplies are derived from groundwater extractions that blend many sources of water. SGPWA provides imported State Water Project water supplies to the groundwater basins in its service area.

3.4.1 State Water Project Water Quality

State Water Project (SWP) water quality is monitored by the California Department of Water Resources (DWR) Division of Operations and Maintenance. DWR maintains 16 continuous water quality monitoring stations located throughout the State Water Project and data from these stations is regularly uploaded to the California Data Exchange Center (CDEC). The parameters for monitoring SWP water quality include the following: electrical conductivity, water temperature, turbidity, pH, and fluorescence. SWP water quality changes as the water moves from the precipitation and snowmelt

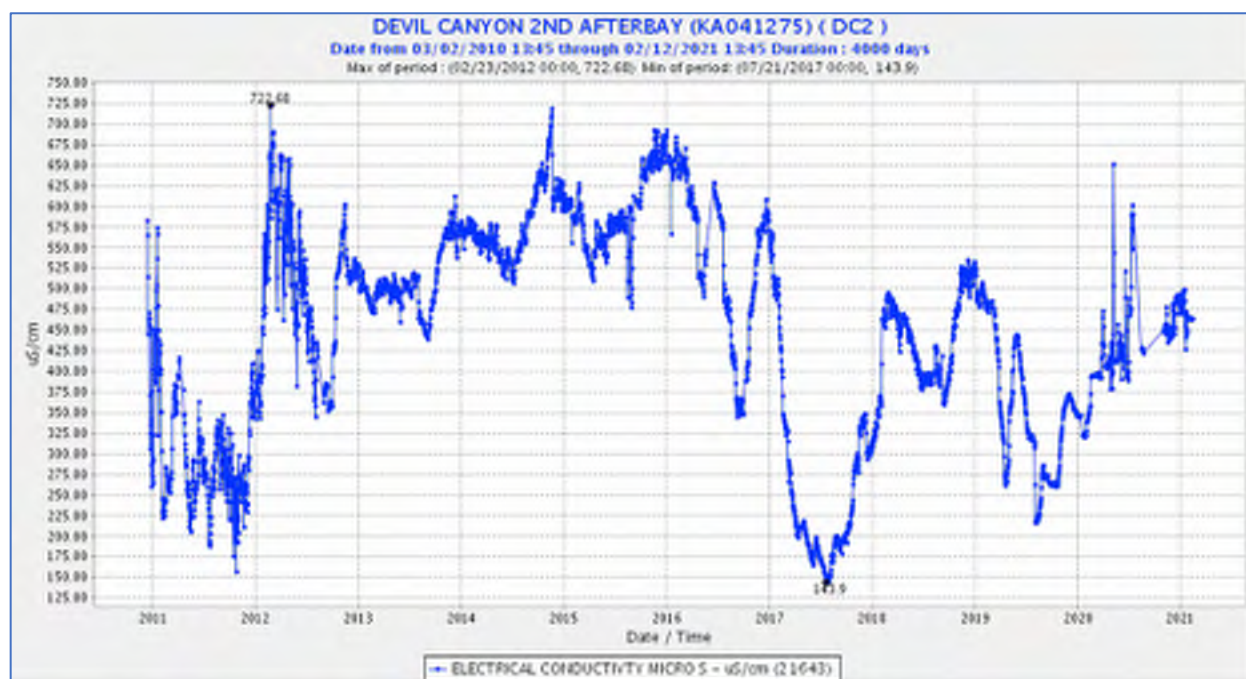
⁴⁵ The supply totals necessary to meet demands in Table 3-16 are rounded to the nearest 100.



runoff to its termination areas in southern California. As such, the water quality measurements at each station are important for purposes of tracing water quality constituents in the SWP system.

Of the 16 water quality monitoring stations, “Devil Canyon Afterbay” is located closest to San Geronio Pass Water Agency’s turnouts. Figure 3-9 shows the measured publicly available electroconductivity since 2010, Figure 3-10 shows the measured publicly available temperature information since 2017, and Figure 3-11 shows the measured publicly available Turbidity at Devil Canyon since 2013. Figure 3-12 shows pH at Devil Canyon since 2017. Last, Figure 3-13 shows fluoresce at Pacheco Pumping Plant since 2010.⁴⁶ The SWP water quality falls within normal parameters.

Figure 3-9: Devil Canyon Electrical Conductivity 2010-2020



⁴⁶ These locations were chosen because Check 66 did not have these water quality parameters and the Kern and PPP locations were the nearest to Check 66 with the appropriate SWP water quality parameters.

Figure 3-10: Devil Canyon Water Temperature 2017-2020

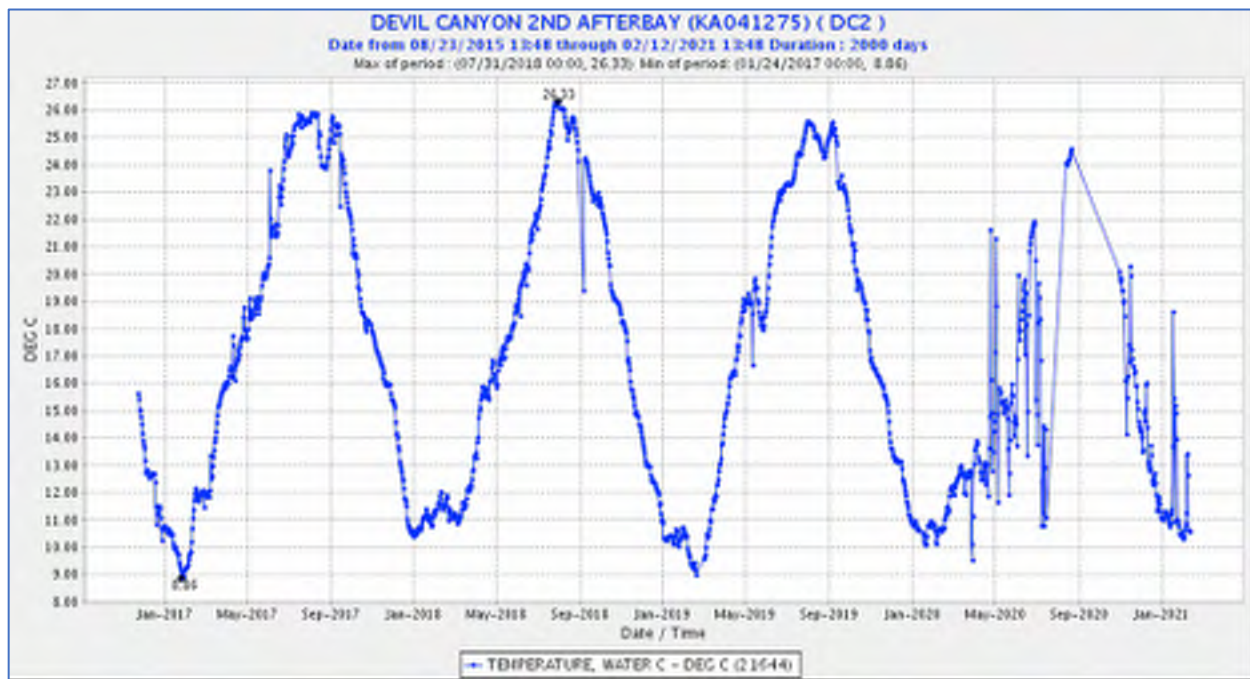


Figure 3-11: Devil Canyon Turbidity 2013-2020

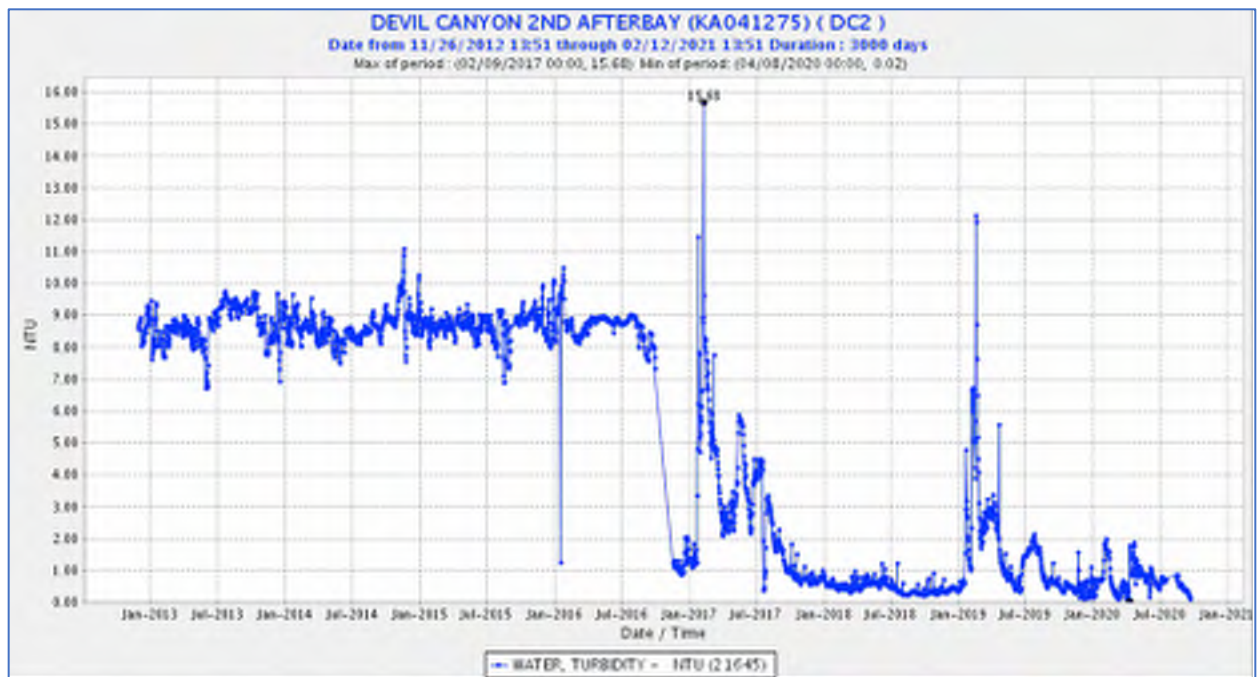


Figure 3-12: Devil Canyon pH Value

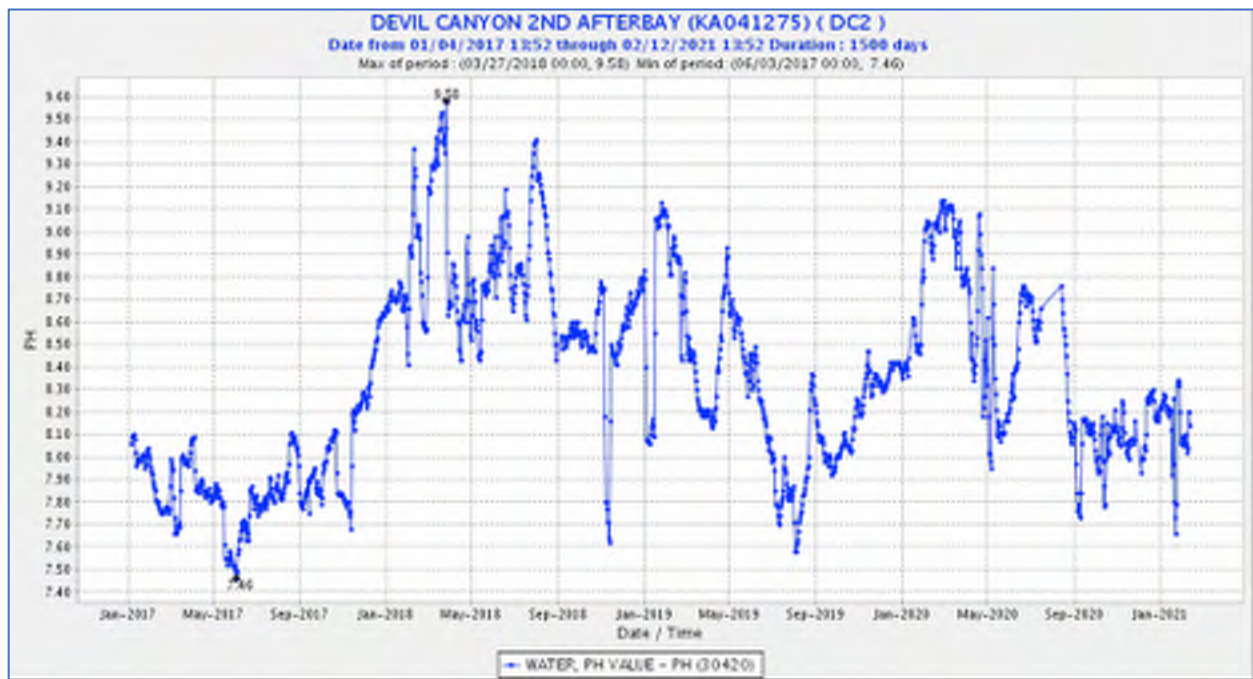
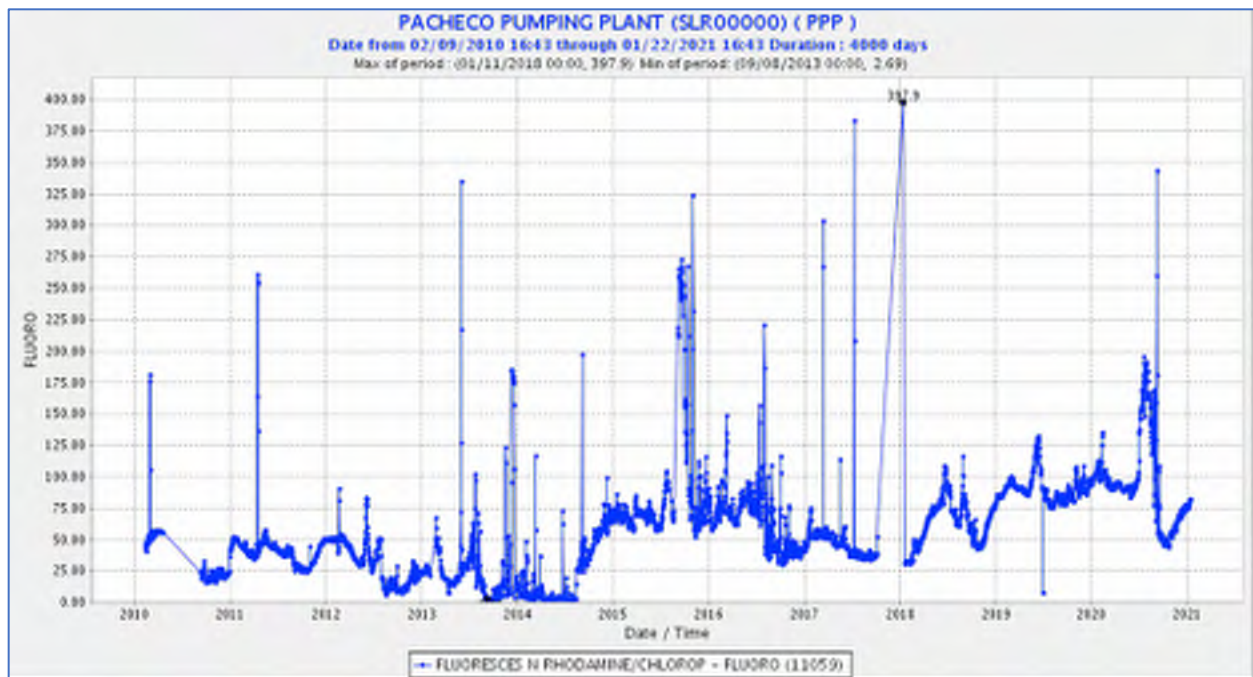


Figure 3-13: PPP Fluoresces 2010-2020



3.4.2 Groundwater Quality in the SGPWA Service Area

Groundwater quality in the SGPWA region is very good. There is no known historical industrial or mining activity in the region that has generated harmful plumes of pollutants. The Santa Ana RWQCB has a “maximum benefit” goal of 330 parts per million (ppm) for TDS (or salinity) for the Beaumont Basin. The current ambient TDS concentration in the Beaumont Basin is approximately 280 ppm (Report on Water Conditions, 2019). The Basin Plan requires local entities to begin planning desalters when the ambient TDS increases to 320 ppm. YVWD has constructed a desalination plant and brine disposal pipeline to address the TDS issue.

In addition to salinity or TDS, nitrate is also monitored closely. This too is regulated by the RWQCB, but nitrate concentrations are currently well within the maximum benefit standards. Over the past few years there have been isolated incidents of high nitrates at individual wells for short periods of time, typically after a large rainstorm that causes flushing of the system. These have not proven to be a health hazard.

Total chromium has been regulated by the SWRCB at an MCL of 50 microgram per liter ($\mu\text{g/L}$), which includes both chromium-3 and chromium-6. In 2011, California EPA Office of Environmental Health Hazard Assessment set a Public Health Goal (PHG) of 0.02 $\mu\text{g/L}$ for chromium-6. California Department of Public Health then reviewed the PHG and recommended an MCL for chromium-6 at the level of 10 $\mu\text{g/L}$, which went into effect 2020.

Within the SGPWA service area, chromium-6 concentrations have been measured at levels above the MCL in several wells owned by the City of Banning and BCVWD, forcing some wells to be taken out of production temporarily, pending implementation of a fix to the problem.

More details on groundwater quality management actions are identified in the retail water agencies’ UWMPs.

3.4.3 Groundwater Monitoring and Protection

The general goal of groundwater protection activities is to maintain the groundwater and the aquifer to ensure a reliable high quality water supply. Activities to meet this goal include continued and increased monitoring, data sharing, education and coordination with other agencies that have local or regional authority or programs.

SGPWA participates in the DWR Municipal Water Quality Investigations (MWQI) Program. The MWQI Program is funded by the sixteen SWP Contractors that provide water to their customers for municipal and industrial uses. The mission of the MWQI Program is to: a) support the effective and efficient use of the Sacramento-San Joaquin Delta (Delta) and the SWP as a source water supply for municipal purposes through monitoring, forecasting, and reporting water quality; b) provide early warning of changing conditions in source water quality used for municipal purposes; c) provide data and knowledge based support for operational decision-making on the SWP; d) conduct scientific studies of drinking water importance; and e) provide scientific support to DWR, the State Water Project Contractors Authority MWQI-Specific Project Committee, and other governmental entities.



The MWQI Program conducts extensive monitoring in the Delta and the outlet to San Luis Reservoir. The data from this program, combined with data collected throughout the SWP by the DWR Division of Operations and Maintenance, are used to understand how water quality changes from the Delta to the turn outs of the SWP Municipal and Industrial (M&I) Contractors. The MWQI Program has also developed a forecasting model to forecast organic carbon concentrations and salinity levels throughout the SWP. A daily report is sent out via email to the M&I Contractors with recent water quality data at key locations and information on Delta conditions and pumping at the Banks and Jones pumping plants.

Ongoing work includes refinement of the forecasting model to predict water quality conditions more accurately and to better model the impacts of groundwater and surface water pump-ins. The MWQI Program is also conducting studies to better understand the dynamics of algal and aquatic plant growth in the SWP. Algae and aquatic plants create a number of problems, including taste and odor issues, wide swings in pH, filter clogging, and clogging of conveyance structures. The MWQI Program also conducts the sanitary survey of the SWP, which must be submitted to the State Water Resources Control Board Division of Drinking Water every five years.

3.5 Desalination Opportunities and Water Recycling

The California UWMP Act requires a discussion of potential opportunities for use of desalinated water (Water Code Section 10631[g]). Groundwater supplies within the SGPWA service area impacted by total dissolved solids, and desalination could be implemented by the individual retail agencies to address this issue. YVWD, for example, is close to obtaining a permit to serve desalted recycled wastewater for non-potable uses. At this time, SGPWA does not have plans to develop desalination for brackish water supplies.

Because the SGPWA service area is not in a coastal area, it is neither practical nor economically feasible for SGPWA to implement a seawater desalination program. However, SGPWA could provide financial assistance to other SWP contractors in the construction of their seawater desalination facilities in exchange for SWP supplies.

The Agency does not provide supplemental treatment to recycled water and does not distribute recycled water, nor does the Agency have plans to provide recycled water as a part of its deliveries.

3.6 Climate Change

The California Water Code now requires that water suppliers consider the effects of climate change in their water supply planning efforts. It also provides that climate change is appropriate to consider when assessing drought risk assessment, water conservation and use efficiency, and demand management and supply – both in an historical and future-projection context. SGPWA's primary climate change concern involves its capability of providing imported SWP water for groundwater recharge. As shown in this section, SGPWA uses DWR's Delivery Capability Report (DCR) to assess current and future reliability of SWP Contract Table A supplies. The DCR modified the normal year reliability of Table A Contract Allocations from 62% to 58% by incorporating, among other things, climate change. In addition, the DCR used a 7% supply reliability number for a single dry year whereas the SGPWA used 5% to reflect climate



contingencies. These characterizations are depicted in Table 3-2. SGPWA took a more conservative approach to short-term and long-term reliability to incorporate potential unforeseen conditions attributable to climatic variability. As shown in Table 3-3, SGPWA chose to maintain its 58% DCR projection despite planned improvements in SWP conveyance. And, as shown in Table 3-4, SGPWA used the driest year on record with the lowest Table A percentage allocation of 5% to characterize both the single dry year supply availability as well as two of the five years in the 5-year drought scenario. And finally, SGPWA also considered the driest year on record to reflect its Table A Carryover supplies that may be available in order to best consider climatological variability. In addition, other sources of water and management activities like Sites Reservoir and the Delta Conveyance Project, also provide some additional protections against the potential effects of climate change. Accordingly, SGPWA's conservative approach to capture supply availability captures future unpredictable climatological issues that may impact water supply reliability beyond the considerations reflected by DWR in its 2020 DCR.

3.7 Supply Summary

The available supplies in the SGPWA service area include supplies that are managed exclusively by SGPWA and other supplies that are managed by retail agencies. SGPWA and the retail agencies coordinate the supplies in order to meet regional demands. This section summarizes the total supplies available in the San Geronio Pass Water Agency service area after bifurcating supplies into those managed by SGPWA and those managed by the retail agencies.

3.7.1 Supplies Coordinated Through SGPWA

The total current and projected supplies that will be used in the SGPWA Service Area from sources coordinated by SGPWA are as follows:

Table 3-17: Table A Current and Projected Supplies Through 2045 (AFY)

SWP Table A		2025	2030	2035	2040	2045
Normal		10,034	10,034	10,034	10,034	10,034
Single Dry Year		865	865	865	865	865
Multi-Year Drought	Year 1	6,055	6,055	6,055	6,055	6,055
	Year 2	865	865	865	865	865
	Year 3	865	865	865	865	865
	Year 4	3,460	3,460	3,460	3,460	3,460
	Year 5	6,055	6,055	6,055	6,055	6,055



Table 3-18: SWP Carryover Current and Projected Supplies Through 2045 (AFY)

SWP Carryover		2025	2030	2035	2040	2045
Normal		3,000	3,000	3,000	3,000	3,000
Single Dry Year		940	940	940	940	940
Multi-Year Drought	Year 1	3,000	3,000	3,000	3,000	3,000
	Year 2	2,500	2,500	2,500	2,500	2,500
	Year 3	950	950	950	950	950
	Year 4	940	940	940	940	940
	Year 5	1,700	1,700	1,700	1,700	1,700

Table 3-19: Current and Projected Stored Groundwater Supplies Through 2045 (AFY)

Groundwater Storage		2025	2030	2035	2040	2045
Normal		1,000	1,000	1,000	1,000	1,000
Single Dry Year		1,000	1,000	1,000	1,000	1,000
Multi-Year Drought	Year 1	1,000	1,000	1,000	1,000	1,000
	Year 2	1,000	1,000	1,000	1,000	1,000
	Year 3	1,000	1,000	1,000	1,000	1,000
	Year 4	1,000	1,000	1,000	1,000	1,000
	Year 5	1,000	1,000	1,000	1,000	1,000

Table 3-20: Total Water Transfer and Exchanges Through 2045 (AFY)⁴⁷

Water Transfers		2025	2030	2035	2040	2045
Normal		1,500	2,500	3,000	3,500	4,000
Single Dry Year		1,500	2,500	3,000	3,500	4,000
Multi-Year Drought	Year 1	1,500	2,500	3,000	3,500	4,000
	Year 2	1,500	2,500	3,000	3,500	4,000
	Year 3	1,500	2,500	3,000	3,500	4,000
	Year 4	1,500	2,500	3,000	3,500	4,000
	Year 5	1,500	2,500	3,000	3,500	4,000

⁴⁷ Includes Yuba Accord and additional transfers and exchanges as they become available to SGPWA.



Table 3-21: Nickel Water Supplies Through 2045 (AFY)

Nickel Water		2025	2030	2035	2040	2045
Normal		1,700	1,700	1,700	1,700	1,700
Single Dry Year		1,700	1,700	1,700	1,700	1,700
Multi-Year Drought	Year 1	1,700	1,700	1,700	1,700	1,700
	Year 2	1,700	1,700	1,700	1,700	1,700
	Year 3	1,700	1,700	1,700	1,700	1,700
	Year 4	1,700	1,700	1,700	1,700	1,700
	Year 5	1,700	1,700	1,700	1,700	1,700

Table 3-22: Sites Reservoir Current and Projected Supplies Through 2045 (AFY)

Sites Reservoir		2025	2030	2035	2040	2045
Normal		0	0	10,000	12,000	15,000
Single Dry Year		0	0	10,000	12,000	15,000
Multi-Year Drought	Year 1	0	0	10,000	12,000	15,000
	Year 2	0	0	10,000	12,000	15,000
	Year 3	0	0	10,000	12,000	15,000
	Year 4	0	0	10,000	12,000	15,000
	Year 5	0	0	10,000	12,000	15,000

3.7.2 Regionally Managed Supplies

The supplies that are beyond the purvey of SGPWA are considered regionally managed supplies. These supplies consist of locally available surface water, groundwater extractions, recycled supplies, and other supplies that the retail agencies may use in meeting demands in addition to supplies provided by SGPWA. Table 3-23 depicts the regionally managed supplies available to meet demands in the SGPWA service area. The table does not reflect details about specific sources of supplies that each retail agency uses. These details would be best captured in the local agencies planning documents, including their 2020 UWMP updates, where applicable.

Table 3-23: Regionally Managed Water Supplies Available to Meet Demands (AFY)

Regional Supplies		2025	2030	2035	2040	2045
Normal		13,170	14,670	10,000	10,000	10,000
Single Dry Year		24,400	25,900	18,100	18,100	16,800
Multi-Year Drought	Year 1	17,150	18,650	10,850	10,850	9,550
	Year 2	22,840	24,340	16,540	16,540	15,240
	Year 3	24,380	25,880	18,080	18,080	16,780
	Year 4	21,800	23,300	15,500	15,500	14,200
	Year 5	18,450	19,950	12,150	12,150	10,850



3.7.3 Combined SGPWA and Retail Water Supplies

Table 3-24 depicts the total water supplies available to meet demands in the SGPWA service area from 2021 through 2025 during normal, single dry, and five consecutive dry years. Table 3-25 shows the total water supplies available to meet demands in the SGPWA from 2025 through 2045.

Table 3-24: Total Water Supplies Available to Meet Demands Through 2025 (AFY)

Year		SWP Table A Allocation	Table A Carryover	Groundwater Storage	Transfers (inc Yuba Accord)	Nickel Water	Regionally Managed Supplies	Total
Normal		10,030	3,000	500	1,000	1,700	11,830	28,060
Single Dry		870	940	500	1,000	1,700	23,100	28,110
Multi-Year Drought	Year 1	6,060	3,000	500	1,000	1,700	16,310	28,570
	Year 2	870	2,500	500	1,000	1,700	22,460	29,030
	Year 3	870	950	500	1,000	1,700	24,460	29,480
	Year 4	3,460	940	500	1,000	1,700	22,340	29,940
	Year 5	6,060	1,700	500	1,000	1,700	19,450	30,410

Table 3-25: Total Water Supplies Available to Meet Demands Through 2045 (AFY)

Total Supply		2025	2030	2035	2040	2045
Normal		30,400	32,900	38,700	41,200	44,700
Single Dry Year		30,400	32,900	35,600	38,100	40,300
Multi-Year Drought	Year 1	30,400	32,900	35,600	38,100	40,300
	Year 2	30,400	32,900	35,600	38,100	40,300
	Year 3	30,400	32,900	35,600	38,100	40,300
	Year 4	30,400	32,900	35,600	38,100	40,300
	Year 5	30,400	32,900	35,600	38,100	40,300



Chapter 4

Water Use

Understanding water use characteristics throughout the region is essential to enable the San Geronimo Pass Water Agency to reliably and cost-effectively manage water supplies to continue to support the water needs within its service area. As described in Chapter 2, SGPWA imports water supplies to the region to support the urban, rural, industrial, recreational, and other users throughout an expansive area in eastern Riverside County. This section quantifies the current regional water use within the service area and forecasts future needs for a planning horizon extending to 2045. This comprehensive projection of water use becomes the foundation for integration with SGPWA's water supplies (see Chapter 3) to assess long-term water system reliability (see Chapter 5).

This chapter is organized as follows:

- Current Regional Water Use – This subsection presents data reflecting regional water use for 2015 through 2020.
- Forecasting Regional Water Use – This subsection presents the derivation and results of future regional water use within the service area.
- Demand Management Measures – This subsection provides a narrative description of SGPWA's historic and planned regional-level water demand management measure.
- Forecasting Regional Water Use for DRA and Annual Assessment – This subsection focuses on the subset of the regional water use forecast necessary for completing the 5-year Drought Risk Assessment (DRA) and defining the “unconstrained demand” for purposes of annual water supply and demand assessment.

4.1 Current Regional Water Use

As described in Chapter 2 and Chapter 3, SGPWA imports water supplies to help assure sufficient and reliable water supplies for use by large and small urban retailers, rural domestic users, industry, and other uses in the region. However, because SGPWA does not manage the water supplies used by the various groundwater users, the representation of current regional water use is provided as a combined value for the entire region.

Information gathered from the primary retail water suppliers as well as additional estimates for small public water systems and rural users was used to develop a historic representation of regional water use – derived from all sources. Table 4-1 provides the resulting regional historic and current water use.

This recent and current regional water use helps SGPWA understand water use trends and other pertinent water use factors relevant to forecasting future regional water use.



Table 4-1: Regional Water Use 2015 to 2020 (AFY, rounded to nearest 100 acre-feet)

2015	2016	2017	2018	2019	2020
21,700	23,000	24,300	25,600	26,900	28,100

4.2 Forecasting Regional Water Use

Forecasting future regional water needs begins with an understanding of the existing regional needs and trends, recognizing the additional customers expected through growth, and considering the factors that will influence the water use of both existing and new customer well into the future – especially factors that directly affect the efficiency of water use.

Pursuant to California Water Code 10610.4(c), an urban water supplier “*shall be required to develop water management plans to actively pursue the efficient use of available supplies.*” As required by the Act, the future water use of both existing customers and those added over the 25-year planning horizon should reflect the “efficient use” of water.

The four primary urban retail water suppliers within the SGPWA’s service area have prepared water use forecasts to reflect the effects of efficient use of water on both existing customers’ future use and the new use of new customers anticipated with various growth projections and specific development projects. SGPWA coordinated with the four primary retail suppliers to obtain the future demand forecast from each, adding additional growth anticipated within other smaller retail areas and by private domestic users in rural parts of the service area. The resulting estimate of future regional water needs represents users throughout the service area for which SGPWA imports water to support. The forecast for each 5-year increment through 2045 is provided in Table 4-2.

Table 4-2: Future Regional Water Use (AFY, rounded to nearest 100 acre-feet)

2020	2025	2030	2035	2040	2045
28,100	30,400	32,900	35,600	38,100	40,300

4.2.5 Adjusting Water Use Forecasts for Single-Dry and Multiple Dry Conditions

The regional water use forecast represents expected water needs under normal climatic conditions. Often, to reflect lower rainfall conditions which may trigger water users to begin irrigating sooner, adjustments to this forecast should be made. However, in the high desert climate of the SGPWA area, water users are generally not managing landscape or agricultural irrigation systems based upon any variance from “normal.” In other words, rainfall to meet landscape or crop water needs is not relied upon, thus the seasonal lack of it does not materially change behavior as it may in climates with higher rainfall.



As a result, the regional forecast presented in Table 4-3 is not adjusted for single dry or multiple dry years. The regional forecast represents the “unconstrained demand” that would be expected in all year types.⁴⁸

4.2.6 Climate Change Considerations

Including climate change into a water use analysis aids in understanding the potential effects on long-term reliability, which in turn, allows SGPWA to proactively begin planning appropriate responses. For example, hotter and drier weather may lead to an increased demand in landscape irrigation, especially during spring and fall months, increasing the pressure on water supplies that may have availability restrictions during these periods.

However, as indicated previously, the high desert climate already has low rainfall and extreme temperatures. Thus, adjustments for the near-term planning horizon are not warranted.

Long-term effects of climate change may increase the evapotranspiration rates of irrigated crops and landscapes. But such effects will be nominal when compared to the existing rates already occurring in the high desert climate. SGPWA will continue to assess the potential effect of climate change in future UWMPs and other regional water planning efforts.

4.3 Demand Management Measures

Pursuant to California Water Code Section 10631(e)(2), SGPWA provides a narrative discussion of several foundational water demand management measures it participates in or implements. This information helps demonstrate SGPWA’s commitment to efficient resource management.

The following describes the foundational demand management measures (DMMs) that underpin the SGPWA’s operations and management of imported water supplies to help support regional water needs. These particular DMMs represent existing policies and long-standing budgeted conservation programs.

4.3.1 Metering

SGPWA does not provide water directly to the region’s water users and does not have traditional distribution system metering. SGPWA does replenish the groundwater basin by recharging imported SWP water at several locations throughout the service area, as described in Chapter 3. The SWP water is metered at the turnouts from where SGPWA receives the water into its service area. All retail water suppliers in the SGPWA service area meter all customer connections.

⁴⁸ California Water Code Section 10632(a)(2) states water suppliers should use “unconstrained demand” when performing their annual water supply and demand assessment. This reflects the expected demand prior to implementing shortage response actions as detailed in a Water Shortage Contingency Plan.

4.3.2 Public Education and Outreach

SGPWA recognizes the importance of public education and outreach for water resource conservation and works towards providing materials to its customers informing them on ways to conserve water. A number of different resources including “Save our Water,” “EPA Water Sense,” “Be Water Wise,” maintaining a public demonstration conservation garden, local school education programs, social media, and other activities related to conservation are made available on the Agency website free of charge for the benefit of its customers and the public.⁴⁹ SGPWA is involved in a number of outreach programs.

4.3.3 Water Conservation Program Coordination and Staffing Support

Since 2014, SGPWA has partnered with the Inland Empire Resource Conservation District to assist with social media presence which is heavily focused on conservation and a school education program.⁵⁰

Through these efforts, the Inland Empire Resource Conservation District provides water conservation themed presentations in local schools for the three school districts within the SGPWA’s service area. The programs focus on groundwater using a physical tabletop groundwater model purchased by the Agency. The program also describes the local retail water supplier that serves the school, where its water comes from, where the SGPWA’s water comes from, how much water is used for everyday activities and to grow food, and other conservation-themed subjects.

4.3.4 Distribution System Asset Management

SGPWA imports water into the region for recharge to the local groundwater basins as described in Chapter 2 and Chapter 3. Systems are operated in a manner that meet regulatory requirements and, where appropriate, use Supervisory Control and Data Acquisition (SCADA) to remotely monitor and manage facilities, such as flow into recharge ponds.

4.3.5 Wholesale Supplier Assistance

SGPWA supports its retail agencies efforts for implementing conservation programs and strategies through collaboration and coordination with other managers and community leaders. SGPWA is working on a more formalized supplier assistance program to help assure the retailers have the needed tools and support to continue water conservation efforts. These new efforts will be vital to helping the region meet forthcoming water use objectives imposed under Water Code Section 10609 et seq.

4.4 Forecasting Water Use for the DRA and Annual Assessment

The California Legislature created two new UWMP requirements to help suppliers prepare for drought conditions: The Drought Risk Assessment,⁵¹ and the Annual Water Supply and Demand Assessment.⁵²

⁴⁹ <http://www.sgpwa.com/conservation>

⁵⁰ <https://www.iercd.org/sgpwa>

⁵¹ California Water Code Section 10635(b)

⁵² California Water Code Section 10632.1



These new planning requirements were established in part because of the significant duration of recent California droughts and the predictions about hydrological variability attributable to climate change.

The Drought Risk Assessment (DRA) requires assessing water supply reliability over a five-year period from 2021 to 2025 that examines water supplies, water uses, and the resulting water supply reliability under a reasonable prediction for five consecutive dry years.

As a slight variant, the Annual Water Supply and Demand Assessment (Annual Assessment) undertakes a similar analytical exercise as the DRA but is to focus on actual, and not hypothetical, conditions anticipated for the upcoming water year. The previously presented water use forecasts facilitate both of these planning exercises as described in the following subsections.

4.4.1 Projecting Water Use for 5-year Drought Risk Assessment

A critical component of new statutory language for the 2020 UWMP cycle is the requirement to prepare a five-year DRA using a supplier-defined hypothetical drought conditions expected to occur from 2021 through 2025. This drought condition is meant to allow suppliers to test the resiliency of their water supply portfolio and their Water Shortage Contingency Plan actions to meet severe conditions.

DWR recommends that suppliers first estimate expected water use for the next five years without drought conditions (also known as unconstrained demand). In other words, unconstrained demand is water demand absent any water supply restrictions and prior to implementing any short-term WSCP demand reduction actions. If normal water use includes water conservation programs, either currently implemented or planned for implementation, estimated water use values would incorporate the effect of those conservation programs when reporting projected water use during this period.

For SGPWA, the increase in regional water use forecast for 2025 is equally distributed between the 2020 representation and 2025. The resulting forecast is presented in Table 4-3.

Table 4-3: Regional Forecast DRA Water Use for 2021 through 2025 (AFY)

2021	2022	2023	2024	2025
28,560	29,020	29,480	29,940	30,400

4.4.2 Projecting Water Use for Annual Reliability Assessments

SGPWA will need to perform an Annual Assessment and submit the findings to DWR beginning in 2022. To evaluate the plausible water service reliability conditions under current “normal” and “single-dry” conditions, as further described in Chapter 5, it is recommended that SGPWA use the 2020 regional water use shown in Table 4-1.

Chapter 5

Water System Reliability and Drought Risk Assessment

This chapter provides the San Geronio Pass Water Agency's (SGPWA) water system reliability findings as required under Water Code Section 10635 and provides reliability information SGPWA may use in completing an annual supply and demand assessment under Water Code Section 10632.1.

Assessing water service reliability is the fundamental purpose for SGPWA in preparing its 2020 UWMP. Water service reliability reflects SGPWA's ability to demonstrate that the regional water needs, including those of the retail urban suppliers, may be satisfied under projected hydrological and regulatory conditions. SGPWA's 2020 UWMP considers the reliability of meeting water demands by analyzing plausible hydrological variability, regulatory variability, climate conditions, and other factors that impact the regional water supplies. The reliability assessment looks beyond SGPWA's past experience and considers what could be reasonably foreseen in the future to reflect potential water supply planning scenarios. This chapter synthesizes the details imbedded in Chapters 3 and 4 and provides a rational basis for future decision-making related to supply management, demand management, and project development. This chapter presents three system reliability findings:

- Five Year Drought Risk Assessment: The 2021 through 2025 Drought Risk Assessment (DRA) for SGPWA's service area.
- Long-Term Service Reliability: The reliability findings for a Normal Year, Single Dry Year, and Five Consecutive Dry Years in five-year increments through 2045.
- Annual Reliability Assessment: The reliability findings for an existing condition for both a Normal Year and Single Dry Year that can inform an annual supply and demand assessment for 2021 or 2022.

In summary, SGPWA service area has sufficient water supplies to meet retail demands.

5.1 Fundamental Reliability Considerations

SGPWA aggregates the regional water supplies and demands in this 2020 Urban Water Management Plan (UWMP) as a wholesale water purveyor of State Water Project supplies, its role in acquiring and providing additional regional water supplies, and its surface and groundwater storage actions. All of these efforts necessitate examination of water supplies at a region-wide level in order to ensure supply reliability among the numerous regional retail purveyors and others that depend upon the regional water resources.



SGPWA has extended the planning horizon considered in this 2020 UWMP from the statutorily required twenty-year timeline to a twenty-five-year period through 2045. This extended planning horizon allows SGPWA and the regional retail water purveyors to address longer-term land use planning, water planning, and infrastructure considerations that go beyond the UWMP Act's statutory requirements. Moreover, the extended timeline will assist SGPWA's Board of Directors in examining historical and long-term trends in water resources conservation, management, and use in order to ground current and future decision-making. Together, these considerations help improve regional coordination and planning.

SGPWA obtained population figures from the retail service providers in the SGPWA service area. The fundamental conclusion of the population figures was that regional population is increasing faster than what was predicted in the 2015 UWMP. Specifically, in the 2015 UWMP the regional population was projected to reach 148,226 people by 2040⁵³ but the 2020 UWMP projections show a more substantial population of 164,000 people by 2040 and 177,700 people by 2045 (see Chapter 2).

The regional water demands are tied to these population projections. Importantly, the region's retail water agencies have successfully achieved significant per-capita water use reductions related to efforts to comply with gallon-per-capita-day (GPCD) reduction targets mandated by the State.⁵⁴ Using these lower GPCD values, coupled with the projected population forecasts, SGPWA was able to estimate future regional water demands of 40,300 acre-feet per year at 2045 (see Chapter 4). This reduced long-term average per capita demand affects the water management and project development actions by SGPWA and its retail partners.

Similarly, the averaged reliability of State Water Project (SWP) supplies that are used for groundwater replenishment throughout the region has also declined from 62% SWP reliability in 2015⁵⁵ to 58% reliability in 2040. These reliability numbers are derived from California Department of Water Resources' (DWR) 2020 Delivery Capability Report (DCR).⁵⁶ Nevertheless, despite these long-term changes in SWP supply availability, SGPWA and the regional retail agencies can demonstrate that the region has reliable water supplies available to meet the regional water demands through 2045. In short, regional water supplies within the SGPWA service area boundaries are reliable during normal, single dry, and five consecutive dry years through 2045. Figure 5-1 below shows the SGPWA's individual water supplies compared against the water demands from 2025 through 2045.

⁵³ San Geronio Pass Water Agency 2015 Urban Water Management Plan at 2-2.

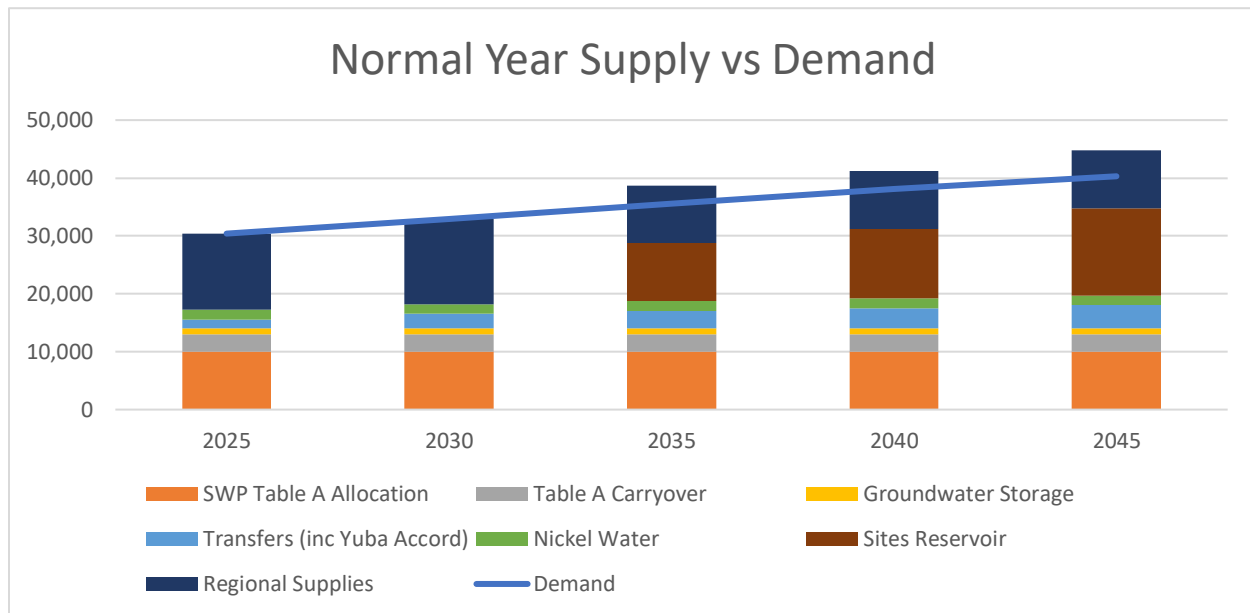
⁵⁴ California Water Code Section 10608.24(b).

⁵⁵ San Geronio Pass Water Agency 2015 Urban Water Management Plan at 3-1 citing DWR's 2015 Delivery Capability Report.

⁵⁶ The Final State Water Project Delivery Capability Report (DCR), California Department of Water Resources (DWR), August 2020 at 30.



Figure 5-1: Representation of Normal Year Water Reliability through 2045 (AFY)



5.2 SGPWA Five Year Drought Risk Assessment

The SGPWA Service Area has a unique water supply portfolio and system operations. As noted in Chapter 3, the regional supplies that are included in SGPWA's service area include State Water Project Table A Annual Amount, Yuba Accord Water, Nickel Agreement water, transferred and exchanged supplies, regionally managed supplies, and Stored and SWP Carryover supplies. These supplies are managed in different locations both inside and outside SGPWA's service area. For example, although SGPWA brings its annual SWP Table A allocation into its service area for delivery into the SGPWA groundwater systems, it also may store some of its Table A allocation within the SWP under the Carryover provisions in the Agency's SWP Contract or may store portions of the Table A allocation in regional groundwater basins for use in later years. As such, the annual management of the diverse water supply sources in the regional water supply portfolio forms the supply reliability assessment described in this Chapter.

SGPWA manages its water supplies to address projected dry conditions. Specifically, SGPWA captures and stores surplus imported water in normal and wet years in order to use those water assets to meet regional demands in dry years. These actions stabilize annual fluctuations in supplies that may not meet regional demands under certain dry conditions. In other words, any surplus imported supplies are captured and stored for future delivery in order to improve long-term supply reliability.

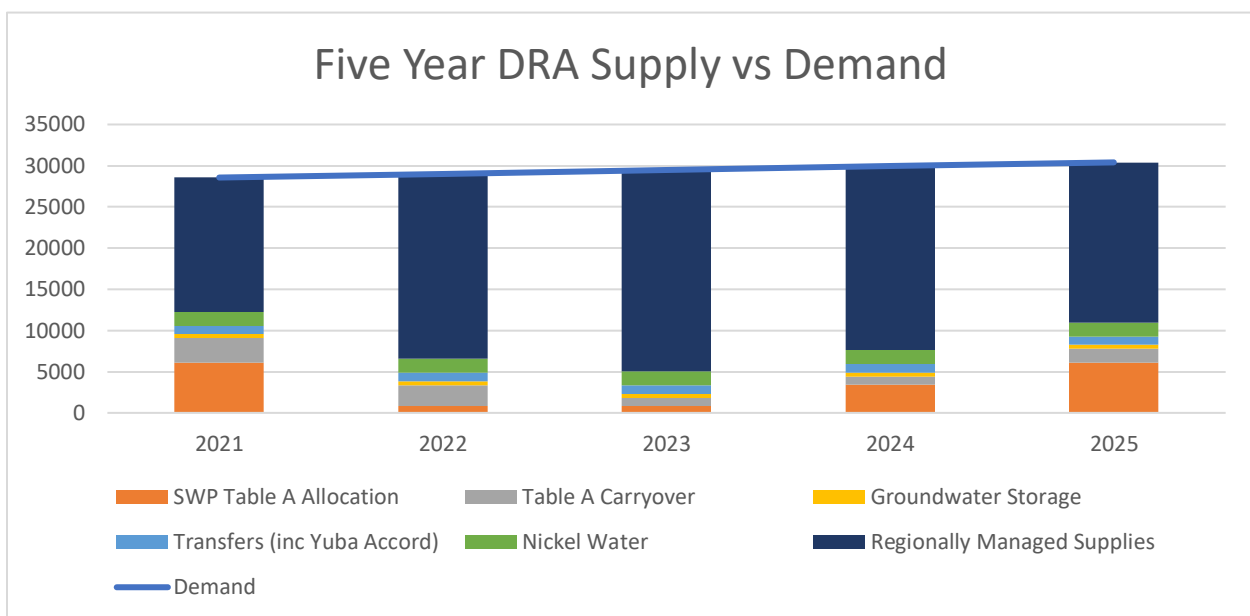
Table 5-1 below shows SGPWA's five-year Drought Risk Assessment (DRA) that integrates all of the regional water supplies for 2021 through 2025 as described in Chapter 3 and reflects the dry year water uses described in Chapter 4. As the table shows, SGPWA service area has adequate water assets available to meet the dry year conditions.

Table 5-1: SGPWA Five Year Drought Risk Assessment (AFY)

	2021	2022	2023	2024	2025
Supply	28,560	29,020	29,480	29,940	30,400
Demand	28,560	29,020	29,480	29,940	30,400
Difference	0	0	0	0	0

Figure 5-2 below shows the San Geronio Pass Water Agency's individual water supplies compared against the water demands in five consecutive dry years from 2021 through 2025. The important component to note is that the regional agencies use additional regionally managed water assets in the middle of the drought period address reductions in the imported supply.

Figure 5-2: Representation of SGPWA's Drought Risk Assessment from 2021 through 2025 (AFY)



5.3 SGPWA Long Term Service Reliability

The Urban Water Management Planning Act directs urban water purveyors to analyze water supply reliability in a normal, single dry, and five consecutive dry years over a 20-year planning horizon. The 2020 UWMP Guidebook recommends extending that period to 25 years to provide a guiding document for future land use and water supply planning through the next UWMP cycle.⁵⁷ The following subsections describe the long-term water service reliability for SGPWA through 2045.

⁵⁷ <https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans>



5.3.1 Normal and Single Dry Conditions 2025-2045

SGPWA's long term service reliability is characterized in normal, single dry, and five consecutive dry years through 2045. SGPWA's future water supplies in normal and single dry conditions depicted in this section reflect the same hydrological, regulatory, and institutional criteria associated with each water asset as described in Chapter 3. In normal years, for example, SWP supplies are generally constrained only by the projected Table A allocations derived from DWR's 2020 Delivery Capability Report. In dry years, additional hydrological, regulatory, and institutional issues may constrain the availability of water that reduce SWP supply availability based on reduced allocation percentages as noted in Chapter 3. However, other future water supplies, like return flow, tend to grow in annualized volumes as annualized demands grow in parallel. All of this information is described in detail in Chapter 3 and is reflected in the tables below.

SGPWA's future water demands in normal and single dry conditions through 2045 reflect the same considerations described in previous sections of this chapter. In both normal and dry conditions, demands tend to reflect anticipated uses based upon the climatological conditions in the San Geronio Pass Water Agency service area. Future water demands are generally predicted to increase as land uses and populations within SGPWA's service area grow. This information is detailed in Chapter 4 and reflected in the numbers shown in the tables below. In normal and wet years, SGPWA projects surplus water conditions that allow it to store water for dry conditions. In a single dry year, SGPWA uses its stored water assets in combination with the regionally managed supplies to satisfy the regional demands. Table 5-2 shows the normal year supplies and demands on an annual timestep from 2025 through 2045.

Table 5-2: Normal and Single Dry Year Water Supply and Demand through 2045 (AFY)

Normal Year	2025	2030	2035	2040	2045
Supply	30,400	32,900	38,700	41,200	44,700
Demand	30,400	32,900	35,600	38,100	40,300
Surplus Supply	0	0	3,100	3,100	4,400

Single Dry Year	2025	2030	2035	2040	2045
Supply	30,400	32,900	35,600	38,100	40,300
Demand	30,400	32,900	35,600	38,100	40,300
Surplus Supply	0	0	0	0	0

5.3.2 SGPWA Five Consecutive Dry Years through 2045

SGPWA defines drought condition lasting five consecutive years as one that constrains SGPWA from obtaining some of its water supplies in its SGPWA water supply portfolio due to hydrological, regulatory, and institutional constraints. These conditions include more restrictive regulatory constraints that limit its Table A allocation but do not limit the availability of regionally managed water supplies.

The future dry year projections show SGPWA greatly improving its water use efficiencies and bringing on additional sources of water as its population grows and water demands increase. These future conditions indicate that SGPWA will couple improved per capita efficiencies with additional sources of water to meet future dry year demand conditions. Importantly, starting in 2035, SGPWA will begin to access additional sources of supply that increase its overall water supply condition. Accordingly, SGPWA will have adequate water supplies to meet the regional demands for five consecutive dry years in 2045 by improving its water efficiency and accessing additional sources of supply. These issues are described in significant detail in Chapter 3 and reflected in the monthly reliability table below. Table 5-3 below shows the water supply and demand conditions for SGPWA's service area in five consecutive dry years from 2025 through 2045.

Table 5-3: Five Consecutive Dry Years Water Supply and Demand through 2045 (AFY)

		2025	2030	2035	2040	2045
Year 1	Supply	30,400	32,900	35,600	38,100	40,300
	Demand	30,400	32,900	35,600	38,100	40,300
	Surplus Supply	0	0	0	0	0
Year 2	Supply	30,400	32,900	35,600	38,100	40,300
	Demand	30,400	32,900	35,600	38,100	40,300
	Surplus Supply	0	0	0	0	0
Year 3	Supply	30,400	32,900	35,600	38,100	40,300
	Demand	30,400	32,900	35,600	38,100	40,300
	Surplus Supply	0	0	0	0	0
Year 4	Supply	30,400	32,900	35,600	38,100	40,300
	Demand	30,400	32,900	35,600	38,100	40,300
	Surplus Supply	0	0	0	0	0
Year 5	Supply	30,400	32,900	35,600	38,100	40,300
	Demand	30,400	32,900	35,600	38,100	40,300
	Surplus Supply	0	0	0	0	0

5.4 Annual Reliability Assessment

The SGPWA may consider current supply and demand conditions and perform an annual water supply and demand assessment (Annual Assessment) pursuant to Water Code Section 10632.1 to evaluate real-time or near-term circumstances that are different than the DRA scenario. This assessment would evaluate actual current water supply and use conditions. For purposes of this UWMP, the "current" water use conditions as described in Chapter 4 are compared to the availability of SGPWA's existing water supplies as described in Chapter 3. Two scenarios are illustrated for the SGPWA service area:

- Normal Year condition: reflects the availability of supplies under normal conditions and the "current" water uses.
- Single-Dry Year condition: reflects the availability of supplies under a severe, single-dry year and elevated "current" water uses reflecting increased demands expected in a single dry year.



5.4.1 SGPWA Normal Year Supply and Current Demand

SGPWA defines a normal year condition as one that allows the agency to obtain water supplies from all sources under its water supply portfolio under normalized conditions. These conditions include normally anticipated regulatory constraints on its SWP Table A allocation and availability of the regionally managed water sources and stored water supplies. These conditions are described in significant detail in Chapter 3 and reflected in the supply determinations shown below.

Normal year demands include the anticipated demands based upon historical trends in water usage in non-drought conditions in SGPWA's service area. Demands in normal conditions generally are lower in the wetter months and higher in the drier months but these are aggregated in the annual demand figure shown below. The normal year demand also accounts for reasonable water conservation measures derived from improved efficiencies in indoor fixtures, improved management of outdoor landscape irrigation, and a general awareness of the value of long-term water conservation at the consumer level. These demand conditions are described in significant detail in Chapter 4 and reflected in the demand figure shown below. Table 5-4 below shows the normal year water supply and demand conditions for SGPWA's service area. In a normal year, SGPWA has sufficient regional water assets needed to meet regional demands.

Table 5-4: Normal Year Water Supply and Demand in SGPWA (AFY)

Normal Year	Current
Supply	28,100
Demand	28,100

It is important to note that SGPWA and the retail agencies only use supplies that are necessary to meet the regional demands. In years where supplies are plentiful, SGPWA uses those supplies to bolster regional water supply reliability. The characterization of supply equaling demand in Table 5-4 only represents the actual water supplies used to meet demands in a normal year.

5.4.2 SGPWA Single Dry Year Supply and Dry-Year Current Demand

SGPWA defines a single dry year condition as one that constrains SGPWA from obtaining some of its water supplies in its SGPWA water supply portfolio due to hydrological, regulatory, and institutional constraints. These conditions include more restrictive regulatory constraints on its SWP Table A supplies, yet unconstrained conditions on the region's ability to access regionally managed water sources and stored water supplies. The restrictive conditions manifest in changed management of SGPWA's water supply portfolio in a single dry year condition by requiring SGPWA to rely more heavily on the regionally managed water sources. The changed water management conditions are described in significant detail in Chapter 3.

Single dry year demands include the anticipated demands based upon historical trends in water usage in drought conditions by SGPWA's customers. As described in Chapter 4, demands in dry conditions in the SGPWA Service Area remain stable because of the climatological conditions. Table 5-5 below shows the single dry year water supply and demand conditions for SGPWA's service area.



Table 5-5: Single Dry Year Water Supply and Demand in SGPWA (AFY)

Single Dry Year	Current
Supply	28,100
Demand	28,100

5.5 SGPWA Regional Water Supply Reliability Summary

San Geronio Pass Water Agency and its retail partners have a robust water supply portfolio capable of meeting the water demands in normal, single dry, and five consecutive dry years from 2020 through 2045. SGPWA's diverse water supply portfolio coupled with the system's flexible operations render the supply reliable in all year types including reasonable planned growth through 2045.

Table 5-6: Water Reliability Summary Table Through 2045 (AFY)

Supply Reliability	2025	2030	2035	2040	2045
Total Supply	30,400	32,900	38,700	41,200	44,700
Total Demand	30,400	32,900	35,600	38,100	40,300
Difference	0	0	3,100	3,100	4,400



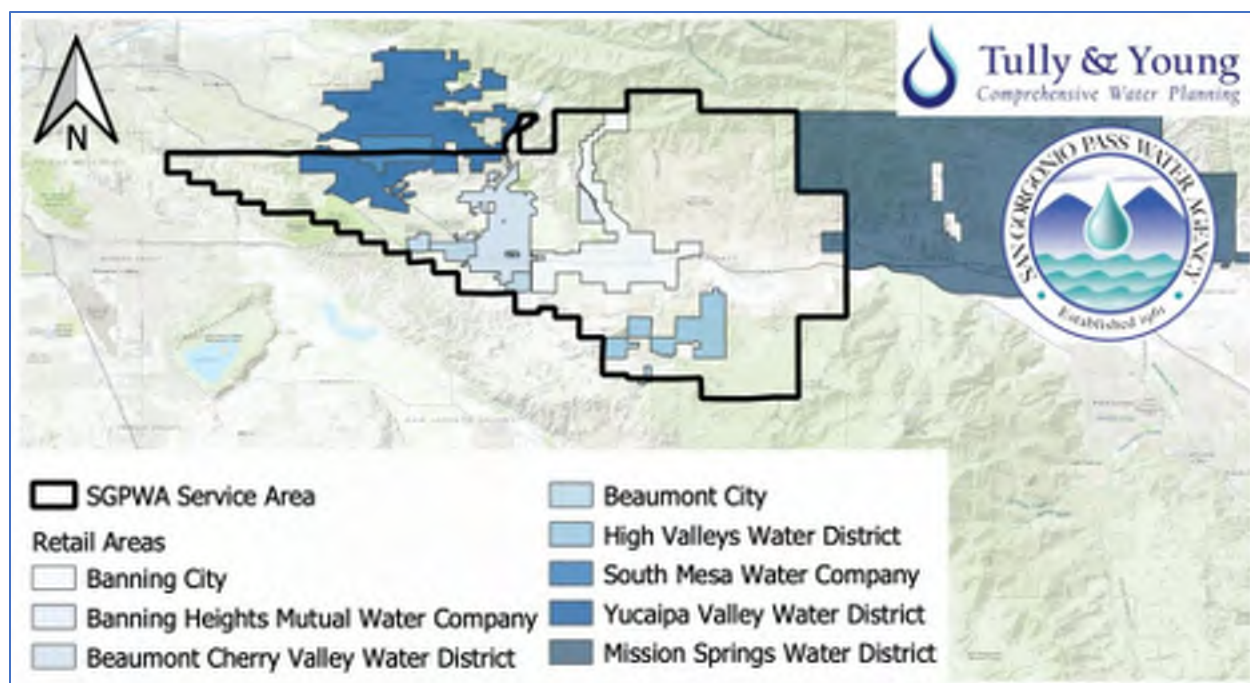
Chapter 6

Water Shortage Contingency Plan

This Water Shortage Contingency Plan (WSCP) addresses the requirements in California Water Code (CWC) Section 10632 of the Urban Water Management Planning Act (The Act). The WSCP is incorporated into the 2020 Urban Water Management Plan (UWMP) and used by San Gorgonio Pass Water Agency (SGPWA or “the Agency”) to respond to water shortage contingencies in the SGPWA service area as they may arise.

SGPWA was established in 1961 by the California State Legislature through the San Gorgonio Pass Water Agency Law. The Agency is a wholesale water agency that sells water to retail water agencies within its service area to reduce groundwater overdraft in the San Gorgonio Pass Water Agency service area. Figure 6-1 shows the SGPWA service area boundary and the retail agencies.

Figure 6-1: SGPWA Service Area Boundary with Retail Agencies



The San Gorgonio Pass is located between the San Bernardino Mountains on the north and the San Jacinto Mountains on the south, connecting the San Bernardino Valley on the west to the Coachella Valley on the east. The retail agencies are the direct purveyor of water service to retail customers. As such, SGPWA relies on a coordinated approach to water shortage management with the retail water

agencies within its service area. SGPWA's efforts in Water Shortage Contingency Planning are focused on the maintaining and augmenting groundwater supplies in order to mitigate against extended drought conditions and catastrophic water outages. And because SGPWA is a wholesale urban water supplier, elements that pertain only to retail water suppliers are not addressed in this WSCP. This chapter will address all aspects of SGPWA's WSCP actions and address specific outage scenarios that SGPWA's water management actions alleviate.

Section 10631 of the Urban Water Management Plan Act lists the following required elements for wholesale water purveyors:

1. An analysis of water supply reliability
2. Procedures for conducting an annual water supply and demand assessment
3. Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage and the shortage response actions that align with the defined shortage levels.
4. Communication protocols and procedures
5. A description of legal authorities
6. A description of financial consequences
7. Reevaluation and improvement procedures
8. Special Water Feature Distinction (10632(b))
9. Plan Adoption, Submittal, and Availability

This WSCP is a stand-alone plan, that may be adopted independently from the UWMP and may be amended or refined and readopted as needed over coming months and years independently from the UWMP.

6.1 Water Supply Reliability Analysis

The Agency provides water to retail agencies within its service area under its water rights and contracts. SGPWA is one of 29 State Water Project Contractors (Contractors) that have access to water supplies derived from the State Water Project (SWP). As a Contractor, the Agency is responsible for paying its share of the debt service on the State Water Project. While most of this construction occurred in the 1960's and 1970's, it is still going on today with both capital projects and major operation and maintenance projects throughout the SWP service area. The East Branch Extension, the pipeline that brings State Project Water into the Agency's service area, was completed in 2003. The State Water Project supplies are discussed in significant detail in Chapter 3.

SGPWA's service area has a current population approaching 105,000 people, which is expected to grow to nearly 177,000 by 2045. SGPWA's service area demand analysis includes both the population



assessment and relevant land use information provided by each retail provider. The SGPWA service area demands are set to increase from approximately 23,780 acre-feet per year in 2020 to over 40,300 acre-feet per year in 2045. These demands are discussed in detail in Chapter 4.

SGPWA has sufficient supplies available to supplement the regional water supply portfolio and meet regional demands through 2045. These supplies include SWP supplies, other acquired supplies, and stored water both within the SWP system and groundwater storage within and outside the SGPWA service area. In concert with the regional supplies available to local agencies, SGPWA supplies improve water supply reliability for the retail agencies in dry year conditions. Accordingly, SGPWA service area has reliable water supplies available to contribute to meeting normal, single dry, and five consecutive dry year regional water demands through 2045.

6.2 Annual Water Supply and Demand Assessment Procedures

The WSCP describes SGPWA's procedural methodology for managing shortages and developing its Annual Water Supply and Demand Assessment (Annual Assessment). The Annual Assessment will be submitted to DWR by July 1 each year with the first Annual Assessment due July 1, 2022. The Annual Assessment examines SGPWA's anticipated water reliability for the current year and one additional dry year to determine what, if any, water shortage stages may be triggered during the required period. The Annual Assessment will be used by SGPWA decision-makers to prepare for and initiate implementation of any needed response actions, as well as to inform customers, the general public, interested parties, and local, regional, and state government entities to prepare for such required actions, if necessary.

6.2.1 Analytical and Decision-making Processes

The Agency plans to conduct its Annual Assessment according to the following timeline and process:

By February 1	Initial data collection, analysis, and coordination with retail agencies
By March 1	Preliminary Draft Annual Assessment subject to internal review
By April 1	Draft Annual Assessment and results briefing of Agency decision-makers
By May 1	Approval of Annual Assessment to the Agency decision-makers
By June 1	Public Release of Annual Assessment and Public Notifications
By June 15	Submit Annual Assessment to DWR in advance of July 1 deadline

The Agency will prepare its Annual Assessment using the following key data and analytical methods:

- Prepare supply estimates for each water source for the analysis period.
- Update unconstrained regional demand and estimate anticipated actual water use for the analysis period.

- Update infrastructure assessment, including estimated water supply availability for the analysis period.
- Identify and quantify any locally applicable factors that may influence or disrupt supplies during the analysis period.

For the purposes of conducting the Annual Assessment, the Agency's definition of "dry year" mimics characteristics of 2014-2015 water year.

6.2.2 Submittal Procedure

SGPWA anticipates submitting its Annual Assessment to DWR via email by June 15 each year, but in no case later than July 1 each year. At the time of the DWR submittal, the Agency will also notify all retail water agencies, the public, and other stakeholders concerning the results of the Annual Assessment and where it is available for review.

6.3 Six Standard Water Shortage Stages and Shortage Response Actions

The WSCP requires both wholesale and retail water suppliers to adopt six water shortage stages, which correspond to progressively severe water shortage conditions (up to 10%, 20%, 30%, 40%, 50%, and greater than 50% percent shortage) as compared to the normal reliability condition. These water shortage stages have been standardized to allow for a consistent regional and statewide approach to conveying the relative severity of water supply shortage conditions. Changes in supply availability will trigger an appropriate water shortage stage. SGPWA will then implement the response actions as specified below in accordance with the powers incorporated in its enabling legislation.

The WSCP is required to identify locally appropriate shortage response actions that align with the defined shortage stages and include demand reduction actions, supply augmentation actions, system operational changes, and mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions. For each response action the WSCP is to provide an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.

SGPWA has grouped the actions to be taken during a water shortage condition into the six stages, providing flexibility to address water shortages up to and in excess of the 50 percent shortage level condition. The following is an overview of the staged response the Agency could follow during a given water shortage condition including sequential Stages (1-6) based on shortage severity, relative supply conditions for each stage, and percent shortage reduction levels. SGPWA will adopt the six standard water shortage stages for this 2020 WSCP as shown in Table 6-1.



Table 6-1: Shortage Stages and Response Actions

Shortage Stage	Shortage Percentage	Shortage Response	
1	Up to 10%	<ul style="list-style-type: none"> • Access Stored Supplies, as needed • Access Flexible Supplies, as needed • Implement Voluntary Demand Reduction 	<ul style="list-style-type: none"> • 0-100% met by Storage • 0-100% met by Flexible Supplies • 0-10% met by communicating voluntary demand reduction
2	10%-20%	<ul style="list-style-type: none"> • Access Stored Supplies, as needed • Access Flexible Supplies, as needed • Implement Voluntary Demand Reduction 	<ul style="list-style-type: none"> • 0-100% met by Storage • 0-100% met by Flexible Supplies • 0-20% met by communicating voluntary demand reduction
3	20%-30%	<ul style="list-style-type: none"> • Access Stored Supplies, as needed • Access Flexible Supplies, as needed • Implement Voluntary Demand Reduction 	<ul style="list-style-type: none"> • 0-100% met by Storage • 0-100% met by Flexible Supplies • 0-30% met by communicating voluntary demand reduction
4	30%-40%	<ul style="list-style-type: none"> • Access Stored Supplies, as needed • Access Flexible Supplies, as needed • Implement Voluntary Demand Reduction 	<ul style="list-style-type: none"> • 0-100% met by Storage • 0-100% met by Flexible Supplies • 0-30% met by communicating voluntary demand reduction
5	40%-50%	<ul style="list-style-type: none"> • Access Stored Supplies, as needed • Access Flexible Supplies, as needed • Implement Voluntary Demand Reduction 	<ul style="list-style-type: none"> • 0-100% met by Storage • 0-100% met by Flexible Supplies • 0-30% met by communicating voluntary demand reduction
6	More than 50%	<ul style="list-style-type: none"> • Access Stored Supplies, as needed • Access Flexible Supplies, as needed • Implement Voluntary Demand Reduction 	<ul style="list-style-type: none"> • 0-100% met by Storage • 0-100% met by Flexible Supplies • 0-30% met by communicating voluntary demand reduction

Stage 1 (up to 10 percent shortage) – When Stage 1 is implemented, voluntary water conservation is encouraged. The drought situation is explained to the public and governmental bodies. SGPWA explains the possible subsequent water shortage stages in order to forecast possible future actions for the retail agencies. The activities performed by SGPWA during this stage may include, but are not limited to:



- Implementation of all Voluntary Water Conservation Measures to a level addressing up to 10% water conservation savings.
- Public information campaign consisting of distribution of literature, speaking engagements, website updates, bill inserts, and conversation messages printed in local newspapers.
- Educational programs in area schools.
- Initiating a Conservation Hotline to answer customer questions about conservation and water use efficiency.
- Access stored supplies to address supply deficits, as needed.
- Access alternative water supplies to address supply deficits, as needed.

Stage 2 (11 - 20 percent shortage) – When Stage 2 is implemented, voluntary water conservation is strongly encouraged. SGPWA coordinates actions with regional retail water purveyors. The drought situation is explained to the public and governmental bodies. SGPWA explains the possible subsequent water shortage stages in order to forecast possible future actions for the customer base. The activities performed by SGPWA during this stage may include, but are not limited to:

- Implementation of all Voluntary Water Conservation Measures to a level addressing up to 20% water conservation savings.
- Public information campaign consisting of distribution of literature, speaking engagements, website updates, bill inserts, and conversation messages printed in local newspapers.
- Educational programs in area schools.
- Expanding the Conservation Hotline, a toll-free number with trained Conservation Representatives to answer customer questions about conservation and water use efficiency.
- Access stored supplies to address supply deficits, as needed.
- Access alternative water supplies to address supply deficits, as needed.

Stage 3 (21 - 30 percent shortage) – When Stage 3 is implemented voluntary water conservation is strongly encouraged and demand reduction measures are repeatedly communicated. SGPWA coordinates actions with regional retail water purveyors and emphasizes SGPWA's ability to assist with supply re-allocation. The seriousness drought situation is explained to the public and governmental bodies. SGPWA explains the possible subsequent water shortage stages in order to forecast possible future actions for the customer base. The activities performed by SGPWA during this stage may include, but are not limited to:

- Implementation of all Voluntary Water Conservation Measures to a level addressing up to 30% water conservation savings.

- Aggressive public information campaign consisting of distribution of literature, speaking engagements, website updates, bill inserts, and conversation messages printed in local newspapers.
- Educational programs in area schools.
- Expanding the Conservation Hotline, a toll-free number with trained Conservation Representatives to answer customer questions about conservation and water use efficiency.
- Access stored supplies to address supply deficits, as needed.
- Access alternative water supplies to address supply deficits, as needed.

Stage 4 (31 - 40 percent shortage) – When Stage 4 is implemented voluntary water conservation is strongly encouraged and demand reduction measures are repeatedly communicated. SGPWA coordinates actions with regional retail water purveyors and assesses opportunities for supply reallocation among participating retail water purveyors. The seriousness of the drought situation is explained to the public and governmental bodies. SGPWA explains the possible subsequent water shortage stages in order to forecast possible future actions for the customer base. The activities performed by SGPWA during this stage may include, but are not limited to:

- Implementation of all Voluntary Water Conservation Measures to a level addressing up to 30% water conservation savings.
- Aggressive public information campaign consisting of distribution of literature, speaking engagements, website updates, bill inserts, and conversation messages printed in local newspapers.
- Educational programs in area schools.
- Expanding the Conservation Hotline, a toll-free number with trained Conservation Representatives to answer customer questions about conservation and water use efficiency.
- Access stored supplies to address supply deficits, as needed.
- Access alternative water supplies to address supply deficits, as needed.

Stage 5 (41 - 50 percent shortage) – When Stage 5 is implemented voluntary water conservation is stressed to all regional purveyors and demand reduction measures are repeatedly communicated. SGPWA coordinates actions with regional retail water purveyors and assesses opportunities for supply reallocation among participating retail water purveyors. The dire situation caused by the water shortage is explained to the public and governmental bodies. SGPWA explains the possible subsequent water shortage stages in order to forecast possible future actions for the customer base. The activities performed by SGPWA during this stage may include, but are not limited to:

- Implementation of all Voluntary Water Conservation Measures to a level addressing up to 30% water conservation savings.



- Aggressive public information campaign consisting of distribution of literature, speaking engagements, website updates, bill inserts, and conversation messages printed in local newspapers.
- Educational programs in area schools.
- Expanding the Conservation Hotline, a toll-free number with trained Conservation Representatives to answer customer questions about conservation and water use efficiency.
- Access stored supplies to address supply deficits, as needed.
- Access alternative water supplies to address supply deficits, as needed.

Stage 6 (greater than 50 percent shortage) – When Stage 6 is implemented voluntary water conservation is stressed to all regional purveyors and demand reduction measures are repeatedly communicated. SGPWA coordinates actions with regional retail water purveyors and assesses opportunities for supply reallocation among participating retail water purveyors. The emergency situation caused by the water shortage is explained to the public and governmental bodies. SGPWA explains conditions leading to supply reductions to all retail purveyors. The activities performed by SGPWA during this stage may include, but are not limited to:

- Implementation of all Voluntary Water Conservation Measures to a level addressing up to 30% water conservation savings.
- Aggressive public information campaign consisting of distribution of literature, speaking engagements, website updates, bill inserts, and conversation messages printed in local newspapers.
- Educational programs in area schools.
- Expanding the Conservation Hotline, a toll-free number with trained Conservation Representatives to answer customer questions about conservation and water use efficiency.
- Access stored supplies to address supply deficits, as needed.
- Access alternative water supplies to address supply deficits, as needed.

6.3.1 Supply Augmentation Actions

The following water supply augmentation actions may be used as response actions for the appropriate Water Shortage Stage. SGPWA may access its stored water sources in various locations inside and outside its service area. This storage occurs as carryover water in the State Water Project as well as groundwater storage within the SGPWA Service Area and outside the SGPWA boundary. These stored supplies may be transferred or exchanged with other purveyors that can assist in providing water supplies to SGPWA's service area. In addition, SGPWA will work with DWR to access supplies that may be made available in the statewide conveyance systems. Last, SGPWA may take additional supply



augmentation actions that become available during the identified water shortage condition like acquiring water from other entities through transfers or exchanges that may be delivered into SGPWA's water system.

6.3.2 Operational Changes

The following water system operational changes may be used as response actions for the appropriate Water Shortage Stage. SGPWA may use its water storage and conveyance facilities to expedite water acquisitions, transfers, and exchanges that may alleviate identified water shortage conditions for retail agencies. SGPWA will assess the utility associated with full operational capacity at its conveyance, spreading, and storage facilities and coordinate operational actions with retail agencies that will help address water shortage conditions. Moreover, where operational flexibility exists in SGPWA's turnout from the East Branch of the State Water Project, SGPWA may exercise operational options to facilitate water shortage mitigation actions.

6.3.3 Emergency Response Plan for Catastrophic Water Shortages

This section identifies actions to be undertaken by SGPWA to prepare for, and implement during, a catastrophic interruption of water supplies. A catastrophic interruption could result from natural and man-made events that causes a water shortage severe enough to trigger a Stage 1-6 water supply shortage condition. In addition, SGPWA's State Water Project water supplies are conveyed through the California Aqueduct system operated by DWR, which has several emergency plans to address catastrophic outages. This section addresses the catastrophic outage scenarios and relevant actions that SGPWA will undertake should a catastrophic outage occur.

Earthquakes are an issue of concern in the San Geronio Pass region. The San Andreas Fault passes through San Geronio Pass Water Agency's Service Area and an earthquake on that fault could significantly impact water service and infrastructure. The California Department of Water Resources DWR has noted that an earthquake could damage the California Aqueduct conveyance system through structural damage or electrical failures which could potentially halt water deliveries to SGPWA. In short, an earthquake may create regional turmoil that could impact local infrastructure or cause power outages for extended periods of time.

DWR has a contingency California Aqueduct outage plan for restoring the California Aqueduct to service should a major break occur because of an earthquake or other catastrophic reason. DWR estimates that a major break in the California Aqueduct would take approximately four months to repair. Although extended water supply shortages may manifest for SGPWA's imported water supplies, the retail agencies and SGPWA have alternative water supplies available to meet fundamental customer demands. Retail agencies have access to managed groundwater throughout the SGPWA Service Area and SGPWA continues to store water supplies that could be used to meet crisis conditions. Local effects of a catastrophic outage on local water systems may require additional cooperative efforts among regional water purveyors.

In addition to earthquakes, the SWP could experience other emergency outage scenarios. Past examples include slippage of aqueduct side panels into the California Aqueduct near Patterson in the

mid-1990s, the Arroyo Pasajero flood event in 1995 (which also destroyed part of Interstate 5 near Los Baños), Flood damage to the East Branch of the Aqueduct in 2015, and various subsidence and leakage repairs needed along the Main Branch and East Branch of the Aqueduct since the 1980s. All of these outages were short-term in nature (on the order of weeks to several months), and DWR's Operations and Maintenance Division worked diligently to devise methods to keep the Aqueduct in operation and continue SWP deliveries while repairs were made. Thus, the SWP contractors generally experienced no interruption in total annual deliveries but local actions to mitigate the outage were implemented.

It is important to note that nearly all of SGPWA's SWP imported supply is used to replenish groundwater recharge facilities. These groundwater augmentation efforts insulate regional purveyors against an outage of the SWP system. Combining this stored water with other stored supplies by the local retail agencies as well as the existing groundwater supplies in the region, SGPWA and its retail member agencies may sustain water supplies in a catastrophic outage of the SWP delivery systems. Even an interruption in SWP supplies for several months would not provide any immediate threat to potable water deliveries from groundwater production wells.

The area's water sources are generally of good quality, and no insurmountable problems resulting from industrial or agricultural contamination are foreseen. If contamination did result from a toxic spill or similar problematic event, the contamination would be isolated and should not significantly impact the total water supply in the region. In addition, such an event would be addressed in the retailers' emergency response plan.

6.3.4 SWP Emergency Outage Scenarios

There are numerous events which could result in significant outages and potential interruption of service. Examples of possible nature-caused events include a levee breach in the Delta near the Harvey O. Banks Pumping Plant, a flood or earthquake event that severely damages the Aqueduct along its San Joaquin Valley traverse, or an earthquake event along either the West or East Branches. Such events could impact some or all SWP contractors south of the Delta.

The response of DWR, SGPWA, and other SWP contractors to such events would be highly dependent on the type and location of any such event. In typical SWP operations, water flowing through the Delta is diverted at the SWP's main pumping facility, located in the southern Delta, and is pumped into the California Aqueduct. During the relatively heavier runoff period in the winter and early spring, Delta diversions generally exceed SWP contractor demands, and the excess is stored in San Luis Reservoir. SWP California Aqueduct terminal reservoirs, such as Pyramid and Castaic Lakes, are also replenished during these periods. During the summer and fall, when diversions from the Delta are generally more limited and less than contractor demands, releases from San Luis Reservoir are used to make up the difference in deliveries to contractors. The SWP share of maximum storage capacity at San Luis Reservoir is 1,062,000 AF.

SGPWA receives its SWP deliveries through the East Branch of the California Aqueduct. The other contractors receiving deliveries from the East Branch are Metropolitan Water District, Antelope Valley-East Kern Water Agency, Palmdale Water District, Mojave Water Agency, Crestline-Lake Arrowhead Water Agency, San Gabriel Valley Municipal Water District, San Bernardino Valley Municipal Water



District, Desert Water Agency, and Coachella Valley Water District. The East Branch has two terminal reservoirs, Silverwood Lake and Lake Perris, which were designed to provide emergency storage and regulatory storage (i.e., storage to help meet peak summer deliveries) for several of the East Branch contractors. However, SGPWA does not have contract rights to storage capacity in those reservoirs. In addition to SWP storage south of the Delta in San Luis and the terminal reservoirs, a number of contractors have stored water in groundwater banking programs in the San Joaquin Valley and more recently along the East Branch, and many also have surface and groundwater storage within their own service areas.

Three scenarios that could impact the delivery to SGPWA of its SWP supply or other supplies delivered to it through the California Aqueduct are described below. For each of these scenarios, it was assumed that an outage of six months could occur. SGPWA's ability to meet demands during the worst of these scenarios is presented following the scenario descriptions.

Scenario 1: Levee Breach near the Sacramento-San Joaquin Delta

DWR has estimated that in the event of a major earthquake in or near the Delta, regular water supply deliveries from the SWP could be interrupted for up to three years, posing a substantial risk to the California business economy. Accordingly, a post-event strategy has been developed which would provide necessary water supply protections. The plan has been coordinated through DWR, the Army Corps of Engineers (Corps), Bureau of Reclamation, California Office of Emergency Services (Cal OES), the Metropolitan Water District of Southern California, and the State Water Contractors. Full implementation of the plan would enable resumption of at least partial deliveries from the SWP in less than six months.

DWR Delta Flood Emergency Management Plan ("Emergency Pathway"). DWR has developed the Delta Flood Emergency Management Plan to provide strategies for a response to Delta levee failures, which addresses a range of failures up to and including earthquake-induced multiple island failures during dry conditions when the volume of flooded islands and saltwater intrusion are large. Under such severe conditions, the plan includes a strategy to establish an emergency freshwater pathway from the central Delta along Middle River and Victoria Canal to the export pumps in the south Delta. The plan includes the pre-positioning of emergency construction materials at existing and new stockpiles and warehouse sites in the Delta, and development of tactical modeling tools (DWR Emergency Response Tool) to predict levee repair logistics, water quality conditions, and timelines of levee repair and suitable water quality to restore exports. The Delta Flood Emergency Management Plan has been extensively coordinated with state, federal and local emergency response agencies. DWR, in conjunction with local agencies, the Corps and Cal OES, regularly conduct simulated and field exercises to test and revise the plan under real time conditions.

DWR and the Corps provide vital Delta region response to flood and earthquake emergencies, complementary to an overall Cal OES structure. Cal OES is preparing its Northern California Catastrophic Flood Response Plan that incorporates the DWR Delta Flood Emergency Management Plan. These agencies utilize a unified command structure and response and recovery framework. DWR and the Corps, through a Delta Emergency Operations Integration Plan, would integrate personnel and resources during emergency operations.



Levee Improvements and Prioritization. The DWR Delta Levees Subvention Program has prioritized, funded, and implemented levee improvements along the emergency freshwater pathway and other water supply corridors in the central and south Delta region. These efforts have been complementary to the DWR Delta Flood Emergency Management Plan, which along with use of pre-positioned emergency flood fight materials in the Delta, relies on pathway and other levees providing reasonable seismic performance to facilitate restoration of the freshwater pathway after a severe earthquake. Together, these two DWR programs have been successful in implementing a coordinated strategy of emergency preparedness for the benefit of SWP and CVP export systems. Moreover, levee improvements along the pathway and Old River levees consisting of crest raising, crest widening, landside slope fill and toe berms, meet the needs of local reclamation districts and substantially improve seismic stability to reduce levee slumping and create a more robust flood-fighting platform. Many urban water supply agencies have participated or are currently participating in levee improvement projects along the Old and Middle River corridors.

Scenario 2: Complete Disruption of the California Aqueduct in the San Joaquin Valley

The 1995 flood event at Arroyo Pasajero demonstrated vulnerabilities of the California Aqueduct (the portion that traverses the San Joaquin Valley from San Luis Reservoir to Edmonston Pumping Plant). Should a similar flood event or an earthquake damage this portion of the California Aqueduct, deliveries from San Luis Reservoir could be interrupted for a period of time. DWR has informed the SWP contractors that a four-month outage could be expected in such an event. SGPWA's assumption is a six-month outage.

Arroyo Pasajero is located downstream of San Luis Reservoir and upstream of the primary groundwater banking programs in the San Joaquin Valley. Assuming an outage at a location near Arroyo Pasajero that resulted in the California Aqueduct being out of service for six months, supplies from San Luis Reservoir would not be available to those SWP contractors located downstream of that point. This would include SGPWA.

Scenario 3: Complete Disruption of the East Branch of the California Aqueduct

The East Branch of the California Aqueduct begins at a bifurcation of the California Aqueduct south of Edmonston Pumping Plant, which pumps SWP water through and across the Tehachapi Mountains. From the point of bifurcation, the East Branch is an open canal. If a major earthquake (an event similar to or greater than the 1994 Northridge Earthquake) were to damage a portion of the East Branch, deliveries could be interrupted. The exact location of such damage along the East Branch would be key to determining emergency operations by DWR and the East Branch SWP contractors. Specifically, SGPWA's turnout on the system could be impacted. For this scenario, it was assumed that the East Branch would suffer a single-location break and deliveries of SWP water from north of the Tehachapi Mountains or of contractor water stored in groundwater banking programs in the San Joaquin Valley would not be available. It was also assumed that Silverwood and Perris dams would not be damaged by the event and that water in Silverwood and Perris Lakes would be available to the East Branch SWP contractors.



In any of these three SWP emergency outage scenarios, DWR and the SWP contractors would coordinate operations to minimize supply disruptions. Depending on the particular outage scenario or outage location, some or all of the SWP contractors south of the Delta might be affected. But even among those contractors, potential impacts would differ given each contractor's specific mix of other supplies and available storage. During past SWP outages, the SWP contractors have worked cooperatively to minimize supply impacts among all contractors. Past examples of such cooperation have included certain SWP contractors agreeing to rely more heavily on alternate supplies, allowing more of the outage-limited SWP supply to be delivered to other contractors, and exchanges among SWP contractors, allowing delivery of one contractor's SWP supply or other water to another contractor, with that water being returned after the outage was over.

Of these three SWP outage scenarios, the scenario of an East Branch outage along with no delivery of stored water from Silverwood Lake presents the worst-case scenario for SGPWA. In this scenario, SGPWA and retail agencies would continue to rely solely on local managed groundwater supplies (native water, natural recharge, return flow, and stored imported water).

Seismic Risk Assessment and Hazard Mitigation Plan

Beginning January 2020, CWC Section 10632.5 mandates urban water suppliers include in their UWMP a seismic risk assessment and mitigation plan to assess the vulnerability of each of the various facilities of a water system and mitigate those vulnerabilities. This requirement can be met by submittal of a copy of the most recent adopted local hazard mitigation plan (LHMP) or multi-hazard mitigation plan under the federal Disaster Mitigation Act of 2000 (Public Law 106-390) if the local hazard mitigation plan or multi-hazard mitigation plan addresses seismic risk. SGPWA intends to submit a copy of the Riverside County Multi-Jurisdictional Hazard Mitigation Plan (July 2018), which addresses Countywide seismic risk including in the Agency's services area. This Hazard Mitigation Plan is currently being updated and may be adopted before the next Urban Water Management Plan cycle in 2025.

The fundamental hazards identified in this plan include Earthquake, Flood, Pandemic Flu, Wildfire, Drought, and other significant natural and man-made hazards. The HMP addresses vulnerabilities associated with these hazards, financial issues that impact implementation of the HMP, and provides a comprehensive mitigation strategy. Accordingly, the HMP is incorporated by reference into SGPWA's WSCP.

6.4 Communication Protocols

SGPWA will engage in specific communication protocols in developing and implementing the WSCP to inform the Regional Water Purveyors and neighboring public agencies of water shortage conditions. SGPWA will seek to engage customers and provide notice with locally relevant actions that further the water shortage response actions. These locally relevant actions to may include:

- Publishing information on SGPWA's website.
- Establishing a telephone hotline.

- Coordinating through direct correspondence with Retail Agencies on water supply management
- Preparing social media posts to communicate SGPWA actions.
- Advertising actions on other local audio and video media.
- Coordinating voluntary and mandatory water shortage condition activities with other public agencies.

Taken together, these communication actions will result in a more effective implementation of SGPWA's WSCP.

6.5 Legal Authorities

SGPWA is a wholesale water agency formed under the "San Geronio Pass Water Agency Law" set forth in CWC Appendix 101-1 et seq. and is empowered to implement and enforce its WSCP and water shortage response actions as specified in Section 101-15(m) states as follows:

To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential.

In addition, the Agency is able to exercise general powers granted to water distributors in CWC §§ 350-359 and 375-378. Riverside County and cities within the County and the Agency's service area have adopted water conservation ordinances. CWC §350 authorizes the governing body of a distributor of a public water supply to declare a water shortage emergency whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent there would be insufficient water for human consumption, sanitation, and fire protection. If necessary, the Agency shall declare a water shortage emergency in accordance with CWC section 350. Upon a finding of such an emergency condition, the distributor can adopt such regulations and restrictions on the delivery and consumption of water as will conserve the water supply for the greatest public benefit, with particular regard to domestic use, sanitation, and fire protection (CWC §353). The regulations and restrictions remain in force and effect until the supply of water available for distribution within such area has been replenished or augmented, and restrictions may include the right to deny new service connections and discontinue service for willful violations (CWC §355 and §356). SGPWA also coordinates and shall continue to coordinate with other special districts, cities, and counties within its service area for possible proclamation of a "local emergency" under California Government Code, California Emergency Services Act (Article 2, Section 8558).



6.6 Financial Consequences of WSCP

The SGPWA does not experience unusual financial consequences of water shortage conditions. The water shortage conditions result in some lost revenue due to the lack of water sales to retail agencies, but these conditions are anticipated as part of the Pass Agency's ongoing financial considerations. Accordingly, SGPWA does not anticipate unusual financial consequences for implementing its WSCP.

6.7 Re-evaluation and Improvement Procedures

SGPWA will continually review and assess its procedures for implementing the WSCP. Specifically, SGPWA will use the monitoring and reporting protocols identified above as a quality assurance and quality control measure to understand the effectiveness of water shortage activities. These re-evaluation and improvement procedures will include developing reports, memoranda, and presentations that assess the effectiveness of water shortage actions and the WSCP. These protocols will be continually assessed and updated by SGPWA management staff.

6.8 Special Water Feature Distinction

SGPWA's water shortage response actions focus on health and safety issues and working with retail agencies to manage available supplies. SGPWA will work with the retail agencies on communicating and implementing those agencies' special water feature distinction issues that may arise in a critical water shortage condition.

6.9 Plan Adoption, Submittal, and Availability

The WSCP has been adopted, submitted, and is available as required by the Urban Water Management Planning Act. As a stand-alone document, the WSCP is also subject to the following separate adoption, submittal, and availability processes, and whenever it is separately amended or revised in the future. SGPWA has followed all applicable law in adopting the WSCPs. The current adopted WSCP shall be available to the following entities in the Agencies' service area: Yucaipa Valley Water District, the Beaumont Cherry Valley Water District, the cities of Banning, Beaumont, and Calimesa, Riverside and San Bernardino counties, South Mesa Water Company, Cabazon Water District, Banning Heights Mutual Water Company, High Valleys Water District, Mission Springs Water District, and the Morongo Band of Mission Indians, and the State Water Contractors within 30 days of its adoption. A copy of the current WSCP is available for public inspection during business hours at 1210 Beaumont Avenue, Beaumont, CA 92223 (subject to current COVID-19 restrictions). The current WSCP is posted and available for download here <https://www.sgpwa.com/public-documents/>.



Appendix A

SGPWA Delta Reliance

This Appendix provides the Delta Reliance assessment of San Geronio Pass Water Agency (SGPWA) and the retail water service agencies located within SGPWA's service area boundary. The retail agencies in SGPWA's service area boundary in this assessment include: City of Banning, Beaumont Cherry Valley Water District, Yucaipa Valley Water District, South Mesa Water Company, High Valley Water District, Cabazon County Water District, Mission Springs, and other smaller retailers that need not prepare an Urban Water Management Plan (UWMP). These retail agencies work with SGPWA on managing regional water supplies. SGPWA and its retail agencies, as a whole, reduce reliance on the Delta through investments in non-Delta water supplies, local water supplies, and regional and local demand management measures. Reliance on the Delta for SGPWA and its retail agencies can only be measured regionally, not by individual retail agencies. Demand management programs in the region increase the future reliability of water resources for the region, and demand management programs, including increased water use efficiency, provide region-wide benefits by decreasing the demand for imported water. It is infeasible to quantify the individual reliance on the Delta for SGPWA's retail agencies, and it accordingly reported on a regional basis.

This assessment is consistent with all applicable water management activities within the SGPWA service area boundary including the Beaumont Basin Adjudication and the formulative Groundwater Sustainability Plan (GSP) coordinated among the Yucaipa Basin GSA, San Timoteo Subbasin GSA, Verbenia GSA, and San Geronio Pass GSA.

A.1 Delta Reform Act and Certification of Consistency

The Delta Reform Act of 2009 requires state and local agencies to prepare a written certification of consistency with Delta Plan policies before initiating a covered action in the Delta. The written certification of consistency must be submitted to the Delta Stewardship Council and include detailed findings as to whether the covered action is consistent with applicable Delta Plan policies. The submitted certification of consistency may be appealed by any person and the Delta Stewardship Council may grant the appeal to address contested issues. In short, water suppliers that anticipate participating in a proposed covered action must comply with the requirements of the Delta Reform Act.

Proposed covered actions may include a multi-year water transfer, a conveyance facility, or a new diversion that involves transferring water through, exporting water from, or using water in the Delta. Urban purveyors that may participate in a proposed covered action should provide information in their Urban Water Management Plans (UWMP) that can be used to demonstrate consistency with the Delta Plan. Specifically, the urban purveyors may demonstrate consistency with Delta Plan Policy WR P1 –



Reduce Reliance on the Delta Through Improved Regional Water Self-Reliance (WR P1). WR P1 subsection (a) states that:

Water shall not be exported from, transferred through, or used in the Delta if all of the following apply:

- (1) One or more water suppliers that would receive water as a result of the export, transfer, or use have failed to adequately contribute to reduced reliance on the Delta and improved regional self-reliance consistent with all of the requirements listed in paragraph (1) of subsection (c);
- (2) That failure has significantly caused the need for the export, transfer, or use; and
- (3) The export, transfer, or use would have a significant adverse environmental impact in the Delta.

WR P1 subsection (c)(1) further defines what adequately contributing to reduced reliance on the Delta means in terms of (a)(1) above. WR P1 subsection (c)(1) states:

Water suppliers that have done all the following are contributing to reduced reliance on the Delta and improved regional self-reliance and are therefore consistent with this policy:

- (A) Completed a current Urban or Agricultural Water Management Plan (Plan) which has been reviewed by the California Department of Water Resources for compliance with the applicable requirements of Water Code Division 6, Parts 2.55, 2.6, and 2.8;
- (B) Identified, evaluated, and commenced implementation, consistent with the implementation schedule set forth in the Plan, of all programs and projects included in the Plan that are locally cost effective and technically feasible which reduce reliance on the Delta; and
- (C) Included in the Plan, commencing with 2015, the expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance. The expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance shall be reported in the Plan as the reduction in the amount of water used, or in the percentage of water used, from the Delta watershed. For the purposes of reporting, water efficiency is considered a new source of water supply, consistent with Water Code section 1011(a).

The analysis in this Appendix includes all of the elements described in WR P1(c)(1) that need to be included in a water supplier's UWMP to support a certification of consistency for a future proposed covered action.



A.2 Expected Outcomes for Reduced Delta Reliance and Regional Self Sufficiency

The expected outcomes for this Delta reliance and improved regional self-reliance assessment were developed using guidance described in Appendix C of DWR's Urban Water Management Plan Guidebook 2020 issued in March 2021 (Guidebook 2020). The data used in this assessment represent the total regional efforts of SGPWA and the retail agencies and were developed as part of a region-wide, coordinated process. Table A-1 shows SGPWA's expected outcomes for reduced Delta reliance through 2045.

Table A-1: Expected Outcomes for Reduced Reliance on the Delta

Change in Supplies from the Delta Watershed	2015	2020	2025	2030	2035	2040	2045
Total Water Supplies from the Delta Watershed	36.6%	34.3%	37.8%	35.8%	42.6%	48.6%	52.0%
Change in Water Supplies from the Delta Watershed	-15.5%	-17.9%	-14.3%	-16.3%	-9.6%	-3.6%	-0.1%

The methodology for demonstrating reduced reliance on the Delta is consistent with DWR's Guidebook 2020. SGPWA calculated its expected outcomes for reduced Delta reliance by measuring its current and anticipated water use against a baseline condition. SGPWA chose to use a weighted average of the retail agencies water conservation calculations for their 2015 UWMPs as its baseline for this assessment. SGPWA then assessed its Delta Reliance against the baseline condition for years 2015 through 2045.

The analysis uses normal water year demands to assess the supplies that would be used in the future. In addition, because WR P1 considers water use efficiency savings as a source of supply, the UWMP Act 20% water conservation mandates and the rules governing quantification help support water use efficiency quantification in the SGPWA service area. Table A-2 shows the SGPWA service area demands without water use efficiency and the reported water use efficiency consistent with the recommendations of Guidebook 2020.

Table A-2: Demands Without Water Use Efficiency

Change in Supplies from the Delta Watershed	2015	2020	2025	2030	2035	2040	2045
Service Area Demands with Water Use Efficiency	21,671	28,059	30,377	32,883	35,580	38,077	40,306
Estimated Water Use Efficiency Since Baseline	7,609	4,674	6,736	9,056	11,464	13,474	15,487
Service Area Demands without Water Use Efficiency	29,280	32,733	37,113	41,939	47,044	51,552	55,793

SGPWA must also report the expected outcomes for measurable improvement in regional self-reliance. Table A-3 shows the expected outcomes for supplies contributing to regional self-reliance. This assessment considers the total supplies that are used to meet regional water demands and shows the local supply percentages. These local supplies consist of various water rights, groundwater supplies, recycled water and other supplies that are locally developed and managed by retailers in the SGPWA service area.



Table A-3: Supplies Contributing to Regional Self-Reliance

Regional Self Reliance Assessment	2015	2020	2025	2030	2035	2040	2045
Percent of Demand met by Local Supplies	72.1%	67.9%	72.6%	74.7%	75.5%	75.4%	75.4%
Quantity of Local Supply	21,106	22,235	26,940	31,348	35,541	38,850	42,085

The data presented in this section demonstrate the expected outcomes for reduced Delta reliance and regional self-reliance and show that SGPWA and its retail agencies are measurably reducing their Delta reliance. The information contained in this Appendix is also intended to be an addendum to SGPWA's 2015 UWMP consistent with WR P1 subsection (c)(1)(C) as well as an addendum to participating retail agencies' UWMPs as desired. The information has been noticed and presented in accordance with applicable law.

A.3 UWMP Implementation

In addition to the analysis and documentation above, WR P1 subsection (c)(1)(B) requires that programs and projects included in the UWMP that are locally cost-effective and technically feasible, which reduce reliance on the Delta, be identified, evaluated, and implemented consistent with the implementation schedule. Water Code section 10631(f) requires water suppliers to provide a detailed description of expected future projects, and Chapter 3 in SGPWA's UWMP includes this discussion as it relates to SGPWA's future projects as do the relevant sections of the UWMPs prepared by SGPWA's retail agencies.



APPENDIX C

CHAPTER 101

SAN GORGONIO PASS WATER AGENCY LAW

Section

- 101-1. Short title.
- 101-2. Creation; management; general powers; boundaries.
- 101-3. Board of directors.
- 101-4. Adjustment of boundaries; resolution of board.
- 101-5. Membership; term of office; election.
- 101-6. Repealed.
- 101-7. Qualification of electors.
- 101-8. Law governing elections.
- 101-9. Call and canvass of elections; initiative, recall and referendum; compensation of election officers; voting precincts.
- 101-10. Recall of incumbents.
- 101-11. Board of directors as governing body; meetings; officers; quorum.
- 101-12. Proceedings of board; compensation of directors; vacancies.
- 101-13. Validity of proceedings.
- 101-14. Secretary, treasurer and auditor; duties; assistants and employees.
- 101-15. Powers of agency.
- 101-15.1. Hydroelectric energy; development.
- 101-15.2. Falling water for electric energy; use.
- 101-15.3. Maximum interest rate payable.
- 101-15.5. Allocation of water from state water project.
- 101-16. Exercise and delegation of administrative, executive and ministerial powers.
- 101-17. Emergency or shortage of water; finding; reception in evidence.
- 101-18. Violations; penalties.
- 101-19. Superseded.
- 101-19.5. Action to determine validity of contract.
- 101-20. Repealed.
- 101-21. Officers and employees; duties; bonds; designation of depositories of funds.
- 101-22. Construction of works along and across streets, watercourses, railways, ditches, etc.; right of way over public lands.
- 101-23. Claims against agency.
- 101-24. Repealed.
- 101-25. Water rates.
- 101-26. Taxation; purpose; excepted moneys.
- 101-27. Tax rates; lien of tax.
- 101-27.1. Facility capacity fee; determination, establishment, imposition, collection and use.
- 101-28. Indebtedness; election; actions to contest validity of bonds.
- 101-29. Acquisition, construction or repair of improvements; bonded indebtedness; hearing; special election; irregularities.
- 101-30. Annexation; procedure; action to contest validity.
- 101-31. Favorable vote to incur indebtedness; issuance of bonds; series; maturity; form; sale proceeds.
- 101-32. Exemption of bonds from taxation.
- 101-33. Formation of improvement districts; procedure; special election; action to contest validity.
- 101-34. Advancement of general funds; repayment; interest rate.

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App. § 101-2

Section

- 101-35. Interest on bonds.
- 101-36. Annexation by election; procedure.
- 101-37. Uninhabited territory; annexation proceedings.
- 101-38. Exclusion of inhabited territory; proceedings.
- 101-39. Exclusion of uninhabited territory; proceedings.
- 101-40. Ordinances; methods of passing.
- 101-41. Veto by voters; proceedings.
- 101-42. Dissolution; procedure.
- 101-43. Debts of dissolved agency; payment; assets.
- 101-44. Actions to test validity of annexation or exclusion.
- 101-45. Construction; definitions.
- 101-46. Nomination of candidates; registrar of voters to act as county clerk.
- 101-47. Lands in other counties; duties of secretary of board and auditor; apportionment of taxes; definitions.
- 101-48. Repeal; partial invalidity.
- 101-49. Public corporation or agency; annexation, inclusion or addition; identity.
- 101-50. Water standby or availability charge.
- 101-51. Annexation of territory.
- 101-52. Dissolution of improvement district.

An act creating the San Gorgonio Pass Water Agency, and prescribing its boundaries, organization, operation, management, financing and other powers and duties. (Stats.1961, c. 1435, p. 3239.)

Cross References

Procedure for letting contracts, see Public Contract Code § 21511.

§ 101-1. Short title

Section 1. This act is designated, and may be cited and referred to as, the "San Gorgonio Pass Water Agency Law."
(Stats.1961, c. 1435, p. 3239, § 1.)

Library References

Waters and Water Courses ⇨183½.
WESTLAW Topic No. 405.
C.J.S. Waters § 243.

§ 101-2. Creation; management; general powers; boundaries

Sec. 2. The San Gorgonio Pass Water Agency, hereinafter referred to as the "agency," is hereby created, organized and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory, other than territory included in any public district having identity of purpose or substantially identity of purpose without the prior consent of such public district, evidenced by resolution duly adopted by the governing board thereof, and shall include all territory lying within the following described boundaries:

All that real property situate in the County of Riverside, State of California, more particularly described as follows:

Beginning at the northwest corner of Section 16, T. 2 S., R. 3 W., S.B.B. & M.;

Thence south on the west boundary of said Section 16 to the southwest corner thereof;

Thence east on the south boundary of said Section 16 to the southeast corner thereof;

Thence south on the west boundary of Section 22, said Township and Range, to the west quarter section corner thereof;

Thence east on the east and west quarter section line of said Section 22 to the east quarter section corner thereof;

Thence south on the east boundary of said Section 22 to the southeast corner thereof;

Thence east on the north boundary of Section 26, said Township and Range, to the northeast corner thereof;

Thence south on the west boundary of Section 25, said Township and Range, to the west quarter section corner thereof;

Thence east on the east and west quarter section line of said Section 25 to the east quarter section corner thereof;

Thence south on the range line between R. 2 W. and R. 3 W. to the southwest corner of Section 30, T. 2 S., R. 2 W., S.B.B. & M.;

Thence east on section lines 2 miles to the northeast corner of Section 32, said last mentioned Township and Range;

Thence south on the east boundary of said Section 32 to the west quarter section corner of Section 33, T. 2 S., R. 2 W.;

Thence east on the east and west quarter section line of said Section 33 to the east quarter section corner thereof;

Thence south on the east boundary of said Section 33 to the southeast corner thereof;

Thence east on the Township line between T. 2 S. and T. 3 S. to the northwest corner of Section 2, T. 3 S., R. 2 W., S.B.B. & M.;

Thence south on the west boundary of said Section 2 to the west quarter section corner thereof;

Thence east on the east and west quarter section line of said Section 2 to the east quarter section corner thereof;

Thence south on the east boundary of said Section 2 to the southeast corner thereof;

Thence east on the north boundary of Section 12, said last mentioned Township and Range, to the northeast corner thereof;

Thence south on the Range line between R. 1 W. and R. 2 W. to the west quarter section corner of Section 7, T. 3 S., R. 1 W., S.B.B. & M.;

Thence east on the east and west quarter section line of said Section 7 to the east quarter section corner thereof;

Thence south on the east boundary of said Section 7 to the southeast corner thereof;

Thence east on the north boundary of Section 17, said last mentioned Township and Range, to the northeast corner thereof;

Thence south on the east boundary of said Section 17 to the southeast corner thereof;

Thence east along section lines to the northeast corner of Section 24, said last mentioned Township and Range;

Thence south along the San Bernardino Meridian to the west quarter Section corner of Section 19, T. 3 S., R. 1 E., S.B.B. & M.;

Thence east on the east and west quarter section line of said Section 19 to the east quarter section corner thereof;

Thence south on the east boundary line of said Section 19 to the southeast corner thereof;

Thence east on the north boundary of Section 29, said last mentioned Township and Range, to the northeast corner thereof;

Thence south along section lines to the southwest corner of Section 4, T. 4 S., R. 1 E., S.B.B. & M.;

Thence east on the north boundary of Section 9 to the northeast corner thereof;

Thence south on the east line of said Section 9, to the northwest corner of Section 10, T. 4 S., R. 1 E., S.B.B. & M.;

Thence east on section lines 3 miles to the northeast corner of Section 12, T. 4 S., R. 1 E., S.B.B. & M.;

Thence south on the east line of said Section to the Southeast corner of said Section;

Thence east on section lines 4 miles to the southeast corner of Section 10, T. 4 S., R. 2 E., S.B.B. & M.;

Thence north on section lines 14 miles to a point on the northerly boundary of the County of Riverside at the northeast corner of Section 3, T. 2 S., R. 2 E., S.B.B. & M.;

Thence westerly, southerly and westerly on the northerly boundary of the County of Riverside to the point of beginning; and including that portion of the City of Cabazon comprising Section 23, Township 3 South, Range 2 East, San Bernardino Base and Meridian.

(Stats.1961, c. 1435, p. 3239, § 2. Amended by Stats.1962, 1st Ex.Sess., c. 10, p. 162, § 1, eff. April 9, 1962.)

Cross References

Boundaries of Riverside County, see Government Code § 23133.

§ 101-3. Board of directors

Sec. 3. The board of directors shall, at its first meeting, or as soon thereafter as practicable, divide the agency into five divisions, which shall be as nearly as practicable equal in area. The divisions shall be numbered first, second, third, fourth and fifth. One director shall be elected for each division by the voters thereof at the next general agency election following the organization of the agency, and two directors at large shall be elected at the election by the voters of the agency as a whole. Each director elected or appointed for a division shall be an elector in that division, and each director at large shall be an elector in the agency. Each director elected or appointed for a division is herein called a "divisional director," and each of the two directors elected or appointed for the agency at large is herein called a "director at large." The two offices of directors at large shall respectively be known as "director at large No. 1" and "director at large No. 2."

(Stats.1961, c. 1435, p. 3241, § 3. Amended by Stats.1983, c. 41, § 2, eff. May 26, 1983.)

§ 101-4. Adjustment of boundaries; resolution of board

Sec. 4. The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

(Stats.1961, c. 1435, p. 3242, § 4. Amended by Stats.1998, c. 435 (A.B.2543), § 26.)

§ 101-5. Membership; term of office; election

Sec. 5. The board of directors of the agency organized under this act shall consist of seven members. The Board of Supervisors of Riverside County shall appoint the first board of directors, each of whom shall be a resident or owner of real property within the agency, and shall hold office until his successor is elected. Following the creation of the five divisions of the agency by the first board of directors, and at the first agency election thereafter, all successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law, which shall apply to the agency.

(Stats.1961, c. 1435, p. 3242, § 5. Amended by Stats.1967, c. 249, § 1.)

Historical and Statutory Notes

Section 13 of Stats.1967, c. 249, read as follows: "The amendments made to Sections 5 and 8, and the repeal of Section 6 of the San

Gorgonio Pass Water Agency Law at the 1967 Regular Session of the Legislature shall not become operative until January 1, 1969."

Notes of Decisions

Dual office holding 1

the offices of director, San Gorgonio Pass Water Agency, and director, Beaumont-Cherry Valley Water District. 76 Op.Atty.Gen. 81, 5-4-94.

1. Dual office holding

The doctrine of incompatible public offices precludes a person from holding simultaneously

§ 101-6. Repealed by Stats.1967, c. 249, § 2, operative Jan. 1, 1969**Historical and Statutory Notes**

The repealed section, added by Stats.1961, c. 1435, § 6, related to nominees.

Operative effect of Stats.1967, c. 249, see Historical and Statutory Notes under § 101-5.

§ 101-7. Qualification of electors

Sec. 7. No person shall vote at any agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code, residing in the agency, and in the case of divisional directors in the division of the agency in which he casts his vote. For the purpose of registering voters who shall be entitled to vote at agency elections, the county clerk or registrar of voters is authorized, in any county in which there is the agency, to indicate upon the affidavit of registration whether the voter is a voter of the agency.

In case the boundary line of the agency crosses the boundary line of a county election precinct only those voters within such agency and within such precinct who are registered as being voters within the agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said agency, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as voters within such agency with the ballots upon which are printed the names of the candidates for office in the agency.

(Stats.1961, c. 1435, p. 3244, § 7.)

Cross References

Qualification of electors, see Const. Art. 2, §§ 2, 4; Elections Code § 2000 et seq.

§ 101-8. Law governing elections

Sec. 8. The provisions of the Elections Code so far as they may be applicable shall govern all general agency elections and all special agency elections, except as in this act otherwise provided.

(Stats.1961, c. 1435, p. 3244, § 8. Amended by Stats.1967, c. 249, § 3.)

Historical and Statutory Notes

Operative effect of Stats.1967, c. 249, see Historical Note under § 101-5.

§ 101-9. Call and canvass of elections; initiative, recall and referendum; compensation of election officers; voting precincts

Sec. 9. The board of directors of agency shall call and canvass all elections involving matters of initiative, recall and referendum and shall call all other elections which it is authorized to canvass.

The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and

shall designate the precincts and polling places for each division of the agency and shall designate the precincts and polling places for each division of the agency and shall appoint the officers of such election, who shall consist of one inspector, one judge, and two clerks, unless in case of consolidated elections, other officers of election are required by law.

The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the agency established for holding state or county elections, or a consolidation of any or all of such regular election precincts or portions thereof last established. If any agency election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the agency election shall be the same as those established for such state or county election.

(Stats.1961, c. 1435, p. 3245, § 9.)

Library References

Sovereign immunity study. Cal.Law Revision
Comm. (1963) Vol. 5, p. 81.

§ 101-10. Recall of incumbents

Sec. 10. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the agency organized under the provisions of this act in accordance with the recall provisions of the Elections Code of the State with reference to cities.

(Stats.1961, c. 1435, p. 3245, § 10.)

Cross References

Recall of municipal officers, see Elections Code § 11000 et seq.

§ 101-11. Board of directors as governing body; meetings; officers; quorum

Sec. 11. The board of directors shall be the governing body of the agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January of each even-numbered year, the board of directors shall choose one of its members president, and another of its members vice president.

(Stats.1961, c. 1435, p. 3245, § 11. Amended by Stats.1967, c. 249, § 4.)

§ 101-12. Proceedings of board; compensation of directors; vacancies

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the San Geronio Pass Water Agency as follows:". Each of the members of the board of directors shall receive for each attendance at the meetings of the board twenty dollars (\$20), or such other amount as the board shall establish, not to exceed one hundred dollars (\$100). No directors, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be qualified to fill such vacancy and shall hold office for the remainder of the unexpired term.

(Stats.1961, c. 1435, p. 3246, § 12. Amended by Stats.1983, c. 41, § 3, eff. May 26, 1983.)

§ 101-13. Validity of proceedings

Sec. 13. No informality in any proceeding not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the legal existence of said agency and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

(Stats.1961, c. 1435, p. 3246, § 13.)

§ 101-14. Secretary, treasurer and auditor; duties; assistants and employees

Sec. 14. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a secretary, treasurer, and auditor, and define their duties and fix their compensation and may so appoint a general manager and define his duties and fix his compensation. The board may employ such additional assistants and employees, and such engineers, attorneys and professional and other consultants as it may deem necessary to efficiently maintain and operate said agency. Each shall serve at the pleasure of the board.

(Stats.1961, c. 1435, p. 3246, § 14. Amended by Stats.1967, c. 249, § 5.)

§ 101-15. Powers of agency

Sec. 15. The agency shall have the power:

(a) To have perpetual succession.

(b) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the agency.

(e) To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

(f) To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

(g) To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water under the control of the agency to any city, or any company or public agency serving a city, which city is located wholly or partially within the agency, for distribution only within such city; and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers.

(h) To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates.

(i) To exercise the right of eminent domain to take any property necessary to supply the agency or any portion thereof with water. The agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. In no event

shall the agency exercise the power of eminent domain with respect to property situated outside the boundaries of the agency, unless it first obtains the consent of the board of supervisors of the county in which such property is located to such exercise of power.

(j) To issue bonds, borrow money, and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which expenses may include fees of attorneys and others employed to conduct the formation proceedings.

(k) To issue negotiable promissory notes, provided that the notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of the agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either one million five hundred thousand dollars (\$1,500,000) or 2 percent of the assessed valuation of the taxable property in the agency, or, if that assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his or her certificate.

(l) To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor.

(m) To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential.

(n) To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision (m) hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within that time in three public places within the agency.

(o) To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers.

(p) To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corpora-

tion or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

(q) To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River system are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the San Gorgonio Pass Water Agency.

(r) Subject to the limitations in subdivision (i), to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. Particularly, but not exclusively, the agency may contract with the State of California for delivery of water under the State Water Plan. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902,¹ and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be

available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

(s) To commence, maintain, intervene in, defend and compromise, in the name of the agency, and to assume the costs and expenses of any and all actions and proceedings which involve or affect the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or inhabitants of the agency, and in any such action or proceeding the agency may act as a representative of any class or classes of users of water within the agency, producers of water within the agency or owners of rights to water used or useful within the agency, or owners of property within the agency.

(t) Distribute water to persons in exchange for ceasing or reducing ground-water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of groundwater, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

(u) To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency to the State of California or any agency thereof under any contract which shall be made with it, or as all or part of the terms and conditions under which the corporate area of the agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of the bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

(v) To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to the agency.

(w) To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the agency. In the application of the Improvement Act of 1911 to proceedings instituted by the agency, the terms used in the Improvement Act of 1911 shall have the following meanings:

(1) "City council" and "council" shall mean the board of directors of the agency.

(2) "Municipality" and "city" shall mean the agency.

- (3) "Clerk" and "city clerk" shall mean the secretary.
- (4) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.
- (5) "Tax collector" shall mean the county tax collector.
- (6) "Treasurer" and "city treasurer" shall mean the treasurer of the agency.
- (7) "Mayor" shall mean the president of the board of directors of the agency.
- (8) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the Secretary of the San Gorgonio Pass Water Agency.

(x) To disseminate information concerning the activities of the agency; and in instances in which it shall be found by two-thirds vote of the board of directors to be necessary for the protection of agency rights and properties to disseminate information concerning such rights and properties, also concerning matters which in the judgment of the board may adversely affect such rights and properties; provided, that expenditures during any fiscal year for such purposes shall not exceed one cent (\$0.01) for each one hundred dollars (\$100) of assessed valuation of such agency.

(Stats.1961, c. 1435, p. 3246, § 15. Amended by Stats.1967, c. 249, § 6; Stats.1969, c. 1027, p. 2000, § 1; Stats.1975, c. 586, p. 1277, § 9; Stats.1990, c. 1052 (S.B.2499), § 1, eff. Sept. 19, 1990.)

¹ 43 U.S.C.A. § 372 et seq.

Law Revision Commission Comment

1975 Amendment

The deleted portions of subdivision 9 of Section 15 [Water C.App. § 101.15] are superseded by provisions of the Eminent Domain Law. See Code Civ.Proc. §§ 1230.020 (uniform procedure), 1240.610 et seq. (more necessary public use), 1240.110 (right to take any property or any right or interest in property). See also Code Civ.Proc. § 1235.170 ("property" defined). Former subdivision 16 was unnecessary. See Code Civ.Proc. § 1250.210 and Comment thereto.

Historical and Statutory Notes

Operative effect of 1975 amendment, see note under § 98-61.

Library References

Eminent Domain ⇨ 9.
Waters and Water Courses ⇨ 183.
WESTLAW Topic Nos. 148, 405.
C.J.S. Eminent Domain § 24.
C.J.S. Waters §§ 228, 235.

Recommendations relating to condemnation law and procedure in special districts. 12 Cal.L.Rev.Comm. Reports 1101 (1974).
Sovereign immunity study. Cal.Law Revision Comm. (1963) Vol. 5, p. 489.

§ 101-15.1. Hydroelectric energy; development

Sec. 15.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the

operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.

(Stats.1961, c. 1435, p. 3251, § 15.1.)

Library References

Electricity Ⓒ1½.
WESTLAW Topic No. 145.
C.J.S. Electricity § 6 et seq.

§ 101-15.2. Falling water for electric energy; use

Sec. 15.2. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

(Stats.1961, c. 1435, p. 3252, § 15.2.)

Library References

Waters and Water Courses Ⓒ200, 201.
WESTLAW Topic No. 405.
C.J.S. Waters §§ 264 et seq., 277 et seq.

§ 101-15.3. Maximum interest rate payable

Sec. 15.3. The maximum rate of interest the agency shall be authorized to pay on any of its bonds, promissory notes, or other obligations shall not exceed the higher of 8 percent per annum, the maximum interest rate for municipal water district bonds as set forth in Section 71953 of the Water Code, or the maximum interest rate set forth in a general statute governing local agencies or districts.

(Added by Stats.1990, c. 1052 (S.B.2499), § 2, eff. Sept. 19, 1990.)

§ 101-15.5. Allocation of water from state water project

Sec. 15.5. It is the intent of the Legislature that, in allocating water received from the State Water Project pursuant to this act, the highest priority shall be given to eliminating groundwater overdraft conditions within any agency or district receiving the water.

(Added by Stats.1990, c. 1052 (S.B.2499), § 3, eff. Sept. 19, 1990.)

§ 101-16. Exercise and delegation of administrative, executive and ministerial powers

Sec. 16. All powers, privileges and duties vested in or imposed upon the agency incorporated hereunder shall be exercised and performed by and

through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the officers created hereby and by the board of directors acting hereunder.

The board of directors shall have the power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To fix the location of the principal place of business of the agency and the location of all offices and departments maintained hereunder.

(3) To prescribe by ordinance a system of business administration and to create any and all necessary offices to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

(4) To prescribe by ordinance a system of civil service.

(5) To delegate and redelegate by ordinance to officers of the agency power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the agency by contract.

(6) To prescribe a method of auditing and allowing or rejecting claims and demands.

(7) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation fixed by the board under the provisions of Section 36 or 37 hereof, shall be deemed to be a rate for a different class or condition of service.

(Stats.1961, c. 1435, p. 3252, § 16. Amended by Stats.1984, c. 1128, § 161.)

Historical and Statutory Notes

For subject matter formerly contained in this section relating to contracts, see, now, Pub. Con.C. § 21511.

§ 101-17. Emergency or shortage of water; finding; reception in evidence

Sec. 17. A finding by the board of directors upon the existence, threat, or duration of an emergency or shortage of water or upon the matter of necessity or any other matter or condition referred to in subdivisions 13 or 14 of Section 15 of this act, shall be made by resolution or ordinance, and shall be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding.

Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification. (Stats.1961, c. 1435, p. 3253, § 17.)

Library References

Waters and Water Courses ⇨202.
WESTLAW Topic No. 405.
C.J.S. Waters § 280.

§ 101-18. Violations; penalties

Sec. 18. From and after the publication or posting of any ordinance as provided in subdivision 14 of Section 15 of this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corporation to use or apply water received from the agency contrary to or in violation of such restriction or prohibition, until such ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or corporation shall be punished by being imprisoned in the county jail for not more than 30 days or by fine of not more than three hundred dollars (\$300), or by both such fine and imprisonment. (Stats.1961, c. 1435, p. 3253, § 18.)

Library References

Waters and Water Courses ⇨211.
WESTLAW Topic No. 405.
C.J.S. Waters § 313.

§ 101-19. Superseded

Historical and Statutory Notes

Section 101-19, derived from Stats.1961, c. 1435, p. 3254, § 19, relating to action to test validity of contract, was superseded by § 19.5 of that act [§ 101-19.5] upon the enactment of

Assembly Bill No. 1412 [Stats.1961, c. 1479, p. 3331]. See § 101-19.5 and Historical Note thereunder.

§ 101-19.5. Action to determine validity of contract

Sec. 19.5. An action to determine the validity of any contract authorized by paragraph 19 of Section 15 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, in which case it shall supersede Section 19 of this act.

(Stats.1961, c. 1435, p. 3254, § 19.5.)

Historical and Statutory Notes

Assembly Bill No. 1412 was enacted by the Legislature at its 1961 Regular Session as Stats. 1961, c. 1479, p. 3331, effective July 13, 1961.

§ 101-20. Repealed by Stats.1970, c. 447, p. 896, § 41

Historical and Statutory Notes

The repealed section, added by Stats.1961, c. 1435, § 20, related to conflict of interest.

§ 101-21. Officers and employees; duties; bonds; designation of depositories of funds

Sec. 21. The president, vice president, and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

If the president is absent or unable to act, the vice president shall exercise the powers of the president granted by this act.

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

The general manager, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency.

(Stats.1961, c. 1435, p. 3255, § 21. Amended by Stats.1967, c. 249, § 7.)

Library References

Deposits and Escrows ⇨1.
WESTLAW Topic No. 122A.
C.J.S. Depositaries §§ 1, 2.

§ 101-22. Construction of works along and across streets, watercourses, railways, ditches, etc.; right of way over public lands

Sec. 22. The board of directors shall have power to construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch or flume, or across any railway which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right-of-way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right-of-way is hereby given, dedicated and set apart to locate, construct and maintain such works along and across any street

or public highway and over and through any of the lands which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to cities within the State. Any use, under this section, of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highway Code.¹

(Stats.1961, c. 1435, p. 3255, § 22.)

¹ Streets and Highways Code § 660 et seq.

Cross References

Rights of way, see Civil Code § 801 et seq.

Library References

Waters and Water Courses ⇨192.
WESTLAW Topic No. 405.
C.J.S. Waters § 256.

Sovereign immunity study. Cal.Law Revision
Comm. (1963) Vol. 5, p. 93.

§ 101-23. Claims against agency

Sec. 23. All claims for money or damages against this agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Stats.1961, c. 1435, p. 3256, § 23. Amended by Stats.1970, c. 104, p. 326, § 11, operative Jan. 1, 1971.)

Library References

Claims actions and judgments against public entities and public employees, recommendation. Cal.Law Revision Comm. (1963) Vol. 4, p. 1007 et seq.
Proposed legislation relating to statute of limitations in actions against public entities

and public employees. 9 Cal.L.Rev.Comm. Reports 175; Report of the Assembly Committee on Judiciary relating to A.B.Nos.123, 126, 171 [c. 45, 104, 89, 1970 Reg.Sess.], A.J., 2-18-70.

§ 101-24. Repealed by Stats.1963, c. 1685, p. 3309, § 33

Historical and Statutory Notes

The repealed section, added by Stats.1961, c. 1435, p. 3256, § 24, related to liability of directors, officers, agents and employees.

Amendment of § 101-24 by Stats.1963, c. 1683, p. 3301, § 15, was repealed by § 21 of that act when Stats.1963, c. 1681, p. 3266, took effect.

Liability of public employees, see, now, Government Code § 820 et seq.

Operative effect of Stats.1963, c. 1685, p. 3310, see Historical Note under repeal line for Water Code § 8535.

§ 101-25. Water rates

Sec. 25. The board of directors, so far as practicable, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for improvements, extensions, and enlargements, pay the

interest on any bonded debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

(Stats.1961, c. 1435, p. 3256, § 25.)

Library References

Waters and Water Courses ⇨203.
WESTLAW Topic No. 405.
C.J.S. Waters § 284 et seq.

§ 101-26. Taxation; purpose; excepted moneys

Sec. 26. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including principal of or interest on any bonded debt of the agency, or any improvement district thereof, as it becomes due, then the board of directors of this agency must provide for the levy and collection of a tax sufficient to raise the amount of money determined by such board of directors to be necessary for the purpose of paying such charges and expenses, as well as providing the funds required under Section 25 of this act, subject to the limitations in this section stated. Moneys necessary for the purpose of paying principal or interest of any bonded debt of the agency or for paying any sum which the agency shall be obligated to pay to the State of California or any agency thereof are herein called "excepted moneys." There shall be no limit on the tax which the agency may impose to pay "excepted moneys"; but the rate of tax which may be levied by the board of directors of the agency upon the agency as a whole and/or any improvement district thereof for purposes other than the payment of "excepted moneys" shall not exceed forty cents (\$0.40) per one hundred dollars (\$100) of assessed value, unless such excess rate shall have been first approved by a majority vote at an election within the agency, or if the excess tax rate be within an improvement district or districts, then within such improvement district or districts.

(Stats.1961, c. 1435, p. 3257, § 26.)

Library References

Waters and Water Courses ⇨198.
WESTLAW Topic No. 405.
C.J.S. Waters §§ 229, 262.

§ 101-27. Tax rates; lien of tax

Sec. 27. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of

the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debts shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

(Stats.1961, c. 1435, p. 3257, § 27. Amended by Stats.1962, c. 10, p. 52, § 2, eff. April 9, 1962; Stats.1967, c. 249, § 8.)

§ 101-27.1. Facility capacity fee; determination, establishment, imposition, collection and use

Sec. 27.1. (a) In addition to the other powers provided in this act, the agency may establish and impose a facility capacity fee, which is in the nature of a connection fee, for the right to make a new retail connection to the water distribution system of any retail water distributor within the agency that obtains all or any portion of its water supplies from the agency. The necessity for the fee and the amounts thereof shall be determined, established, imposed, collected, and used only in the manner provided in this section.

(b) At such time or times as the board of directors shall find and determine that its then existing water importation, production, treatment, transportation, or delivery facilities or other related works, are inadequate to meet anticipated demand, the board of directors may, as provided in this section, adopt and carry out (1) a plan for obtaining, or constructing additional facilities, works,

property, improvements, and supplies of water, (2) a plan for increasing or enlarging, as may be appropriate, its then existing capacity and facilities for obtaining, importing, producing, treating, and delivering that additional quantity of water to retail water distributors within the agency, and (3) a plan for financing the cost or reimbursing the agency for advancing the cost of acquiring or constructing those facilities, works, property, improvements, and supplies of water and for allocating that cost among lands within the agency, which lands by reason of new development or new construction thereon will need new water service and will be benefited by making the additional supplies of water available for purchase by the retail water distributors that will supply those lands with water.

(c) The facility capacity fee referred to in subdivision (a) shall be adopted, established, and imposed only following a public hearing and in accordance with the requirements set forth in Chapter 5 (commencing with Section 66000) of Division 1 of Title 7 of the Government Code, as it now exists or may hereafter be amended.

(d) Following the public hearing or hearings, the board of directors (1) shall determine the extent of the need for the additional property and supplies of water to be supplied by the agency, and (2) shall determine whether then existing facilities and other works and improvements of the agency are adequate to import, produce, treat, transport, and deliver those additional quantities of water. If the board of directors determines that there is an additional need or that the agency's then existing facilities, works, property, and improvements are inadequate to serve that water, or both, the board of directors shall adopt the plan or plans specified in subdivision (b), and shall establish the amount of the facility capacity fee, if any, which shall be imposed to finance the cost or reimburse the agency for advancing the cost of acquiring or constructing facilities, works, property, improvements, and supplies of water to satisfy existing or anticipated demand.

(e) In making its determinations as to how to allocate the costs of the plan or plans within water service areas of the agency, the board of directors shall determine the amount of the facility capacity fee to be imposed for and upon each new connection to the delivery facilities of the retail water distributors that will supply those lands with water. The facility capacity fee shall be fixed and determined at an amount reasonably related to the benefit to the land, when the volume of water to be delivered to the new retail connection is considered.

(f) The board of directors may contract with the counties in which the agency is located, or with cities located within the agency, for the collection of the facility capacity fee along with building permit fees or other fees related to the improvement of property, or may contract for collection of the facility capacity fee by the retail water distributor.

(g) The proceeds of the facility capacity fee imposed and collected pursuant to this section shall be used exclusively by the board of directors for purposes authorized by this section as specified in the plans adopted pursuant to subdivisions (b), (d), and (e).

(h) Any action taken by the board of directors pursuant to this section shall be by resolution.

(i) Any judicial action or proceeding to attack, review, set aside, void, or annul any resolution imposing a facility capacity fee of the agency, or a resolution modifying or amending an existing fee duly enacted and adopted by the agency, shall be commenced within 120 days of the effective date of the resolution. Any such action or proceeding shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(Added by Stats.1990, c. 1052 (S.B.2499), § 4, eff. Sept. 19, 1990.)

§ 101-28. Indebtedness; election; actions to contest validity of bonds

Sec. 28. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregulari-

ties or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

(Stats.1961, c. 1435, p. 3258, § 28.)

Library References

Declaratory Judgments ¶211.
WESTLAW Topic No. 118A.
C.J.S. Declaratory Judgments § 78.

§ 101-29. Acquisition, construction or repair of improvements; bonded indebtedness; hearing; special election; irregularities

Sec. 29. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such notice shall also be

given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. of San Gorgonio Pass Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it

necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceed-

ings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable. (Stats.1961, c. 1435, p. 3259, § 29.)

§ 101-30. Annexation; procedure; action to contest validity

Sec. 30. Any portion of the agency whether contiguous or not to an improvement district thereof may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse said agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

If by the certificate of the secretary of the agency the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If by the certificate of the secretary such petition or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the

board of directors of the agency in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency; together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in said agency or improvement district shall be entitled to appear and be heard at such hearing. Such hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed property had always been a part of said improvement district, and the board of directors of the agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

(Stats.1961, c. 1435, p. 3262, § 30.)

§ 101-31. Favorable vote to incur indebtedness; issuance of bonds; series; maturity; form; sale proceeds

Sec. 31. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 28 or of

Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed five percent (5%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars (\$100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the San Gorgonio Pass Water Agency for Improvement District No. ..." and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it

may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

(Stats.1961, c. 1435, p. 3264, § 31.)

§ 101-32. Exemption of bonds from taxation

Sec. 32. Any bonds issued by the agency are hereby given the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

(Stats.1961, c. 1435, p. 3266, § 32.)

Library References

Taxation ⇨318.
WESTLAW Topic No. 371.
C.J.S. Taxation §§ 382, 394.

§ 101-33. Formation of improvement districts; procedure; special election; action to contest validity

Sec. 33. Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 29 of this act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated expense of carrying out said purpose, (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said

proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested, (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place any person interested, including all persons owning property in the agency or in the proposed improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated therein. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing at which hearing any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall by resolution determine whether it is necessary to form said improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, estimated expense of carrying out said purpose, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map, shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the San Geronio Pass Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the agency pursuant to this section all taxes levied for the carrying out of said purpose shall be levied exclusively upon the taxable property in the improvement district.

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the 31st day after completion of said publication and/or posting. If before said effective date a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of said improvement district.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far

as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the elections shall have otherwise been fairly conducted.

If from such returns it appears that a majority of the votes cast at such election were in favor of the formation of such improvement district, the formation of such improvement district shall be complete.

Any action or proceeding wherein the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the effective date of the resolution forming such district, or if an election is held, within three months from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

(Stats.1961, c. 1435, p. 3266, § 33.)

Library References

Municipal Corporations ¶450.
WESTLAW Topic No. 268.
C.J.S. Municipal Corporations § 1359.

§ 101-34. Advancement of general funds; repayment; interest rate

Sec. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Sections 29 or 33 and, if the improvement district is formed under Section 29, may repay the agency from the proceeds of the sale of bonds authorized for such purpose, or if the improvement district is formed under Section 33 may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 5 percent from the special taxes levied exclusively upon the taxable property in said improvement district.

(Stats.1961, c. 1435, p. 3268, § 34.)

§ 101-35. Interest on bonds

Sec. 35. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds

are available, may be paid from the proceeds of the sale of such bonds; provided, that not more than five percent (5%) of the proceeds of any sale of the bonds shall be used for said purpose.

(Stats.1961, c. 1435, p. 3268, § 35.)

§ 101-36. Annexation by election; procedure

Sec. 36. Land not a part of the agency whether or not contiguous to it or to other portions added to the agency, and consisting of any portion of the county wherein the agency was formed or of any municipality therein, or of land in any county contiguous to the county wherein the agency was formed or of any municipality therein, may be included within the agency, other than land included in any public district having identity of purpose or substantial identity of purpose, without the prior written consent of such public district, evidenced by a resolution duly adopted by the governing board thereof. Such annexation shall occur in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be annexed equal in number to at least 10 per centum of the number of such voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such agency.

The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or

petitions within 10 days of the date of such certificate. The secretary of the agency shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the annexation of such area to the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Such petition may be granted by ordinance of the board of directors of such agency. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such agency of special taxes upon taxable property which such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such agency at the time authorized or outstanding. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the county once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicate upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall

contain the substance of the terms and conditions fixed by the board of directors, as herein provided. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the San Geronio Pass Water Agency, subject to the terms and conditions fixed by the board of directors of said agency?" At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county in which such agency is located. Upon receipt of such last-mentioned certificate, the Secretary of State shall within 10 days, issue his certificate, reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with the county clerk of the county in which such agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said agency, and the board of directors of such agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

(Stats. 1961, c. 1435, p. 3268, § 36.)

§ 101-37. Uninhabited territory; annexation proceedings

Sec. 37. Uninhabited territory within a county in which the agency is situated, other than territory included in any public district having identity of purpose or substantial identity of purpose, without the prior written consent of such public district, evidenced by a resolution duly adopted by the governing board thereof, may be added to such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of proceedings by resolution of the board. Such uninhabited territory, whether consisting of unincorporated territory or of incorporated territory or of both such unincorporated and incorporated territory, may consist of one or more parcels, which need not be contiguous one with the other or with the agency.

Proceedings for the annexation of uninhabited territory to the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county in which such territory is situated. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last

equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be annexed. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such agency pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed annexation. Said resolution shall state that such petition has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or to the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of the agency by resolution may initiate proceedings for the annexation of uninhabited territory to such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such annexation, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency, and at last 30 days before such hearing shall mail notice thereof to the owners of land in the territory proposed to be annexed according to the records of the county assessor of the county in which such territory is situated, addressed to such owners at the addresses shown upon the records of such county assessor.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the annexation and the addition of the uninhabited territory to the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary of the agency written protest against the annexation, or against the annexation

upon the terms and conditions specified in the resolution as the case may be. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county, further proceeding shall not be taken. If such protest is not made, the ordinance approving such annexation shall set forth and describe the boundaries of the territory so annexed and the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized. If the board of directors disapproves the annexation, or the annexation subject to such terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

The board of directors may approve the annexation of such territory upon terms and conditions fixed by the board in the manner hereinafter provided. Such terms and conditions may provide, among other things, for the levy by such agency of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such agency at the time authorized or outstanding. The board shall propose such terms and conditions either in the resolution adopted subsequent to the filing of a petition for annexation or in the resolution initiating the proceedings, as the case may be, or in a resolution adopted by the board at the hearing. Terms and conditions proposed in a prior resolution may be amended and the amended terms and conditions proposed in a resolution adopted by the board at the hearing. If such terms and conditions or amended terms and conditions, are proposed by the board in a resolution adopted at the hearing, the board shall adjourn the hearing for not less than 20 nor more than 40 days, to a time and place to be fixed in such resolution, and said resolution shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of such territory upon such terms and conditions. The secretary of the agency shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving notice of the original hearing. If prior to the hour set for the adjourned hearing, written protests, in the form hereinabove prescribed, to the annexation

of such territory subject to such terms and conditions, are filed with the secretary of the agency by the owners of one-half of the value of said territory as shown by the last equalized assessment role of the county, further proceedings shall not be taken. If such protest is not made the board of directors shall by ordinance approve or disapprove the annexation. If approved, such annexation shall be subject to the terms and conditions, or amended terms and conditions, so proposed by resolution of the board, which terms and conditions shall be set forth in the ordinance.

When an ordinance approving annexation of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such agency is situated. From the after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of said agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said agency, and the board of directors of such agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Notwithstanding the eligibility of any territory for annexation to the agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be annexed to such agency as a separate parcel, or as part of a larger parcel, of territory annexed under the provisions of Section 36 of this act.

(Stats.1961, c. 1435, p. 3271, § 37.)

§ 101-38. Exclusion of inhabited territory; proceedings

Sec. 38. Territory included within the agency may be excluded from such agency. Such territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be excluded equal in number to at least ten (10) per centum of the number of such voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities, or parts thereof, are included in the areas so proposed to be excluded, such petition must be signed by at least ten (10) per centum of the voters of each such city, or part thereof, so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion and shall contain a prayer that such area be excluded from the agency.

Within ten (10) days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the agency shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended is shown to be sufficient, the secretary shall present the same to the board of directors without delay.

The text of such petition shall be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such agency, together with a notice stating the time of the meeting at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

After an election for the exclusion of such area from the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

The board of directors of the agency, by resolution, may initiate proceedings for the exclusion of territory from such agency. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should

not be so excluded, shall fix the time of the meeting of the board at which persons so interested will be heard, and shall direct the secretary of the agency to give notice thereof. The secretary whereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency.

After an election for the exclusion of such area from the agency the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

If the proceedings for exclusion have been initiated by petition, such petition may be granted by ordinance of the board of directors of such agency. If such proceedings have been initiated by resolution, the board of directors shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the agency. If such petition is granted or if such determination is made, the proposition of such exclusion shall be submitted to the vote of the voters within the area proposed to be excluded, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

"Shall (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from the San Gorgonio Pass Water Agency?"

At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county or counties in which the agency is situated. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of, said agency, but the taxable property within such excluded area shall continue taxable by the agency

for the purpose of paying the bonded or other indebtedness of the agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

(Stats.1961, c. 1435, p. 3274, § 38.)

§ 101-39. Exclusion of uninhabited territory; proceedings

Sec. 39. Uninhabited territory included within the agency may be excluded from such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for exclusion or the initiation of proceedings by resolution of the board. Where any part of the corporate area of any city is included in the territory proposed to be excluded from the agency, the whole of the corporate area of such city, or a part thereof, then included within such agency shall be included in the territory so proposed to be excluded from such agency. Such uninhabited territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of uninhabited territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county or counties in which such territory is situated. A guardian, executor, administrator, or any person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be excluded. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the agency pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed exclusion. Said resolution shall state that said petition has been filed, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of the agency by resolution may initiate proceedings for the exclusion of uninhabited territory from such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such

exclusion, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearings shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers published in the agency.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the exclusion and the exclusion of the uninhabited territory from the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be excluded may file with the secretary of the agency written protest against the exclusion. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be excluded as shown by the last equalized assessment roll of the county or counties, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the exclusion by ordinance. Any ordinance approving such exclusion shall set forth and describe the boundaries of the territory so excluded. If the board of directors disapproves the exclusion, a new proceeding to exclude any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

When an ordinance approving exclusion of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area or areas from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerks of the counties in which the agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed excluded from, and shall no longer form a part of, said agency, but the taxable property within such excluded area or areas shall continue taxable by such agency for the purpose of paying the bonded or other indebtedness of the agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Notwithstanding the eligibility of any territory for exclusion from the agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be excluded from such agency as a separate parcel, or as part of a larger parcel, of territory excluded under the provisions of Section 38 of this act.

(Stats.1961, c. 1435, p. 3277, § 39.)

§ 101-40. Ordinances; methods of passing

Sec. 40. Ordinances may be passed by the voters of the agency organized under the provisions of this act in accordance with the methods provided by the Elections Code for direct legislation in cities.

(Stats.1961, c. 1435, p. 3279, § 40.)

§ 101-41. Veto by voters; proceedings

Sec. 41. Ordinances may be disapproved and thereby vetoed by the voters of this agency by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.

(Stats.1961, c. 1435, p. 3279, § 41.)

§ 101-42. Dissolution; procedure

Sec. 42. The San Geronio Pass Water Agency organized under the terms of this act may be disorganized or disincorporated in the following manner:

A petition shall be filed with the county clerk of the principal county in which such agency is located, signed by at least 25 percent of the voters of the area included in the agency who voted at the last gubernatorial election, praying for the disorganization and disincorporation of such agency and briefly stating the reasons therefor. Upon the filing of such petition the county clerk shall examine the same within 10 days and ascertain whether or not said petition is signed by the requisite number of voters. When the said county clerk has completed his examination of the petition he shall attach to the same his certificate properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of voters residing within the boundaries of the agency, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If the same is found to be insufficient by him, supplemental petitions may be filed at the time and in the manner and for the same purpose as supplemental petitions to the original petition for the incorporation of the agency. After an election for the disincorporation of the agency hereunder the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

If by the certificate of the county clerk such petition, or such petition as amended or supplemented, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. When such petition is presented by the county clerk as aforesaid, the board of supervisors shall give notice of an election to be held in said agency for the purpose of

determining whether or not the same shall be disincorporated and dissolved; provided, however, that in the event the said agency shall have issued bonds, the board of supervisors shall not consider said petition or take any action hereunder until evidence shall be furnished showing said bonds to have been fully satisfied. Said notice of election shall be published in a newspaper published in said agency and determined by said board most likely to give notice to those interested in said hearing, at least once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for the election; said notice shall state that the question of disincorporating said corporation shall be submitted to the voters of said agency at the time appointed for such election, and voters shall be invited thereby to vote upon such proposition by placing upon their ballots the cross as provided by law after the words "For Disincorporation" or "Against Disincorporation." The board of supervisors shall cause a copy of said notice to be mailed by the clerk of said board to each of the directors of said agency, within five days after the date of the first publication thereof, and no election shall be had until proof of such mailing is furnished by affidavit of the clerk of said board. Such election shall be held and conducted in the same manner as the election on the organization of said agency, as nearly as practicable. Within seven days after the date of said election, the board of supervisors shall proceed to canvass the vote cast thereat; if it be found by the canvass of said votes that less than a majority of the votes cast were in favor of disincorporation, said board of supervisors shall declare the petition for disincorporation is denied. In case it shall appear from said canvass that a majority of all the votes cast were in favor of disincorporation, said board of supervisors shall make and cause to be entered upon the records of their proceedings an order that the petition for such disincorporation be granted, and declaring that the San Gorgonio Pass Water Agency be disincorporated; said order to take effect at the time hereinafter provided. Said board of supervisors shall in case said agency is so disincorporated, forthwith cause its clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified copy of the notice of election hereinbefore provided for, and a statement of the number of voters voting for said disincorporation and the number of voters voting against said disincorporation. Twenty days from and after the holding of the election, in case a majority of said votes were cast in favor of said disincorporation, said agency shall be forever disincorporated. (Stats.1961, c. 1435, p. 3279, § 42.)

Library References

Waters and Water Courses \S 183½.
WESTLAW Topic No. 405.
C.J.S. Waters \S 243.

§ 101-43. Debts of dissolved agency; payment; assets

Sec. 43. Upon disincorporation of the agency in the manner hereinbefore provided for, the board of supervisors of the principal county shall forthwith, after ascertaining by said canvass that the disincorporation has been carried, determine the amount of the indebtedness of said agency, the amount of money

in the treasury thereof and all indebtedness due or coming due the said agency, and the directors of said agency shall furnish the said board of supervisors with a statement showing said amount of indebtedness, the same amount of money in the treasury and all indebtedness due or coming due said agency, and said agency shall before the expiration of 30 days turn over to the treasury of said county all moneys of said agency in his possession, and said county treasurer shall place said money in a special fund to be drawn upon as hereinafter provided for. Upon the disincorporation of said agency every public officer of said agency shall immediately turn over to the board of supervisors of the principal county in which said agency is situated, all public property of every nature and description in their possession, and including all public records and data of every nature and description. Nothing contained in this act shall be held to relieve said agency, or the territory included within it, from any liability or any debt contracted by said agency prior to its disincorporation. All warrants for said indebtedness shall be drawn on order of said board of supervisors of the county, on the fund hereinabove provided for in the county treasury of the principal county. All moneys paid into the county treasury under the provisions of this act shall be placed in the special fund hereinbefore provided for. If at any time after the disincorporation of said agency it shall be found that there is not sufficient money in the treasury to the credit of the fund hereinbefore provided, with which to pay any indebtedness of said agency, said board of supervisors shall have the power, and it shall be their duty, to levy upon, and there shall be collected from, the property within the territory formerly included within said agency subject to taxation for the indebtedness, a tax or taxes sufficient in amount to pay the said indebtedness as the same shall become due; such tax or taxes, assessments and collections shall be made in the same manner and at the same time that other taxes of the county are levied and collected, and they shall be an additional tax within said territory for the payment of said debts. If after payment of all debts of said agency there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the board of supervisors shall appropriate said surplus and declare a dividend pro rata to the taxpayers of said agency duly paid, and said taxpayers shall have the right to have the amount of such pro rata dividends refunded to them on demand, and the said board of supervisors shall refund such pro rata to said taxpayers and each thereof. The board of supervisors of the principal county in which said agency has been disincorporated, shall have the power and it shall be the duty of said board, if the board of directors of such agency shall fail or refuse to return to said board the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness, other than the bonded indebtedness, of said agency at the time of its disincorporation, the amount of money in its treasury and the amount due it at the said time; said board of supervisors shall make provision for the collection of the amounts due to said agency for the closing up of its affairs, and any act or acts necessary for said purposes not otherwise herein provided for, shall upon the order of said board of supervisors directing the same, be as fully done and performed and with as full effect as if the same had been performed by the proper officers of said agency before disincorporation, and said county

shall succeed to and possess all the right of said agency in and to said indebtedness, and shall have the power to sue for or otherwise collect any such debts in the name of said county, and all costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties of said board of supervisors provided for in this act, shall be paid out of the special fund in this act provided for.

It is the intention that the agency shall not be disincorporated until all bonded indebtedness shall have been fully paid, and by the word "indebtedness" as used herein is meant all indebtedness other than said bonded indebtedness unless the latter is expressly used.

(Stats.1961, c. 1435, p. 3281, § 43.)

§ 101-44. Actions to test validity of annexation or exclusion

Sec. 44. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the annexation of territory to, or exclusion of territory from, or the disincorporation of, the agency. Any action or proceeding, wherein the validity of such annexation or exclusion or disincorporation is denied or questioned, shall be commenced within three months from the date of the certificate of annexation or of exclusion issued by the Secretary of State, or from the date of the order of the board of supervisors declaring the disincorporation, as the case may be; otherwise, said annexation or exclusion or disincorporation, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable.

(Stats.1961, c. 1435, p. 3282, § 44.)

Library References

Declaratory Judgments ⇨204.
WESTLAW Topic No. 118A.
C.J.S. Declaratory Judgments § 88.

§ 101-45. Construction; definitions

Sec. 45. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof, by cities within this State. The term "city," as used in this act, shall mean and include any city or incorporated town, whether organized or functioning under a freeholders' charter or under the provisions of general laws. The word "agency" shall apply, unless otherwise expressed or used, to the San Gorgonio Pass Water Agency formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such agency. The meaning of the term "voter," as used in this act, shall be ascertained by reference to Section 21 of the Elections Code.

(Stats.1961, c. 1435, p. 3282, § 45.)

Library References

Statutes \Rightarrow 174.
WESTLAW Topic No. 361.
C.J.S. Statutes §§ 311, 313.

§ 101-46. Nomination of candidates; registrar of voters to act as county clerk

Sec. 46. If there shall be a registrar of voters, other than the county clerk, in the principal county in which the agency is situated, the duties required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water agency and the holding of elections in such agency, shall be performed by such registrar of voters.

(Stats.1961, c. 1435, p. 3283, § 46. Amended by Stats.1967, c. 249, § 9.)

§ 101-47. Lands in other counties; duties of secretary of board and auditor; apportionment of taxes; definitions

Sec. 47. The agency formed hereunder may contain lands situate in more than one county and this agency may annex lands situate in another county or counties. In either such case the lands need not be contiguous. The procedure, relating to formation, annexation, disorganization, disincorporation, exclusion, fiscal matters and taxation shall conform as near as may be to such provisions with respect to agencies containing lands located in one county, subject to the following provisions:

(a) The secretary of the board of directors of the San Geronio Pass Water Agency containing land in more than one county shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with agency elections and such duties of county clerks as are required by this act which relate to annexation, disorganization, disincorporation and exclusion, and, where necessary such secretary is authorized to procure from the proper county officials all requisite registration books and copies of indexes thereof; all papers required by this act to be filed with a county clerk shall be filed with said secretary and the board of directors shall perform all duties prescribed by law to be performed by boards of supervisors in connection with agency elections and such duties as are required by this act which relate to annexation, disorganization, disincorporation and exclusion of territory.

(b) Immediately after equalization and not later than the 15th day of August of each year, it shall be the duty of the auditor of each county wherein such agency or any part thereof shall lie, to prepare and deliver to the secretary of the agency or such other officer thereof as may be designated by the board of directors therefor a certificate showing the assessed valuation of all property within the agency lying within the county. Thereafter, the board of directors shall make the certification and statement, and issue the directions, as required by Section 27 of this act. After collection of taxes by the proper county officers at the rate specified, such officers shall pay the moneys received therefrom to the agency.

Whenever an improvement district within the San Gorgonio Pass Water Agency is itself located in two or more counties, the method and procedure for the apportionment of agency taxes between counties shall apply to such improvement district.

(c) Whenever provision is made in this act for notice within a county, it shall be construed to require notice within each county in which agency lands are located.

(d) "Principal county" as used in this section means the county in which the greater portion of land of the San Gorgonio Pass Water Agency is located. (Stats.1961, c. 1435, p. 3283, § 47.)

§ 101-48. Repeal; partial invalidity

Sec. 48. All acts and parts of acts in conflict herewith are hereby repealed. If any section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid the validity of the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

(Stats.1961, c. 1435, p. 3284, § 48.)

Library References

Statutes Ⓒ64.
WESTLAW Topic No. 361.
C.J.S. Statutes § 92.

§ 101-49. Public corporation or agency; annexation, inclusion or addition; identity

Sec. 49. The inclusion in, or annexation or addition to this agency, of the corporate area of any public corporation or public agency shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose of this agency. No public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within this agency, whether by incorporation or annexation, without the consent of the board of directors of this agency.

(Stats.1961, c. 1435, p. 3284, § 49.)

§ 101-50. Water standby or availability charge

Sec. 50. The agency, by ordinance, may fix, on or before the first day of July in any calendar year, a water standby or availability charge within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars (\$10)

per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars (\$10) per year for any parcel of less than one acre. The ordinance fixing a standby charge shall be adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established by ordinance and after notice and hearing in the manner prescribed in Sections 54984.4 and 54984.5 of the Government Code, concerning providing notice and a hearing with regard to levying a charge. The ordinance fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability. On or before the third Monday in August, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the agency upon which a charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the agency on each parcel of land. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors shall levy, in addition to any other tax it levies, a standby charge in the amounts for the respective parcels fixed by the board. All county officers charged with the duty of collecting taxes shall collect agency standby charges with the regular tax payments to the county. Such charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property benefited thereby. Liens for such charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

(Added by Stats.1967, c. 249, § 10. Amended by Stats.1990, c. 1052 (S.B.2499), § 5, eff. Sept. 19, 1990.)

§ 101-51. Annexation of territory

Sec. 51. The board, by resolution, may initiate proceedings for the annexation of territory within the agency, whether contiguous or not to an improvement district, to such improvement district

The resolution proposing annexation shall:

- (a) Declare that proceedings have been initiated by the board pursuant to this article.
- (b) State the reason for proposing the annexation.
- (c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.
- (d) State the terms and conditions of the annexation.
- (e) State that the holders of title to any of the lands sought to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(f) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the agency, if there is a newspaper published and printed in the agency.

A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons will be heard at the hearing.

If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after the date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

(Added by Stats.1967, c. 249, § 11.)

§ 101-52. Dissolution of improvement district

Sec. 52. Notwithstanding any other provision herein, whenever the board deems it necessary for any improvement district formed pursuant to this law to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

As used in this law, "improvement district" includes any improvement district whether originally inhabited or uninhabited.

The resolution of intention shall state:

- (a) The reason why the improvement district should be dissolved.
- (b) If the improvement district was formed pursuant to Section 29 of this law, or any section which provides for the issuance of bonds, that no bonds have been issued for the improvement district or are outstanding.
- (c) If the improvement district was formed pursuant to Section 33 of this law, that no indebtedness or liability was incurred for the improvement district or that no such liability or indebtedness is outstanding.
- (d) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.
- (e) The time and place for a hearing by the board on the question of the dissolution of the improvement district.
- (f) That at such time and place any person interested, including all persons owning property in the agency or in the improvement district will be heard.

Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the agency, or in the improvement district, may appear and present any matters material to the proposed dissolution.

At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the improvement district. If so, the ordinance shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the ordinance shall be final and conclusive.

When the ordinance declaring an improvement district dissolved becomes effective, the dissolution of such improvement district is complete.

The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any indebtedness of the agency contracted for such dissolved improvement district until the indebtedness has been satisfied, to the same extent that such property would be taxable for such purpose if the dissolution had not occurred.

Any action or proceeding in which the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the improvement district; otherwise, the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

After a bond election has been held in an improvement district formed pursuant to Section 29 of this law and less than two-thirds of the votes cast in such election were in favor of the measure, the board may within one year of the date of such election call and hold another election as provided in Section 29 of this law for the purpose of resubmitting said measure to the electors of said improvement district. If said measure is not so resubmitted said improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said measure is resubmitted and fails to receive more than two-thirds of the votes cast in such election in favor of said measure said improvement district is dissolved following the canvass of the election returns.

(Added by Stats.1967, c. 249, § 12.)

APPENDIX D

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY
FOR A WATER SUPPLY

THIS CONTRACT, made this 16th day of November, 1962 pursuant to the provisions of the California Water Resources Development Bond Act, the State Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State", and San Gorgonio Pass Water Agency

a public agency in the State of California, duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in Riverside County, California, herein referred to as the "Agency".

WITNESSETH, That:

WHEREAS, the State is authorized to construct and operate facilities for the storage and conveyance of water, certain of which facilities will make water available to the Agency; and

WHEREAS, funds will be provided under the California Water Resources Development Bond Act for the construction of said facilities; and

WHEREAS, the Agency is desirous of obtaining a supply of water from the State;

NOW THEREFORE, it is mutually agreed as follows:

A. INTRODUCTORY PROVISIONS

1. DEFINITIONS

When used in this contract, the following terms shall have the meanings hereinafter set forth:

(a) Bond Act

"Bond Act" shall mean the California Water Resources Development Bond Act, comprising Chapter 8 (commencing at Section 12930) of Part 6 of Division 6 of the Water Code.

(b) System

"System" shall mean the State Water Resources Development System as defined in Section 12931 of the Water Code.

(c) Delta

"Delta" shall mean the Sacramento-San Joaquin Delta as defined in Section 12220 of the Water Code on November 8, 1960.

(d) Contractor

"Contractor" shall mean any entity contracting with the State for a dependable supply of water made available by the System, except such water as is made available by the facilities specified in Section 12934(d)(6) of the Water Code.

(e) Project Facilities

"Project facilities" shall mean those facilities of the System which will, in whole or in part, serve the purposes of this contract by conserving water and making it available for use in and above the Delta and for export from the Delta, and by conveying water to the Agency. Said project facilities shall consist specifically of "project conservation facilities" and "project transportation facilities", as hereinafter defined.

(f) Project Conservation Facilities

"Project conservation facilities" shall mean such project facilities as are presently included, or as may be added in the future, under (g) and (h) below.

Art. 1

(g) Initial Project Conservation Facilities

"Initial project conservation facilities" shall mean the following project facilities specified in Section 12934(d) of the Water Code:

- (1) All those facilities specified in subparagraph (1) thereof.
- (2) Those facilities specified in subparagraph (3) thereof to the extent that they serve the purposes of water conservation in the Delta, water supply in the Delta, and transfer of water across the Delta.
- (3) A reservoir near Los Banos in Merced County as specified in subparagraph (2) thereof.
- (4) The reach of the San Joaquin Valley-Southern California Aqueduct extending from the Delta to a reservoir near Los Banos in Merced County, to the extent required for water conservation through conveyance of water diverted from the Delta to offstream storage in said reservoir as determined by the State.
- (5) Those facilities specified in subparagraph (5) thereof which are incidental to the facilities included under (1), (2), (3), and (4) above.
- (6) Those facilities specified in subparagraph (7) thereof which are necessary and appurtenant to the facilities included under (1), (2), (3), (4), and (5) above.

(h) Additional Project Conservation Facilities

"Additional project conservation facilities" shall mean those project facilities provided for in Section 12938 of the Water Code which will serve the purpose of preventing any reduction in the minimum project yield, as hereinafter defined.

(i) Project Transportation Facilities

"Project transportation facilities" shall mean those project facilities:

- (1) Specified in Water Code Section 12934(d)(2) which are described in Table H of this contract;
- (2) Specified in Water Code Section 12934(d)(5) which are incidental to the facilities included under (1) above;
- (3) Specified in Water Code Section 12934(d)(7) which are necessary and appurtenant to the facilities included under (1) and (2) above.

(j) Project Water

"Project water" shall mean water made available for delivery to the contractors by project conservation facilities and the transportation facilities included in the System.

(k) Minimum Project Yield

"Minimum project yield" shall mean the dependable annual supply of project water to be made available,

estimated to be 4,000,000 acre-feet per year, said amount to be determined by the State on the basis of coordinated operation studies of initial project conservation facilities and additional project conservation facilities, which studies shall be based upon:

- (1) The estimated relative proportion of deliveries for agricultural use to deliveries for municipal use for the year 1990, and the characteristic distributions of demands for these two uses throughout the year.
- (2) An allowable reduction in the agricultural use portion of the minimum project yield, due to drought, of not to exceed fifty percent (50%) in any one year, nor a total of one hundred percent (100%) of one year's supply in any series of seven consecutive years.
- (3) Agreements now in effect or as hereafter amended or supplemented between the State and the United States and others regarding the diversion or utilization of waters of the Delta or streams tributary thereto.

(l) Annual Entitlement

"Annual entitlement" shall mean the amount of project water to be made available to a contractor during the respective year, at the delivery structures provided for such contractor, under the terms of its contract with the State.

(m) Maximum Annual Entitlement

"Maximum annual entitlement" shall mean the maximum amount of project water to be made available to a contractor in any one year, at the delivery structures provided for such contractor, under the terms of its contract with the State.

(n) Supplemental Conservation Facilities

"Supplemental conservation facilities" shall mean those facilities provided for in Section 12938 of the Water Code which will serve the purpose of supplying water in addition to the minimum project yield, and for meeting local needs.

(o) Supplemental Water

"Supplemental water" shall mean water made available by supplemental conservation facilities, in excess of the minimum project yield.

(p) Year

"Year" shall mean the 12-month period from January 1 through December 31, both dates inclusive.

(q) Year of Initial Water Delivery

"Year of initial water delivery" shall mean the year when project water will first be available for delivery to a contractor pursuant to its contract with the State.

(r) Project Interest Rate

"Project interest rate" shall mean the weighted average of the interest rates paid by the State on bonds issued under the Bond Act without regard to any premiums received on the sale thereof. Until bonds are issued and sold under the Bond Act, the project interest rate shall be four percent (4%) per annum, and after said bonds have been issued said rate shall be computed as a decimal fraction to five places.

(s) Capital Costs

"Capital costs" shall mean all costs incurred subsequent to authorization of a facility for construction by the Legislature or by administrative action pursuant to Section 11290 of the Water Code and to the Bond Act, including those so incurred prior to the beginning of the project repayment period as herein defined and any accrued unpaid interest charges thereon at the rates specified herein, which are properly chargeable to the construction of and the furnishing of equipment for the facilities of the System, including the costs of surveys, engineering studies, exploratory work, designs, preparation of construction plans and specifications, acquisition of lands, easements and rights-of-way, relocation work, and essential administrative work in connection therewith, all as shown upon the official records of the Department of Water Resources.

(t) Project Repayment Period

"Project repayment period" shall mean that period of years commencing on January 1, 1961, and extending until all bonds secured by the pledge of revenues provided for by the Bond Act have been repaid.

(u) Municipal Use

"Municipal use" shall mean all those uses of water common to the municipal water supply of a city, town, or other similar population group, including uses for domestic purposes, uses for the purposes of commerce, trade or industry, and any other use incidental thereto for any beneficial purpose.

(v) Manufacturing Use

"Manufacturing use" shall mean any use of water primarily in the production of finished goods for market.

(w) Agricultural Use

"Agricultural use" shall mean any use of water primarily in the production of plant crops or livestock for market, including any use incidental thereto for domestic or stock-watering purposes.

(x) Subject to Approval by the State

"Subject to approval by the State" shall mean subject to the determination and judgment of the State as to acceptability.

(y) Area of Origin Statutes

"Area of origin statutes" shall mean Sections 10505 and 11460 through 11463 of the Water Code as now existing or hereafter amended.

2. TERM OF CONTRACT

This contract shall become effective on the date first above written and shall remain in effect throughout the project repayment period, or for seventy-five (75) years, whichever period is longer.

3. VALIDATION

Within one (1) year after the effective date of this contract, the Agency shall submit this contract to a court of competent jurisdiction for determination of its validity by a proceeding in mandamus or other appropriate proceeding or action, which proceeding or action shall be diligently prosecuted to final decree or judgment. In the event that this contract is determined to be invalid by such final decree or judgment, the State shall make all reasonable efforts to obtain validating legislation at the next session of the Legislature empowered to consider such legislation, and within six (6) months after the close of such session, if such legislation shall have been enacted, the Agency shall submit this contract to a court of competent jurisdiction for redetermination of its validity by appropriate proceeding or action, which proceeding or action shall be diligently prosecuted to final decree or judgment.

4. OPTION FOR CONTINUED SERVICE

By written notice to the State at least six (6) months prior to the expiration of the term of this contract, the Agency may elect to receive continued service after expiration of said term under the following conditions unless otherwise agreed to:

- (1) Service of water in annual amounts up to and including the Agency's maximum annual entitlement hereunder.
- (2) Service of water at no greater cost to the Agency than would have been the case had this contract continued in effect.
- (3) Service of water under the same physical conditions of service, including time, place, amount and rate of delivery, as are provided for hereunder.
- (4) Retention of the same chemical quality objective provision as is set forth herein.
- (5) Retention of the same options to utilize the project transportation facilities as are provided for in Articles 18(b) and 18(c), to the extent such options are then applicable.

Other terms and conditions of the continued service shall be reasonable and equitable and shall be mutually agreed upon. In the event that said terms and condi-

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tions provide for continued service for a limited number of years only, the Agency shall have the same option to receive continued service here provided for upon the expiration of that and each succeeding period of continued service.

5. PLEDGE OF REVENUES

This contract is entered into for the direct benefit of the holders and owners of all general obligation bonds issued under the Bond Act, and the income and revenues derived from this contract are pledged to the purposes and in the priority set forth in that act.

B. WATER SERVICE PROVISIONS

6. ANNUAL ENTITLEMENTS

(a) Year of Initial Water Delivery

The year of initial water delivery to the Agency is presently estimated to be 1972. To the extent practicable, the State shall notify the Agency of any change in this estimate.

(b) Agency's Annual Entitlements to Water

Commencing with the year of initial water delivery to the Agency, the State each year shall make available for delivery to the Agency the amounts of project water designated in Table A of this contract, which amounts are referred to in this contract as the Agency's annual entitlements.

(c) Obligation of State to Complete Facilities

Subject to the availability of funds, the State shall make all reasonable efforts consistent with sound fiscal policies, reasonable construction schedules, and proper operating procedures to complete the project facilities necessary for delivery of project water to the Agency in such manner and at such times that said delivery can commence in or before the year specified in subdivision (a) of this article, and continue in the amounts designated in Table A of this contract.

7. CHANGES IN ANNUAL ENTITLEMENTS, MAXIMUM ANNUAL ENTITLEMENT

(a) Changes in Annual Entitlements

The Agency may, at any time or times during the term of this contract, by timely written notice furnished to the State, request that project water be made available to it thereafter in annual amounts greater or less than the annual entitlements designated in Table A of this contract. Subject to approval by the State of any such request, the State's construction schedule shall be adjusted to the extent necessary to satisfy the request, and the requested increases or decreases in said annual entitlements shall be incorporated in said Table A by amendment thereof: *Provided*, That no such

change shall be approved if in the judgment of the State it would impair the financial feasibility of the project facilities.

(b) Maximum Annual Entitlement of Agency

The maximum amount of project water to be made available to the Agency in any one year under this contract shall be that specified in Table A of this contract and in said table designated as the Agency's "Maximum Annual Entitlement." In no event shall such maximum amount of project water to be made available to the Agency be increased over this amount, except as is otherwise provided in this contract.

8. OPTION TO INCREASE MAXIMUM ANNUAL ENTITLEMENT

In the event that the maximum annual entitlements under all contracts executed by the State on or before December 31, 1963, do not aggregate the amount of the minimum project yield as herein defined, the State shall immediately notify the Agency and all other contractors, and the Agency may elect to become entitled to the uncontracted for portion of the minimum project yield in or up to an amount which bears the same ratio to such uncontracted for portion as the Agency's maximum annual entitlement bears to the total of the maximum annual entitlements of all contractors as of that date: *Provided*, That such option may be exercised only to the extent that the water involved can be put to beneficial use within a reasonable period of time. Such option shall become effective on the date that the Agency receives said notice from the State and shall remain in effect through September 30, 1964. If the full amount of such uncontracted for portion of the minimum project yield is not preempted by the Agency under this option and by other contractors through the exercise of similar options on or before September 30, 1964, the Agency may request that it become entitled to any amount of such water not so preempted. Such request shall be subject to approval by the State and shall be considered in the light of all similar requests from other contractors. The State shall approve such request only to the extent that the water involved can be put to beneficial use within a reasonable period of time. Upon the exercise of such option or upon the approval of such request the Agency's maximum annual entitlement in Table A of this contract shall be increased by the amount of the additional entitlement thereby obtained by amendment of that table, and the Agency shall become obligated and hereby agrees to pay to the State a proportionate share of the costs attributable to such increase in accordance with cost allocation principles and procedures set forth in this contract. The service of and payment for said increased entitlement shall in all respects be subject to the terms and conditions of this contract.

9. DELIVERY POINTS

Project water made available to the Agency pursuant to Article 6 shall be delivered to the Agency by the State at the delivery structures established in accordance with Article 10.

10. DELIVERY STRUCTURES

(a) *Determination of Size and Location of Delivery Structures*

Project water made available to the Agency pursuant to this contract shall be delivered to the Agency at such locations and times and through delivery structures of such capacities as are requested by the Agency and approved by the State.

(b) *Agency Requests as to Initial Delivery Structures*

Pursuant to subdivision (a) of this article, the Agency shall furnish to the State on or before June 1, 1964, its written requests as to:

- (1) The location of delivery structures for delivery of project water to it.
- (2) The time at which project water is first to be delivered through each such delivery structure.
- (3) The maximum instantaneous flow capacity in cubic feet per second to be provided in each such delivery structure.
- (4) The maximum amount of water in acre-feet to be delivered in any one month through each such delivery structure.
- (5) The total combined maximum instantaneous flow capacity in cubic feet per second to be provided by all such delivery structures.
- (6) The total maximum amount of water in acre-feet to be delivered in any one month through all such delivery structures.

(c) *Requests by Agency for Additional Delivery Structures*

From time to time the Agency may request delivery structures in addition to those requested pursuant to subdivision (b) of this article.

(d) *Agency to Advance Funds for Delivery Structures*

The Agency shall pay all of the costs of delivery structures for the delivery of project water to it, and shall deposit with the State, prior to the commencement of construction of any such delivery structure, an amount of money estimated by the State to be sufficient to cover the costs thereof.

11. MEASUREMENT OF WATER DELIVERED

(a) *Measurement by State*

The State shall measure all project water delivered to the Agency and shall keep and maintain accurate and complete records thereof. For this purpose, the State shall install, operate, and maintain at all delivery

structures for delivery of project water to the Agency such measuring devices and equipment as are satisfactory and acceptable to both parties. Said devices and equipment shall be examined, tested, and serviced regularly to insure their accuracy. At any time or times, the Agency or any other contractor may inspect such measuring devices and equipment, and the measurements and records taken therefrom.

(b) *Agency to Advance Funds for Measuring Devices*

The Agency shall pay all of the costs of acquiring and installing the measuring devices and equipment provided for in subdivision (a) of this article, and shall deposit with the State, prior to such acquisition and installation, an amount of money estimated by the State to be sufficient to cover such costs.

12. DELIVERY SCHEDULES

(a) *Procedure for Determining Water Delivery Schedule*

The amounts, times, and rates of delivery of project water to the Agency during any year shall be in accordance with a water delivery schedule for that year, such schedule to be determined in the following manner:

- (1) On or before October 1 of each year, the Agency shall submit in writing to the State a preliminary water delivery schedule, subject to the provisions of this article and Articles 6(b), 7(b), 10 and 17, indicating the amounts of water desired by the Agency during each month of the succeeding five (5) years.
- (2) Upon receipt of a preliminary schedule the State shall review it and, after consultation with the Agency, shall make such modifications in it as are necessary to insure that the amounts, times, and rates of delivery to the Agency will be consistent with the State's overall delivery ability, considering the then current delivery schedules of all contractors. On or before December 1 of each year, the State shall determine and furnish to the Agency the water delivery schedule for the next succeeding year which shall show the amounts of water to be delivered to the Agency during each month of that year.
- (3) A water delivery schedule may be amended by the State upon the Agency's written request. Proposed amendments shall be submitted by the Agency within a reasonable time before the desired change is to become effective, and shall be subject to review and modification by the State in like manner as the schedule itself.

(b) *Limit on Peak Deliveries of Water*

In no event shall the State contract to deliver to any contractor from the project transportation facili-

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ties downstream from Pumping Plant VI (Tehachapi Pumping Plant) in any one month of any year a total amount of project water greater than eleven percent (11%) of such contractor's annual entitlement for that year; or to deliver to any contractor from the project transportation facilities upstream from said Pumping Plant VI in any one month of any year a total amount of project water greater than the sum of eighteen percent (18%) of that portion of such contractor's annual entitlement for that year to be put to agricultural use, as determined by the State, and eleven percent (11%) of that portion of such contractor's annual entitlement for that year to be put to municipal use, as determined by the State: *Provided*, That if the State delivers project water to any contractor through delivery structures both downstream and upstream from said Pumping Plant VI, the foregoing limitations shall be based on an appropriate apportionment of such contractor's annual entitlement for the respective year to the respective portions of such contractor's service area to which delivery is made from the project transportation facilities downstream from said Pumping Plant VI and from the project transportation facilities upstream therefrom: *Provided further*, That the percentages set forth hereinabove may be revised for a particular contractor by amendment of this subdivision after submission to the State of that contractor's requests with respect to maximum monthly deliveries, such revision being subject to approval by the State and subject to advancement to the State by the contractor of funds sufficient to cover any additional costs of the project transportation facilities occasioned thereby, the amount of such funds to be determined pursuant to Article 24(d).

(c) Limit on Rate of Delivery to Agency

In no event shall the State be obligated to deliver water to the Agency through all delivery structures at a total combined instantaneous rate of flow exceeding 21 cubic feet per second, except as this rate of flow may be revised by amendment of this article after submission to the State of the Agency's requests with respect to maximum flow capacities to be provided in said delivery structures, pursuant to Article 10.

(d) Delivery of Water Not Delivered in Accordance With Schedule

If in any year the State, as a result of causes beyond its control, is unable to deliver any portion of the Agency's annual entitlement for such year under Table A of this contract as provided for in the delivery schedule established for that year, the Agency may elect to receive the amount of water which otherwise would have been delivered to it during such period at other times during the year or succeeding years, to the extent that such water is then available and such election is consistent with the State's overall delivery ability, considering the then current delivery schedules of all contractors.

13. RESPONSIBILITIES FOR DELIVERY AND DISTRIBUTION OF WATER

(a) State Not Liable for Operation Beyond Delivery Structures

Neither the State nor any of its officers, agents, or employees shall be liable for the control, carriage, handling, use, disposal, or distribution of project water supplied to the Agency after such water has passed the delivery structures established in accordance with Article 10; nor for claim of damage of any nature whatsoever, including but not limited to property damage, personal injury or death, arising out of or connected with the control, carriage, handling, use, disposal or distribution of such water beyond said delivery structures; and the Agency shall indemnify and hold harmless the State and its officers, agents, and employees from any such damages or claims of damages.

(b) Agency Not Liable for Operation Upstream From Delivery Structures

Neither the Agency nor any of its officers, agents, or employees shall be liable for the control, carriage, handling, use, disposal, or distribution of project water before such water has passed the delivery structures established in accordance with Article 10; nor for claim of damage of any nature whatsoever, including but not limited to property damage, personal injury or death, arising out of or connected with the control, carriage, handling, use, disposal, or distribution of such water before it has passed said delivery structures.

14. CURTAILMENT OF DELIVERY FOR MAINTENANCE PURPOSES

(a) State May Curtail Deliveries

The State may temporarily discontinue or reduce the delivery of project water to the Agency hereunder for the purposes of necessary investigation, inspection, maintenance, repair, or replacement of any of the project facilities necessary for the delivery of project water to the Agency. The State shall notify the Agency as far in advance as possible of any such discontinuance or reduction, except in cases of emergency, in which case notice need not be given.

(b) Agency May Receive Later Delivery of Water Not Delivered

In the event of any discontinuance or reduction of delivery of project water pursuant to subdivision (a) of this article, the Agency may elect to receive the amount of water which otherwise would have been delivered to it during such period under the water delivery schedule for that year at other times during the year or succeeding years to the extent that such water is then available and such election is consistent with the State's overall delivery ability, considering the then current delivery schedules of all contractors.

15. AREA SERVED BY AGENCY

(a) **State Approval of Sale of Water by Agency Outside Boundaries**

Project water delivered to the Agency pursuant to this contract shall not be sold or otherwise disposed of by the Agency for use outside the Agency without the prior written consent of the State.

(b) **State Approval of Change in Boundaries or Organization of Agency**

While this contract is in effect no change shall be made in the Agency either by inclusion or exclusion of lands, by partial or total consolidation or merger with another district, by proceedings to dissolve, or otherwise, except with the prior written consent of the State or except by act of the Legislature.

(c) **Map of Agency**

The Agency shall provide the State with a map satisfactory to the State indicating the major existing distribution facilities and the boundaries of the Agency at the time the contract is signed and supplementary maps whenever a boundary change is made.

16. CONTINUITY AND DEPENDABILITY OF WATER SUPPLY

(a) **Limit on Total of all Maximum Annual Entitlements**

The Agency's maximum annual entitlement hereunder, together with the maximum annual entitlements of all other contractors, shall aggregate no more than the minimum project yield as defined herein and in no event more than 4,000,000 acre-feet of project water.

(b) **State to Perfect Water Rights**

The State shall make all reasonable efforts to perfect and protect water rights necessary for the System and for the satisfaction of water supply commitments under this contract.

(c) **State to Report on Ability to Meet Future Water Demands**

Commencing within two (2) years from the year of initial project water delivery to the Agency, the State shall submit to the agency at not more than five-year intervals a report on the State's ability to meet future demands for project water and for supplemental water, and on the State's plans for constructing additional project conservation facilities and supplemental conservation facilities. Such reports shall include all estimates, projections, and other data which the State deems relevant thereto.

(d) **Construction of Additional and Supplemental Conservation Facilities**

Bond funds required to be expended for the construction of additional facilities of the System under

the provisions of Section 12938 of the Water Code shall be expended only for construction of additional project conservation facilities as defined herein, and related, appurtenant facilities necessary and desirable to meet local needs: *Provided*, That if at any time after 1985 the State finds that a part or all of such bond funds are not then required for the above purpose, and will not be so required within the next succeeding ten (10) years, such bond funds may be used, to the extent permitted in the Bond Act, to construct supplemental conservation facilities as defined herein.

(e) **Furnishing of Supplemental Water**

In planning and designing supplemental conservation facilities the State shall give consideration to the requirements and demands for supplemental water of the Agency and others who have contracted for project water. Entitlements to supplemental water shall be obtained, and repayment therefor shall be arranged, in contracts separate from contracts for project water.

17. CONSTRUCTION OF PROJECT FACILITIES

(a) **Determination of Aqueduct Capacities**

Subject to the rights of the Agency under subdivision (b) of this article and the other provisions of this contract, the State shall provide in each aqueduct reach of the project transportation facilities such maximum monthly delivery capability for the transport and delivery of project water to the Agency as, in the judgment of the State, will best serve the interests of the Agency and all other contractors entitled to delivery of project water from or through said facilities: *Provided*, That within three (3) months after the effective date of this contract the Agency shall furnish to the State a written request specifying such maximum monthly delivery capabilities, and the State shall give full consideration to such request in planning and designing said facilities.

(b) **Criteria for Determining Capacity of Transportation Facilities**

Subject to Article 45, the State shall design and construct the project transportation facilities so as to provide in each reach thereof, including reservoirs, the capacity necessary to enable delivery of project water in each year to the Agency and to other contractors in the maximum monthly amounts and at the locations, times, and maximum rates specified or provided for in their respective contracts for such year, and shall include in each such reach such capacity as is economically justified in the judgment of the State to compensate for scheduled outages for purposes of necessary investigation, inspection, maintenance, repair or replacement of project facilities, and for losses of water due to evaporation, leakage, seepage, or other causes: *Provided*, That regulatory storage reservoirs included

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in the project transportation facilities may be utilized in conjunction with conveyance capacity provided in said facilities for delivery to the Agency of the foregoing monthly amounts.

(c) Inspection of Project Plans and Specifications

The Agency shall have a reasonable opportunity to inspect and study the State's plans and specifications for all project facilities and may make comments and recommendations thereon to the State. Such privilege shall also extend to any plans and specifications in connection with the use by the State, in conjunction with the project facilities, of facilities owned by an entity other than the State. The State shall not enter into any such agreement which would impair the State's ability to perform fully its obligations under this contract.

(d) Restriction on Bond Sales

No bonds shall be sold nor funds expended under the authority of the Bond Act for the construction of any aqueduct or appurtenance thereto included in the System unless and until contracts are executed which will insure the recovery by the State of at least seventy-five percent (75%) of those capital costs of the particular aqueduct and any appurtenances thereto which shall be reimbursable by the contractors as determined by the State; nor shall any bonds be sold or funds expended under the authority of the Bond Act for the construction of any project conservation facility or supplemental conservation facility, unless and until contracts are executed which, together with estimated revenues from the sale or other disposal of electrical energy generated in connection with operation of project conservation facilities and supplemental conservation facilities, will insure the recovery by the State of at least seventy-five percent (75%) of those capital costs of the particular facility which shall be reimbursable by the contractors as determined by the State: *Provided*, That the foregoing limitations shall not apply with respect to: (1) surveys, engineering studies, exploratory work, designs, preparation of construction plans and specifications, acquisition of lands, easements and rights of way, relocation work, and essential administrative work in connection therewith; (2) construction for which appropriations had been made prior to approval of the Bond Act by the voters of the State of California; and (3) construction of facilities pursuant to an agreement between the State and the United States.

(e) Failure to Complete Facilities

In the event that the State fails or is unable to complete construction of any portion or portions of the project transportation facilities necessary to deliver water to the Agency as provided in this contract, and gives the Agency written notice thereof, or by reason of such failure or inability construction of said facilities has ceased for a period of two and one-half (2½) years, the Agency, if it be not then in default and

without exclusion of such other rights as it may have under this contract, may exercise the following options:

- (1) The Agency may provide funds to the State in such amounts and at such times as may be necessary to enable the State to complete construction of such incompleting portion or portions of the project transportation facilities to the extent necessary for the transport and delivery of water to the Agency as provided for in this contract: *Provided*, That the State shall be and remain the owner of such project transportation facilities or portions thereof constructed in whole or in part with funds provided by the Agency, and shall be and remain obligated to operate, maintain, repair and replace such facilities to the full extent contemplated in this contract: *Provided further*, That the amount of any funds so provided by the Agency shall be credited by the State against the Agency's payment obligation under the capital cost component of the Transportation Charge, but the Agency shall be and remain obligated to pay its share of any capital costs of the above-described facilities not paid for with such funds, together with its proportionate share of the operation, maintenance, power and replacement costs of such facilities.
- (2) The Agency may at its own expense, and on a joint venture basis if such an arrangement is made with other contractors having similar options, connect to the project transportation facilities constructed by the State for the purpose of receiving project water to which it is entitled under this contract. In such event and notwithstanding any other provisions of this contract, the structures for delivery of project water to the Agency pursuant hereto shall thereafter be deemed to be located at such point of connection. Specific arrangements for acquiring, constructing, operating, maintaining and replacing the Agency's facilities at the point of connection thereof with the State's facilities shall be in accordance with terms and conditions mutually agreed upon by the parties: *Provided*, That the State shall be and remain the owner of all facilities constructed by it to said point of connection, and the Agency shall be and remain obligated to pay its proportionate share of the costs thereof.

18. SHORTAGE IN WATER SUPPLY

(a) Temporary Shortages; Delivery Priorities

In any year in which there may occur a shortage due to drought or other temporary cause in the supply of project water available for delivery to the contractors, with the result that such supply is less than the total of the annual entitlements of all contractors for that year, the State shall, before reducing deliveries

of project water to all contractors, reduce the delivery of project water to each contractor using such water for agricultural purposes by a percentage, not to exceed fifty percent (50%) in any one year or a total of one hundred percent (100%) in any series of seven consecutive years, of that portion of the contractor's annual entitlement for the respective year which is to be put to agricultural use as determined by the State: *Provided*, That such percentage shall be the same for all such contractors. The maximum total reduction in deliveries allowable under the above provision shall be made before any reduction is made in project water deliveries for other uses. Any necessary reduction in deliveries of project water beyond said maximum total reduction allowable under the foregoing provision shall be apportioned among all contractors irrespective of the uses to which such water is to be put. In such event, the State shall reduce deliveries to each contractor in an amount which bears the same proportion to the total amount of such necessary further reduction that the contractor's annual entitlement bears to the total of the annual entitlements of all contractors for that year, all as determined by the State: *Provided*, That the State may apportion on some other basis if such is required to meet minimum demands for domestic supply, fire protection, or sanitation during the year. The foregoing provisions of this subdivision shall be inoperative to the extent that a contractor's annual entitlement for the respective year reflects established rights under the area of origin statutes precluding a reduction in deliveries to such contractor.

(b) Permanent Shortage; Reduction of Entitlements

In the event that the State is unable to construct sufficient additional conservation facilities to prevent a reduction in the minimum project yield, or if for any other reason there is a reduction in the minimum project yield, which, notwithstanding preventive or remedial measures taken or to be taken by the State, threatens a permanent shortage in the supply of project water to be made available to the contractors:

- (1) The annual entitlements and the maximum annual entitlements of all contractors, except to the extent such entitlements may reflect established rights under the area of origin statutes, shall, by amendment of Table A of this contract, be reduced proportionately by the State to the extent necessary so that the sum of the revised maximum annual entitlements of all contractors will then equal such reduced minimum project yield: *Provided*, That appropriate adjustment in the contractors' respective financial obligations to the State under the Transportation Charge shall be made in accordance with such reduced entitlements if such reductions have not been strictly proportionate throughout.
- (2) The Agency, at its option, shall have the right to use any of the project transportation facilities

which by reason of such reduction in the minimum project yield are not required for delivery of project water to the Agency, to transport water procured by it from any other source: *Provided*, That such use shall be within the limits of the capacities provided in the project transportation facilities for service to the Agency under this contract: *Provided further*, That except to the extent such limitation in Section 12931 of the Water Code be changed, the Agency shall not use the project transportation facilities under this option to transport water the right to which was secured by the Agency through eminent domain unless such use be approved by the Legislature by concurrent resolution with a majority of the members elected to each house voting in favor thereof.

(c) Permanent Shortage; Contracts for Areas-of-Origin

In the event that the State, because of the establishment by a party of a prior right to water under the provisions of Sections 11460 through 11463 of the Water Code, enters into a contract with such party for a dependable supply of project water, which contract will cause a permanent shortage in the supply of project water to be made available to the Agency hereunder:

- (1) The State shall: (i) equitably redistribute the costs of all transportation facilities included in the System among all contractors for project water, taking into account the diminution of the supply to the Agency and other prior contractors and the payments theretofore made by the Agency and other prior contractors in accordance with the terms of their contracts, and (ii) revise the Agency's annual entitlements and maximum annual entitlement, by amendment of Table A of this contract, to correspond to the reduced supply of project water to be made available to the Agency: *Provided*, That such redistribution of costs of transportation facilities shall not be made until there has been reasonable opportunity for the Agency to exercise the option provided for in (2) below, and for other prior contractors to exercise similar options.
- (2) The Agency, at its option, shall have the right to use any of the project transportation facilities which by reason of such permanent shortage in the supply of project water to be made available to the Agency are not required for delivery of project water to the Agency, to transport water procured by it from any other source: *Provided*, That such use shall be within the limits of the capacities provided in the project transportation facilities for service to the Agency under this contract: *Provided further*, That, except to the extent such limitation

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in Section 12931 of the Water Code be changed, the Agency shall not use the project transportation facilities under this option to transport water the right to which was secured by the Agency through eminent domain unless such use be approved by the Legislature by concurrent resolution with a majority of the members elected to each house voting in favor thereof. This option shall terminate upon a redistribution of costs of transportation facilities by the State pursuant to (1) above. In the event that this option is exercised, the State shall take such fact into account in making such redistribution of costs, and shall offset such use as is made of the project transportation facilities pursuant thereto against any reduction in the Agency's payment obligation hereunder resulting from such redistribution of costs.

(d) Reinstatement of Entitlements

If after any revision of annual entitlements and maximum annual entitlements pursuant to subdivisions (b) or (c) of this article, circumstances arise which, in the judgment of the State, justify a revision upward of the same, the State shall, with the consent of the affected contractor, reinstate proportionately the previously reduced entitlements of such contractor to the extent deemed justified, and shall equitably redistribute the costs of the project transportation facilities if inequities would otherwise occur as a result of such reinstatement of entitlements.

(e) Advance Notice of Delivery Reductions

The State shall give the Agency written notice as far in advance as possible of any reduction in deliveries to it under subdivision (a) of this article and, to the extent possible, shall give the Agency written notice five (5) years in advance of any reduction in its annual entitlements and maximum annual entitlement under subdivisions (b) or (c) of this article. Reports submitted to the Agency pursuant to Article 16 (c) may constitute such notices.

(f) No Liability for Shortages

Neither the State nor any of its officers, agents, or employees shall be liable for any damage, direct or indirect, arising from shortages in the amount of water to be made available for delivery to the Agency under this contract caused by drought, operation of area of origin statutes, or any other cause beyond its control.

19. WATER QUALITY

(a) Table of Water Quality Objectives

It shall be the objective of the State and the State shall take all reasonable measures to make available, at all delivery structures for delivery of project water

to the Agency, project water of such quality that the following constituents do not exceed the concentrations stated as follows:

Constituent	Unit	Monthly Average	Average for any 10-year Period	Maximum
Total Dissolved Solids	ppm.	440	220	—
Total Hardness	ppm.	180	110	—
Chlorides	ppm.	110	55	—
Sulfates	ppm.	110	20	—
Boron	ppm.	0.6	—	—
Sodium Percentage	%	50	40	—
Fluoride	ppm.	—	—	1.5
Lead	ppm.	—	—	0.1
Selenium	ppm.	—	—	0.05
Hexavalent Chromium	ppm.	—	—	0.05
Arsenic	ppm.	—	—	0.05
Iron and Manganese together	ppm.	—	—	0.3
Magnesium	ppm.	—	—	125
Copper	ppm.	—	—	3.0
Zinc	ppm.	—	—	15
Phenol	ppm.	—	—	0.001

(b) Records of Water Quality

The State shall regularly take samples of water at each delivery structure for delivery of project water to the Agency, and shall make chemical and physical analyses and tests of such samples. The State shall keep accurate and complete records of all such analyses and tests, which records shall be available for inspection by the Agency at any time or times.

(c) No Liability for Failure to Meet Quality Objectives

If through no negligence of the State or its officers, agents, or employees, the State is unable to attain the quality objectives set forth in subdivision (a) of this article, neither the State nor any of its officers, agents, or employees shall be liable in any manner whatsoever for such deviation from said quality objectives.

20. SUSPENSION OF SERVICE UPON DEFAULT

In the event of any default by the Agency in the payment of any money required to be paid to the State hereunder, the State may, upon not less than six months' notice to the Agency, suspend deliveries of water under this contract for so long as such default continues: *Provided*, That during such period the Agency shall remain obligated to make all payments required under this contract. Action taken pursuant to this article shall not deprive the State of or limit any remedy provided by this contract or by law for the recovery of money due or which may become due under this contract.

21. SALE OF SURPLUS WATER

If during any year the supply of project water, after appropriate allowance for holdover storage, exceeds the total of annual entitlements of all contractors for that year, the State shall offer to sell and deliver such

surplus water for periods expiring not later than the end of such year, without right of renewal, and in a manner and at prices which will return to the State the largest net revenues practicable, and at the minimum, revenues equal to the variable operation, maintenance and power costs incurred in such service of surplus water: *Provided*, That such service of surplus water shall not interfere with the delivery of their respective annual entitlement to those contractors which do not receive surplus water in such year: *Provided further*, That not until a contractor either pays or incurs a payment obligation for its annual entitlement in accordance with the payment provisions of its contract, shall surplus water be sold to such contractor at prices less than those which would result under the application of the payment provisions of its contract: *Provided further*, That if, in the judgment of the State, the annual entitlement of a contractor desiring to purchase surplus water is unrealistically low for the year in which such purchase is to be made, the State shall, for the purpose of pricing such water in accordance with the second proviso above, consider such annual entitlement to be an increased amount determined by the State to accurately correspond to such contractor's actual requirements for project water in that year. All net revenues from the service of surplus water shall be applied in such manner that all contractors which contribute to the payment of the costs of any System facilities by which surplus water was conserved and transported in connection with such service will receive credit for a share of such net revenues in the proportion that each such contractor contributes to payment of such costs. The service of surplus water shall, in every case, be subject to the paramount right and obligation of the State to discontinue the same, in whole or in part, when required for service of project water to contractors.

C. PAYMENT PROVISIONS

22. DELTA WATER CHARGE

(a) *Payment of Reimbursable Costs of Project Conservation Facilities*

The payments to be made by each contractor for project water shall include an annual charge designated as the Delta Water Charge. This charge, together with the total revenues derived during the project repayment period from the sale or other disposal of electrical energy generated in connection with operation of project conservation facilities, shall return to the State during the project repayment period all costs of the project conservation facilities including capital, operation, maintenance, power, and replacement costs, which are allocated to the purpose of water conservation in, above, and below the Delta pursuant to subdivision (e) of this article during the project repayment period. Wherever reference is

made, in connection with the computation or determination of the Delta Water Charge, to the costs of any facility or facilities included in the System, such reference shall be only to those costs of such facility or facilities which are reimbursable by the contractors as determined by the State.

(b) *Delta Water Rate Until 1970; Components of Rate Thereafter*

For each contractor receiving project water in any year through December 31, 1969, the Delta Water Charge shall be the product of \$3.50 and the contractor's annual entitlement to project water for the respective year. After that date, the Delta Water Charge shall consist and be the sum of the following components as these are computed in accordance with subdivisions (c) and (d) of this article: a capital cost component; a minimum operation, maintenance, power, and replacement component; and a variable operation, maintenance, power and replacement component.

(c) *Computation of the Components of the Delta Water Rate*

The capital cost, the minimum operation, maintenance, power, and replacement, and the variable operation, maintenance, power, and replacement components of the Delta Water Charge, together with that portion of the revenues derived during the project repayment period from the sale or other disposal of electrical energy generated in connection with operation of project conservation facilities which is allocated by the State to repayment of the respective category of costs, shall return to the State during the project repayment period, respectively, the following categories of the costs allocated to the purpose of water conservation in, above, and below the Delta pursuant to subdivision (e) of this article: (1) capital costs; (2) operation, maintenance, power, and replacement costs incurred irrespective of the amount of project water delivered to the contractors; and (3) operation, maintenance, power, and replacement costs incurred in an amount which is dependent upon and varies with the amount of project water delivered to the contractors: *Provided*, That each of the above categories of costs shall be inclusive of the appropriate costs properly chargeable to the generation and transmission of electrical energy in connection with operation of project conservation facilities. Each component of the Delta Water Charge shall be computed on the basis of a rate which, when charged during the project repayment period for each acre-foot of the sum of the yearly totals of annual entitlements of all contractors, will be sufficient, together with that portion of the revenues derived during the project repayment period from the sale or other disposal of electrical energy generated in connection with operation of project conservation facilities which is allo-

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cated by the State to repayment of the respective category of costs, to return to the State during the project repayment period all costs included in the

respective category of costs covered by that component. Each such rate shall be computed in accordance with the following formula:

$$\frac{(c_1 - r_1)(1 + i)^{-1} + (c_2 - r_2)(1 + i)^{-2} + \dots + (c_n - r_n)(1 + i)^{-n}}{e_1(1 + i)^{-1} + e_2(1 + i)^{-2} + \dots + e_n(1 + i)^{-n}}$$

Where:

i = The project interest rate.

c = The total costs included in the respective category of costs for the respective year of the project repayment period.

r = That portion of the revenues derived from the sale or other disposal of electrical energy allocated by the State to repayment of the costs included in the respective category for the respective year of the project repayment period.

1, 2, and n
appearing
below

c and r = The respective year of the project repayment period for which costs are included in the respective category, n being the last year of the project repayment period.

e = With respect to the capital cost and minimum operation, maintenance, power, and replacement components, the total of annual entitlements to project water of all contractors for the respective year of the project repayment period.

e = With respect to the variable operation, maintenance, power, and replacement component, the total of the amounts of project water delivered to all contractors for the respective year of the expired portion of the project repayment period, together with the total of annual entitlements to project water of all contractors for the respective year of the unexpired portion of the project repayment period.

1, 2, and n
appearing
below e

= The respective year of the project repayment period in which the annual entitlements or project water deliveries occur, n being the last year of the project repayment period.

n used

as an

exponent = The number of years in the project repayment period.

(d) Application of Component Rates

The capital cost and minimum operation, maintenance, power, and replacement components of the Delta Water Charge shall be the product of the appropriate rate computed under subdivision (c) of this article, and the contractor's annual entitlement to project water for the respective year. The variable operation, maintenance, power, and replacement component of the charge shall be the product of the appropriate rate computed under subdivision (c) of this article and the number of acre-feet of project water delivered to the contractor during the respective year: *Provided*, That when project water has been requested by a contractor and delivery thereof has been commenced by the State, and, through no fault of the State, such water is wasted as a result of failure or refusal by the contractor to accept delivery thereof, said variable component during such period shall be the product of said rate per acre-foot and the sum of the number of acre-feet of project water delivered to the contractor and the number of acre-feet wasted.

(e) Allocations to Project Purposes

Prior to the time that additional project conservation facilities or supplemental conservation facilities are constructed, the Delta Water Charge shall be determined on the basis of an allocation to project

purposes, by the separable cost-remaining benefits method, of all projected costs of all those initial project conservation facilities located in and above the Delta, and upon an allocation to the purposes of water conservation and water transportation, by the proportionate use of facilities method, of all projected costs of the following project facilities located below the Delta: The aqueduct intake facilities at the Delta, Pumping Plant I (Delta Pumping Plant), the aqueduct from the Delta to San Luis Forebay, San Luis Forebay, and San Luis Reservoir: *Provided*, That all of the projected costs properly chargeable to the generation and transmission of electrical energy in connection with operation of project conservation facilities shall be allocated to the purpose of water conservation in, above, and below the Delta: *Provided further*, That allocations to purposes the costs of which are to be paid by the United States shall be as determined by the United States. Commencing in the year in which the State first incurs capital costs for construction of additional project conservation facilities, the Delta Water Charge shall be determined on the basis of the foregoing allocations and upon an allocation to project purposes, by the separable costs-remaining benefits method and subject to the foregoing provisos, of all projected costs of such additional project conservation facilities.

(f) Yearly Recomputation of Rates After 1970

The rates to be used in determining the components of the Delta Water Charge pursuant to subdivision (d) of this article and to become effective on January 1, 1970, shall be computed by the State in accordance with subdivision (c) of this article prior to that date. Such computation shall include an adjustment which shall account for the difference, if any, between revenues received by the State under the Delta Water Charge prior to January 1, 1970, and revenues which would have been received under the charge prior to that date had it been computed and charged in accordance with subdivisions (c) and (d) of this article. Upon such computation, a document establishing such rates shall be prepared by the State and attached to this contract as an amendment of this article. The State shall recompute such rates each year thereafter, and each such recomputation shall take account of and reflect increases or decreases from year to year in projected costs, outstanding reimbursable indebtedness of the State incurred to construct the project conservation facilities described in subdivision (e) of this article, annual entitlements, deliveries of project water, project interest rate, revenues from the sale or other disposal of electrical energy, and all other factors which are determinative of such rates. In addition, each such recomputation shall include an adjustment of the rates for succeeding years which shall account for the differences, if any, between projections of costs used by the State in determining said rates for all preceding years, and actual costs incurred by the State during such years. Upon each such recomputation, an appropriately revised copy of the document establishing such rates shall be prepared by the State and attached to this contract as an amendment of this article.

(g) Supplemental Conservation Facilities

Upon the construction of supplemental conservation facilities, the Delta Water Charge shall be paid by all contractors for supplemental water, as well as by contractors for project water, and, together with revenues derived from the sale or other disposal of electrical energy generated in connection with operation of project conservation facilities and supplemental conservation facilities, shall return to the State, in addition to those costs of the project conservation facilities allocated to the purpose of water conservation in, above, and below the Delta pursuant to subdivision (e) of this article, all costs of such supplemental conservation facilities, including capital, operation, maintenance, power, and replacement costs, which are allocated to the purpose of water conservation in, above, and below the Delta pursuant hereto. Commencing in the year in which the State first incurs capital costs for construction of supplemental conservation facilities, the Delta Water Charge shall be determined on the basis of the allocations made pursuant to subdivision (e) of

this article, and upon an allocation to project purposes, by the separable costs-remaining benefits method and subject to provisos corresponding to those contained in said subdivision (e), of all projected costs of such supplemental conservation facilities. Commencing in the same year, the computation of the rates to be used in determining the components of the Delta Water Charge shall include the annual entitlements to water under all contracts for supplemental water. If the repayment period of any bonds sold to construct supplemental conservation facilities extends beyond the project repayment period, the Delta Water Charge shall be determined and redetermined on the basis of such extended repayment period as the State determines to be appropriate.

23. TRANSPORTATION CHARGE

The payments to be made by each contractor entitled to delivery of project water from the project transportation facilities shall include an annual charge under the designation Transportation Charge. This charge shall return to the State during the project repayment period those costs of all project transportation facilities necessary to deliver project water to the contractor including capital, operation, maintenance, power, and replacement costs, which are allocated to the contractor during the project repayment period in accordance with the cost allocation principles and procedures herein after set forth. Wherever reference is made, in connection with the computation, determination, or payment of the Transportation Charge, to the costs of any facility or facilities included in the System, such reference shall be only to those costs of such facility or facilities which are reimbursable by the contractors as determined by the State. The Transportation Charge shall consist of a capital cost component; a minimum operation, maintenance, power, and replacement component; and a variable operation, maintenance, power, and replacement component, as these components are defined in and determined under Articles 24, 25, and 26, respectively. For the purpose of allocations of costs pursuant to said articles, the project transportation facilities shall be segregated into such aqueduct reaches as are determined by the State to be necessary for such allocations of costs. Subject to such modifications as are determined by the State to be required by reason of any request furnished by the Agency to the State pursuant to Article 17(a) of this contract, or by reason of contracts entered into by the State with other contractors, the aqueduct reaches of the project transportation facilities are established as set forth in Table I of this contract: *Provided*, That those costs of the aqueduct reaches from the Delta through the outlet of San Luis Reservoir which are allocated to the purpose of water conservation in, above, and below the Delta for the purpose of determining the Delta Water Charge, as hereinbefore set forth, shall not be included in the Transportation Charge.

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24. TRANSPORTATION CHARGE—CAPITAL COST COMPONENT

(a) Method of Computation

The capital cost component of the Transportation Charge shall be sufficient to return to the State those capital costs of the project transportation facilities necessary to deliver water to the contractor which are allocated to the contractor pursuant to subdivision (b) of this article. The amount of this component shall be determined in two steps as follows: (1) an allocation of capital costs to the contractor, and (2) a computation of annual payment of such allocated capital costs and interest thereon, computed at the project interest rate and compounded annually, to be made by the contractor.

(b) Allocation of Capital Costs Among Contractors

In the first step, the total amount of capital costs of each aqueduct reach to be returned to the State shall be allocated among all contractors entitled to delivery of project water from or through the reach by the proportionate use of facilities method of cost allocation and in accordance with (1) and (2) below. The measure of the proportionate use of each contractor of each reach shall be the average of the following two ratios: (i) the ratio of the contractor's maximum annual entitlement to be delivered from or through the reach to the total of the maximum annual entitlements of all contractors to be delivered from or through the reach; and (ii) the ratio of the capacity provided in the reach for the transport and delivery of project water to the contractor to the total capacity provided in the reach for the transport and delivery of project water to all contractors served from or through the reach. Allocations of capital costs to the Agency pursuant hereto shall be on the basis of relevant values which will be set forth in Table B of this contract by the State as soon as designs and cost estimates are prepared by it subsequent to receipt of requests from the Agency as to the maximum monthly delivery capability to be provided in each aqueduct reach of the project transportation facilities for the transport and delivery of project water to the Agency, pursuant to Article 17(a): *Provided*, That these values shall be subject to redetermination by the State in accordance with Article 28: *Provided further*, That the principles and procedures set forth in this subdivision shall be controlling as to allocations of capital costs to the Agency.

- (1) The total amount of capital costs allocated to a contractor shall be the sum of the products obtained when there is multiplied, for each aqueduct reach necessary to deliver water to the contractor, the total amount of the capital costs of the reach to be returned to the State under the Transportation Charge by the average of the two foregoing ratios for such reach as

said average is set forth in the appropriate table included in its contract.

- (2) In the event that excess capacity is provided in any aqueduct reach for the purpose of making project water available in the future to an agency or agencies with which the State has not executed contracts at the time of any allocation of costs pursuant to this subdivision, the prospective maximum annual entitlement or entitlements to be supplied by such excess capacity, as determined by the State, shall be deemed to be contracted for by said agency or agencies for the purpose of such allocation of costs, to the end that the capital costs of providing such excess capacity are not charged to any contractor entitled by virtue of an executed contract to the delivery of project water from or through that aqueduct reach at the time of such allocation. Where additional capacity is provided in any aqueduct reach to compensate for loss of water due to evaporation, leakage, seepage, or other causes, or to compensate for scheduled outages for purposes of necessary investigation, inspection, maintenance, repair or replacement of the facilities of the project facilities, then, for the purpose of any allocation of costs pursuant to this subdivision: (i) the maximum annual entitlement to be delivered from or through the reach of each contractor entitled to delivery of project water from or through the reach shall be increased by an amount which bears the same proportion to the maximum annual delivery capability provided by such additional capacity that the contractor's maximum annual entitlement to be delivered from or through the reach bears to the total of the maximum annual entitlements to be delivered from or through the reach under all contracts; and (ii) the capacity provided in the reach for each contractor entitled to delivery of project water from or through the reach shall be increased in the same proportion that the contractor's maximum annual entitlement to be delivered from or through the reach is increased pursuant to (i) above.
- (3) The projected amounts of capital costs to be allocated annually to the Agency under the capital cost component of the Transportation Charge shall be determined by the State in accordance with the cost allocation principles and procedures set forth in this subdivision, which principles and procedures shall be controlling as to allocations of capital costs to the Agency. Such amounts will be set forth in Table C of this contract by the State as soon as designs and cost estimates are prepared by it subsequent to receipt of requests from the Agency as to the maximum monthly delivery capability to be

provided in each aqueduct reach for transport and delivery of project water to the Agency, pursuant to Article 17(a): *Provided*, That these amounts shall be subject to redetermination by the State in accordance with Article 28.

(c) Annual Payments of Allocated Capital Costs

In the second step, the Agency's annual payment of its allocated capital costs and interest thereon, computed at the project interest rate and compounded annually, shall be determined in accordance with a payment schedule established by the State and determined in accordance with the principles set forth in (1), (2), and (3) below, which principles shall be controlling as to the Agency's payment of its allocated capital costs. The Agency's payment schedule will be set forth in Table D of this contract by the State as soon as designs and cost estimates are prepared by it subsequent to receipt of requests from the Agency as to the maximum monthly delivery capability to be provided in each aqueduct reach for transport and delivery of project water to the Agency, pursuant to Article 17(a): *Provided*, That the amounts set forth in Table D shall be subject to redetermination by the State, pursuant to Article 28.

- (1) The Agency's annual payment shall be the sum of the amounts due from the Agency on the Agency's allocated capital costs for the then current year and for each previous year where each such amount will pay, in not more than fifty (50) equal annual installments of principal and interest, the Agency's allocated capital costs for the respective year and interest thereon, computed at the project interest rate and compounded annually.
- (2) The Agency may make payments at a more rapid rate if approved by the State.
- (3) Such annual payments shall cease when all allocated capital costs and interest thereon, computed at the project interest rate and compounded annually, are repaid.

(d) Payment in Advance for Excess Peaking Capacity

In the event that any contractor, pursuant to Article 12(b), requests delivery capacity in any aqueduct reach which will permit maximum monthly deliveries to such contractor in excess of the percentage amounts specified in said Article 12(b) for the uses designated therein, such contractor shall furnish to the State, in advance of the construction of such aqueduct reach, funds sufficient to cover the costs of providing such excess capacity, which funds shall be in an amount which bears the same proportion to the total capital costs of such reach, including the costs of providing such excess capacity, as such excess capacity bears to the total capacity of such reach, including such excess capacity. For the purpose of any allocation of costs pursuant to subdivision (b) of this article, the total

capital costs of such aqueduct reach shall be allocated among all contractors entitled to delivery of project water from or through the reach in the following manner:

- (1) The costs which would have been incurred for such reach had no such excess capacity been provided shall be estimated by the State and allocated among all such contractors in the manner provided in said subdivision (b); and
- (2) The amount of the difference between said estimated costs and the projected actual costs of such reach shall be allocated to the contractor or contractors for which such excess capacity is provided.

Where such excess capacity is provided for more than one contractor, the costs allocated to them under (2) above shall be further allocated between or among them in amounts which bear the same proportion to the total of said allocated costs as the amount of such excess capacity provided for the respective contractor bears to the total of such excess capacity provided in such reach. In the event that the funds advanced by a contractor pursuant to this subdivision are more or less than the costs so allocated to such contractor under (2) above, the account of such contractor shall be credited or debited accordingly.

(e) Costs Incurred Prior to Date of Contract

The Agency's allocated capital costs for the year preceding the year of initial payment of the capital component of the Transportation Charge, pursuant to subdivision (c) of this article, shall consist of the sum of the Agency's allocated capital costs for each year through such year preceding the year of initial payment, and interest thereon, computed at the project interest rate and compounded annually.

25. TRANSPORTATION CHARGE—MINIMUM OPERATION, MAINTENANCE, POWER, AND REPLACEMENT COMPONENT

(a) Method of Computation

The minimum operation, maintenance, power, and replacement component of the Transportation Charge shall return to the State those costs of the project transportation facilities necessary to deliver water to the contractor which constitute operation, maintenance, power, and replacement costs incurred irrespective of the amount of project water delivered to the contractor and which are allocated to the contractor pursuant to (b) below: *Provided*, That to the extent permitted by law, the State may establish reserve funds to meet anticipated minimum replacement costs; and deposits in such reserve funds by the State: (1) shall be made in such amounts that such reserve funds will be adequate to meet such anticipated costs as they are incurred, and (2) shall be deemed to be a part of the minimum replacement costs for the year in which such deposits are made.

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(b) Allocation of Costs

The total projected minimum operation, maintenance, power, and replacement costs of each aqueduct reach of the project transportation facilities for the respective year shall be allocated among all contractors entitled to delivery of project water from said facilities by the proportionate use of facilities method of cost allocation, in the same manner and upon the same bases as are set forth for the allocation of capital costs in Article 24: *Provided*, That such minimum operation, maintenance, power, and replacement costs as are incurred generally for the project transportation facilities first shall be allocated to each aqueduct reach in an amount which bears the same proportion to the total amount of such general costs that the amount of the costs incurred directly for the reach bears to the total of all direct costs for all aqueduct reaches.

(c) Payment Table

The amount to be paid each year by the Agency under the minimum operation, maintenance, power, and replacement component of the Transportation Charge shall be determined in accordance with subdivision (b) of this article on the basis of the relevant values to be set forth for the respective aqueduct reaches in Table B of this contract: *Provided*, That these values shall be subject to redetermination by the State in accordance with Article 28. Such amounts and any interest thereon shall be set forth by the State in Table E of this contract as soon as designs and cost estimates have been prepared by it subsequent to receipt of requests from the Agency as to the maximum monthly delivery capability to be provided in each aqueduct reach for transport and delivery of project water to the Agency, pursuant to Article 17(a): *Provided*, That the amounts set forth in Table E shall be subject to redetermination by the State in accordance with Article 28.

26. TRANSPORTATION CHARGE—VARIABLE OPERATION, MAINTENANCE, POWER, AND REPLACEMENT COMPONENT

(a) Method of Computation

The variable operation, maintenance, power, and replacement component of the Transportation Charge shall return to the State those costs of the project transportation facilities necessary to deliver water to the contractor which constitute operation, maintenance, power, and replacement costs incurred in an amount which is dependent upon and varies with the amount of project water delivered to the contractor and which are allocated to the contractor pursuant to (1) and (2) below: *Provided*, That to the extent permitted by law, the State may establish reserve funds to meet anticipated variable replacement costs; and deposits in such reserve funds by the State: (1) shall

be made in such amounts that such reserve funds will be adequate to meet such anticipated costs as they are incurred, and (2) shall be deemed to be a part of the variable replacement costs for the year in which such deposits are made. The amount of this component shall be determined as follows:

- (1) There shall be computed for each aqueduct reach of the project transportation facilities a charge per acre-foot of water which will return to the State the total projected variable operation, maintenance, power, and replacement costs of the reach for the respective year. This computation shall be made by dividing said total by the number of acre-feet of project water estimated to be delivered from or through the reach to all contractors during the year.
- (2) The amount of the variable component shall be the sum of the products obtained when the charges per acre-foot of water, determined under (1) above, for each aqueduct reach necessary to deliver water to the contractor are multiplied by the number of acre-feet of project water delivered to the contractor from or through that reach during the year: *Provided*, That when project water has been requested by a contractor and delivery thereof has been commenced by the State, and, through no fault of the State, such water is wasted as a result of failure or refusal by the contractor to accept delivery thereof, the amount of said variable component to be paid by such contractor during such period shall be the product of the above sum and the sum of the number of acre-feet of project water delivered to the contractor and the number of acre-feet wasted.

(b) Revenue From Aqueduct Power Recovery Plants

There shall be credited against the amount of the variable component to be paid by each contractor, as determined pursuant to subdivision (a) of this article, a portion of the projected net value of any power recovered during the respective year at project aqueduct power recovery plants located upstream on the particular aqueduct from the delivery structures for delivery of project water to the contractor. Such portion shall be in an amount which bears the same proportion to said projected net value that the number of acre-feet of project water delivered to the contractor through said plants during the year bears to the number of acre-feet of project water delivered to all contractors through said plants during the year.

(c) Payment Table

The amount to be paid each year by the Agency under the variable operation, maintenance, power, and

replacement component of the Transportation Charge shall be determined in accordance with subdivision (a) of this article for the respective aqueduct reaches in Table B of this contract. Such amounts and any interest thereon shall be set forth by the State in Table F of this contract as soon as designs and cost estimates are prepared by it subsequent to receipt of requests from the Agency as to the maximum monthly delivery capability to be provided in each aqueduct reach for transport and delivery of project water to the Agency, pursuant to Article 17(a): *Provided*, That the amounts set forth in Table F shall be subject to redetermination by the State in accordance with Article 28.

27. TRANSPORTATION CHARGE—PAYMENT SCHEDULE

The amounts to be paid by the Agency for each year of the project repayment period under the capital cost and minimum operation, maintenance, power, and replacement components of the Transportation Charge, and under the variable operation, maintenance, power, and replacement component of said charge on the basis of then estimated deliveries, shall be set forth by the State in Table G of this contract as soon as designs and cost estimates have been prepared by it subsequent to receipt of requests from the Agency as to the maximum monthly delivery capability to be provided in each aqueduct reach for transport and delivery of project water to the Agency, pursuant to Article 17(a). Table G of this contract shall constitute a summation of Tables D, E, and F of this contract: *Provided*, That each of the amounts set forth in Table G shall be subject to redetermination by the State in accordance with Article 28: *Provided further*, That the principles and procedures set forth in Articles 24, 25, and 26 shall be controlling as to such amounts. Such amounts shall be paid by the Agency in accordance with the provisions of Article 29.

28. TRANSPORTATION CHARGE—REDETERMINATION

The State shall redetermine the values and amounts set forth in Tables B, C, D, E, F and G of this contract in the year following the year in which the State commences construction of the project transportation facilities and each year thereafter in order that the Transportation Charge to the Agency and the components thereof may accurately reflect increases or decreases from year to year in projected costs, outstanding reimbursable indebtedness of the State incurred to construct the project transportation facilities described in Table I of this contract annual entitlements, estimated deliveries, project interest rate, and all other factors which are determinative of such charges. In addition, each such redetermination shall include an adjustment of the components of the Transportation Charge to be paid by the Agency for suc-

ceeding years which shall account for the differences, if any, between projections of costs used by the State in determining the amounts of said components for all preceding years and actual costs incurred by the State during such years. Upon each such redetermination, appropriately revised copies of Tables B, C, D, E, F and G shall be prepared by the State and attached to this contract as amendments of those tables.

29. TIME AND METHOD OF PAYMENT

(a) Initial Payment—Delta Water Charge

Payments by the Agency under the Delta Water Charge shall commence in the year of initial water delivery to the Agency.

(b) Initial Payment—Transportation Charge: Capital Component

Payments by the Agency under the capital cost component of the Transportation Charge shall commence in the year following the year in which the State commences construction of the project transportation facilities. If such construction has already commenced when this contract is executed, such payments shall begin in the year following the year of execution.

(c) Initial Payment—Transportation Charge: Minimum Component

Payments by the Agency under the minimum operation, maintenance, power, and replacement component of the Transportation Charge shall commence for each aqueduct reach in the year following the year in which construction of that reach is completed.

(d) Initial Payment—Transportation Charge: Variable Component

Payments by the Agency under the variable operation, maintenance, power, and replacement component of the Transportation Charge shall commence in the year of initial water delivery to the Agency.

(e) Statement of Charges

The State shall, on or before July 1 of each year, commencing with the year preceding the year in which payment of the respective charge is to commence pursuant to this article, furnish the Agency with a written statement of: (1) the charges to the Agency for the next succeeding year under the capital cost and minimum operation, maintenance, power, and replacement components of the Delta Water Charge and Transportation Charge; (2) the unit charges to the Agency for the next succeeding year under the variable operation, maintenance, power, and replacement components of said Delta Water Charge and Transportation Charge; and (3) the total charges to the Agency for the preceding year under the variable operation, maintenance, power, and replacement components of said Delta Water Charge and Transportation Charge: *Provided*, That through December 31,

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1969, the Delta Water Charge shall be based upon a unit rate of \$3.50 per acre-foot and shall be paid by the contractors on the basis of their respective annual entitlements to project water, as provided in Article 22(b): *Provided further*, That the first such statement shall be provided by the State as soon after the execution of this contract as is feasible. All such statements shall be accompanied by the latest revised copies of the document amendatory to Article 22 and of Tables B, C, D, E, F and G of this contract, together with such other data and computations used by the State in determining the amounts of the above charges as the State deems appropriate. The State shall, on or before the fifteenth day of each month of each year, commencing with the year of initial water delivery to the Agency, furnish the Agency with a statement of the charges to the Agency for the preceding month under the variable operation, maintenance, power, and replacement components of the Delta Water Charge and Transportation Charge. Such charges shall be determined by the State in accordance with the relevant provisions of Articles 22 and 26 of this contract, upon the basis of metered deliveries of project water to the Agency, except as otherwise provided in those articles.

(f) Times of Payment—Capital Components

The Agency shall pay to the State, on or before January 1 of each year, commencing with the year in which payment of the respective charge is to commence pursuant to this article, one-half ($\frac{1}{2}$) of the charge to the Agency for the year under the capital cost component of the Delta Water Charge and one-half ($\frac{1}{2}$) of the charge to the Agency for the year under the capital cost component of the Transportation Charge, as such charges are stated pursuant to subdivision (e) of this article; and shall pay the remaining one-half ($\frac{1}{2}$) of each of said charges on or before July 1 of that year.

(g) Times of Payment—Minimum Components

The Agency shall pay to the State, on or before the first day of each month of each year, commencing with the year of initial water delivery to the Agency, one-twelfth ($\frac{1}{12}$) of the sum of the charges to the Agency for the year under the minimum operation, maintenance, power, and replacement components of the Delta Water Charge and Transportation Charge, respectively, as such charges are stated pursuant to subdivision (e) of this article.

(h) Times of Payment—Variable Components

The Agency shall pay to the State on or before the fifteenth day of each month of each year, commencing with the year of initial water delivery to the Agency, the charges to the Agency under the variable

operation, maintenance, power, and replacement components of the Delta Water Charge and Transportation Charge, respectively, for which a statement was received by the Agency during the preceding month pursuant to subdivision (e) of this article, as such charges are stated in such statement.

(i) Contest of Accuracy of Charges

In the event that the Agency contests the accuracy of any statement submitted to it pursuant to subdivision (e) of this article, it shall give the State notice thereof at least ten (10) days prior to the day upon which payment of the stated amounts is due. To the extent that the State finds the Agency's contentions regarding the statement to be correct, it shall revise the statement accordingly, and the Agency shall make payment of the revised amounts on or before the due date. To the extent that the State does not find the Agency's contentions to be correct, or where time is not available for a review of such contentions prior to the due date, the Agency shall make payment of the stated amounts on or before the due date, but may make the contested part of such payment under protest and seek to recover the amount thereof from the State.

30. SURCHARGE FOR PROJECT WATER USED ON EXCESS LAND

(a) Definitions: "Surcharge"; "Excess Land"

As used herein the term "surcharge" shall mean an amount equivalent to the power credit per acre-foot of water, as such credit is determined under and established by subdivision (b) of this article, to be charged to water users other than the United States or the State of California, as hereinafter provided and to the extent permitted by law, for each acre-foot of project water put to agricultural or manufacturing use on excess land. As used herein the term "excess land" shall mean that part of any land held in single beneficial ownership within a contractor's boundaries, or, where project water is delivered to water users by a retail agency as hereinafter defined, that part of any such land within the service area of such retail agency, which is in excess of 160 acres; or in the case of joint ownership by husband and wife that part of any such land which is in excess of 320 acres.

(b) Definition: "Power Credit"

As used herein, the term "power credit" shall mean the net value accruing to the State from revenues derived from the sale or other disposal of electrical energy generated in connection with operation of initial project conservation facilities after deducting from said revenues the amount necessary to repay the investment properly chargeable to energy generation and for operation, maintenance, and replacement of the electrical generation facilities. The power credit

per acre-foot of water shall be computed in accordance with the following formula:

$$\frac{c_1(1+i)^{-1} + c_2(1+i)^{-2} + \dots + c_n(1+i)^{-n}}{e_1(1+i)^{-1} + e_2(1+i)^{-2} + \dots + e_n(1+i)^{-n}}$$

Where:

i = The project interest rate.

c = The projected annual power credit accrued during the respective year of the project repayment period.

1, 2, and n
appearing
below c

= The respective year of the project repayment period during which the power credit is accrued, n being the last year of the project repayment period.

e = The total of annual entitlements to project water of all contractors for the respective year of the project repayment period.

1, 2, and n
appearing
below e

= The respective year of the project repayment period in which the annual entitlements occur, n being the last year of the project repayment period.

n used as
exponent

= The number of years in the project repayment period.

The power credit per acre-foot of water is hereby established as \$2 until all of the facilities for generation of electrical energy in connection with operation of initial project conservation facilities are installed and in operation. The State shall redetermine the power credit per acre-foot of water each year thereafter in order that it may accurately reflect increases or decreases from year to year in the power credit as defined herein. Each such redetermination shall be in accordance with the method of computation set forth in this subdivision, and upon each such redetermination, a document showing the revised amount of the power credit per acre-foot of water shall be attached to this contract as an amendment of this subdivision.

(c) Definition: "Retail Agency"

As used herein the term "retail agency" shall mean any agency which delivers directly to the users thereof, project water made available by, through, or under a contractor.

(d) Payment of Surcharge

Each contractor, to the extent that it delivers project water directly to the users thereof, shall require on behalf of the State that each such user on or before June 1 of each year, commencing with the year following the year of initial water delivery: (1) certify in writing to the contractor on forms prescribed and furnished by the State the description of the excess land owned by such user upon which project water is put to agricultural or manufacturing use, and the amount of project water put to agricultural or manu-

facturing use on such land during the preceding year; and (2) pay to the contractor for the account of the State a surcharge for the amount of water so certified. Each contractor, to the extent that it delivers project water to a retail agency or to another agency by, through, or under which such water is delivered to a retail agency, shall require on behalf of the State that each water user served by such retail agency be required to, on or before May 1 of each year, commencing with the year following the year of initial water delivery: (1) certify in writing to the retail agency on forms prescribed and furnished by the State the description of the excess land owned by such user upon which project water is put to agricultural or manufacturing use and the amount of project water put to agricultural or manufacturing use on such land during the preceding year; and (2) pay to the retail agency for the account of the State a surcharge for the amount of project water so certified. Each contractor and retail agency shall be entitled to rely upon the certifications furnished them by water users pursuant to this subdivision, unless notified by the State as to the inaccuracy of any such certification. Payments made to the contractor pursuant to this subdivision, together with the certifications supporting such payments, shall be forwarded to the State on or before July 1 of the year in which they are received. Payments made to a retail agency pursuant to this subdivision, together with the certifications supporting such payments, shall on behalf of the State be required to be forwarded to the contractor, which shall in turn forward them to the State on or before July 1 of the year in which they are received; except that where project water has been delivered to the retail agency by, through, or under an agency or agencies other than the contractor, such payments and certifications shall on behalf of the State be required to be forwarded by the retail agency to the agency from which it received project water and by that agency, et seq., to the contractor, which shall forward them to the State on or before July 1 of the year in which they are received.

(e) Commingling of Project and Nonproject Water

In the event that a contractor, retail agency, or water user commingles project water with water from another source in a common distribution system, the contractor shall, in complying with the provisions of this article, adhere to the following rules, and, where project water is delivered by it to a retail agency or to another agency by, through or under which project water is delivered to a retail agency, as contemplated in subdivision (d) of this article, shall require on behalf of the State that such retail agency adhere or be required to adhere to the same rules.

(1) If the amount of nonproject water applied in any year within the area served with project

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water by the contractor or retail agency is equal to or greater than the amount of water put to agricultural or manufacturing use on all excess land within that area during such year, it shall be presumed that the water put to agricultural or manufacturing use on such excess land is nonproject water, and there shall be no surcharge to water users in that area.

- (2) If the amount of nonproject water applied in any year within the area served with project water by the contractor or retail agency is less than the amount of water put to agricultural or manufacturing use on all excess land within that area during such year, it shall be presumed, for the purpose of determining the payments to be made under the surcharge by water users in that area, that the amount of project water put to agricultural or manufacturing use on excess land of a particular ownership within that area during such year bears the same proportion to the total amount of water so used on that excess land during such year as the total amount of project water applied within that area during such year bears to the total amount of water applied within that area during such year.
- (3) Project water which reaches the underground prior to delivery to or pumping by a water user shall not be subject to a surcharge under this article.

(f) Failure of Retail Agency to Perform Obligations

Subject to subdivision (g) of this article, a contractor shall not be liable for the failure of any retail agency or other agency to perform the obligations imposed upon it in accordance with subdivision (d) of this article.

(g) State May Enforce Surcharge

In the event that any retail agency or other agency by, through or under which project water is delivered to a retail agency, fails to perform the obligations imposed upon it in accordance with subdivision (d) of this article, the State may take such action in a court of competent jurisdiction, in the name of the contractor and/or agency or agencies by, through or under which project water is delivered to such retail agency, as it deems necessary to compel the performance of such obligations, and in such action the State shall be subrogated to the rights of such contractor and/or such other agency or agencies against such retail agency or other agency. In the event that any certification furnished by a water user in accordance with subdivision (d) of this article is found by the State to inaccurately represent facts of water use or land ownership, with the result that such user is avoiding payment under the surcharge provided for herein,

the State may take such action in a court of competent jurisdiction, in the name of the contractor and/or the retail agency and/or any other agency or agencies by, through, or under which project water is delivered to such water user, as it deems necessary to collect full payment under the surcharge from such water user and to compel the performance of all obligations imposed upon such water user in accordance with said subdivision (d), and in such action the State shall be subrogated to the rights of such contractor and/or such retail agency and/or such other agency or agencies against such water user. Where project water is delivered by a contractor to a retail agency or to another agency by, through, or under which project water is delivered to a retail agency, as contemplated in subdivision (d) of this article, the contractor shall require on behalf of the State that such retail agency or other agency and all agencies by, through, or under which project water is delivered to a retail agency permit or be required to permit the State to bring the foregoing actions in their respective names and be subrogated to their respective rights as set forth above.

(h) State to Defend and Indemnify Against Claims

Should the application of any of the provisions of this article in the manner provided for herein result in claims of any nature against a contractor, retail agency, or other agency by, through, or under which project water is delivered to a retail agency, the State shall defend the contractor, retail agency, or other agency against such claims, and shall indemnify them for any liability with respect thereto arising from activities required by the State under this article.

(i) Separability

This article shall be separable from all other provisions in this contract, and in the event that any or all of the provisions of this article are in any manner or to any extent held to be invalid by final judgment or decree of a court of competent jurisdiction, such holding and such invalidity shall in no way affect the validity of, or make invalid, any other provision of this contract.

31. ADJUSTMENT FOR OVERPAYMENT OR UNDERPAYMENT

If in any year, by reason of errors in computation or other causes, there is an overpayment or underpayment to the State by the Agency of the charges provided for herein, which overpayment or underpayment is not accounted for and corrected in the annual redetermination of said charges, the amount of such overpayment or underpayment shall be credited or debited, as the case may be, to the Agency's account for the next succeeding year and the State shall notify the Agency thereof in writing.

32. DELINQUENCY IN PAYMENT

(a) Agency to Provide for Punctual Payment

The governing body of the Agency shall provide for the punctual payment to the State of payments which become due under this contract.

(b) Interest on Overdue Payments

Upon every amount of money required to be paid by the Agency to the State pursuant to this contract which remains unpaid after it becomes due and payable, interest shall accrue at the rate of one-half ($\frac{1}{2}$) of one (1) percent per month of the amount of such delinquent payment from and after the due date until it is paid, and the Agency hereby agrees to pay such interest: *Provided*, that no interest shall be charged to or be paid by the Agency unless such delinquency continues for more than thirty (30) days.

33. OBLIGATION OF AGENCY TO MAKE PAYMENTS

(a) Refusal of Water Does Not Affect Obligation

The Agency's failure or refusal to accept delivery of project water to which it is entitled under Article 6(b) shall in no way relieve the Agency of its obligation to make payments to the State as provided for in this contract. The State, however, shall make reasonable efforts to dispose of any water made available to but not required by the Agency and any net revenues from such disposal shall be credited pursuant to Article 21.

(b) Character of Obligation

The Agency as a whole is obligated to pay to the State the payments becoming due under this contract, notwithstanding any individual default by its constituents or others in the payment to the Agency of assessments, tolls, or other charges levied by the Agency.

34. OBLIGATION OF AGENCY TO LEVY TAXES AND ASSESSMENTS

(a) When Obligated

If in any year the Agency fails or is unable to raise sufficient funds by other means, the governing body of the Agency shall levy upon all property in the Agency not exempt from taxation, a tax or assessment sufficient to provide for all payments under this contract then due or to become due within that year.

(b) Enforcement by Officers of Agency

Taxes or assessments levied by the governing body of the Agency pursuant to subdivision (a) of this article shall be enforced and collected by all officers of the Agency charged with the duty of enforcing and collecting taxes or assessments levied by the Agency.

(c) Deposit in Separate Fund

All money collected for taxes or assessments under this article shall be kept in a separate fund by the treasurer or other officer of the Agency charged with the safekeeping and disbursement of funds of the Agency, and, upon the written demand of the State, the treasurer or other officer shall pay over to the State all such money in his possession or control then due the State under this contract, which money shall be applied by the State to the satisfaction of the amount due under this contract.

(d) Enforcement of Levy

In the event of failure, neglect, or refusal of any officer of the Agency to levy any tax or assessment necessary to provide payment by the Agency under this contract, to enforce or to collect the tax or assessment, or to pay over to the State any money then due the State collected on the tax or assessment, the State may take such action in a court of competent jurisdiction as it deems necessary to compel the performance in their proper sequence of all such duties. Action taken pursuant hereto shall not deprive the State of or limit any remedy provided by this contract or by law for the recovery of money due or which may become due under this contract.

D. GENERAL PROVISIONS

35. REMEDIES NOT EXCLUSIVE

The use by either party of any remedy specified herein for the enforcement of this contract is not exclusive and shall not deprive the party using such remedy of, or limit the application of, any other remedy provided by law.

36. AMENDMENTS

This contract may be amended at any time by mutual agreement of the parties, except insofar as any proposed amendments are in any way contrary to applicable law. The State shall promptly furnish the Agency with copies of all contracts now or hereafter executed by the State for a dependable supply of project water, and of any amendments thereof.

37. AGENCY NOT ESTOPPED TO CHALLENGE STATE LAWS

Nothing herein contained shall be construed as estopping or otherwise preventing the Agency or any person, firm, association, corporation, or public body or agency claiming by, through, or under the Agency from contesting by litigation or other lawful means the validity, constitutionality, construction or application of any law of this State, including laws referred to in the Bond Act, or as preventing or prejudicing the amendment or repeal of any such law, and each contract executed by the State for a dependable supply of

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project water shall contain a similar reservation with respect to State laws.

38. OPINIONS AND DETERMINATIONS

Where the terms of this contract provide for action to be based upon the opinion, judgment, approval, review, or determination of either party hereto, such terms are not intended to be and shall never be construed as permitting such opinion, judgment, approval, review, or determination to be arbitrary, capricious, or unreasonable.

39. CONTRACTING OFFICER OF THE STATE

The contracting officer of the State shall be the Director of Water Resources of the State of California and his successors, or their duly authorized representatives. The contracting officer shall be responsible for all discretionary acts, opinions, judgments, approvals, reviews, and determinations required of the State under the terms of this contract.

40. SUCCESSORS AND ASSIGNS OBLIGATED

This contract and all of its provisions shall apply to and bind the successors and assigns of the parties hereto.

41. ASSIGNMENT

No assignment or transfer of this contract or any part hereof, rights hereunder, or interest herein by the Agency shall be valid unless and until it is approved by the State and made subject to such reasonable terms and conditions as the State may impose.

42. WAIVER OF RIGHTS

Any waiver at any time by either party hereto of its rights with respect to a default or any other matter arising in connection with this contract, shall not be deemed to be a waiver with respect to any other default or matter.

43. NOTICES

All notices that are required either expressly or by implication to be given by one party to the other under this contract shall be signed for the State by its contracting officer, and for the Agency by such officer as it may, from time to time, authorize in writing to so act. All such notices shall be deemed to have been given if delivered personally or if enclosed in a properly addressed envelope and deposited in a United States Post Office for delivery by registered or certified mail. Unless and until formally notified otherwise, all notices shall be addressed to the parties at their addresses as shown on the signature page of this contract.

44. MAINTENANCE AND INSPECTION OF BOOKS, RECORDS, AND REPORTS

During regular office hours, each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records, or reports of the other party pertaining to this contract or matters related hereto. Each of the parties hereto shall maintain and make available for such inspection accurate records of all of its costs, disbursements and receipts with respect to its activities under this contract and the Bond Act.

E. SPECIAL PROVISIONS AND TABLES

45. SPECIAL PROVISIONS

(a) On or before June 30, 1963, the Agency shall furnish to the State its written request specifying the year in which the first delivery of project water from the East Branch Aqueduct as defined in Table H of this contract shall be made to the Agency. The timing of first deliveries of project water from said Branch Aqueduct shall be as so requested by the Agency: *Provided*, That in the event said request is, in the judgment of the State, incompatible with similar requests received from other contractors to be served from or through said Branch Aqueduct, which contractors have executed contracts with the State on or before June 30, 1963, the timing of first deliveries of project water to the Agency and such other contractors from said Branch Aqueduct shall be as established by mutual agreement among the State, the Agency, and said contractors: *Provided further*, That if such agreement has not been reached on or before December 31, 1963, the State may then construct said Branch Aqueduct in accordance with such construction schedules as, in the judgment of the State, will best serve the interests of all those contractors whose service areas are located south of the South Portal of the Tehachapi Tunnels and which have executed contracts with the State on or before June 30, 1963.

(b) The State shall provide sufficient capacity in the transportation facilities to deliver the Agency's Maximum Annual Entitlement at a continuous flow subject to the provisions of Article 17 (b). No capacity shall be provided for peaking.

(c) Prior to the time when the agency submits its request concerning location of delivery structures pursuant to Article 10 of this contract, the capital cost component of the transportation charge shall be computed on the assumption that the delivery point for the Agency, under Article 9 of this contract, will be at the West Fork of the Mojave River in the vicinity of Hesperia. If the delivery point or points for the Agency is or are finally determined to be elsewhere pursuant to Articles 9 and 10 of this contract, Tables B, H, and I shall be amended accordingly. The transportation charge shall be recomputed for all previous years to account for any such change, and charges to all agencies affected shall be adjusted as provided in Article 31.

(d) If the Agency is unable to conclude an agreement with other contracting agencies providing for joint construction of all or part of a facility to carry water in 1972 from the System to the Agency, the Agency may at its option, notwithstanding previous requests submitted under Article 10 and Subdivision(a) of this article, elect to commence receiving water in any year after the year of initial water delivery and prior to or including 1980. This option shall be exercised by giving written notice to the State on or before October 1, 1967, and Table A shall then be modified by eliminating the years and corresponding total amounts for each year prior to the year in which the agency has elected to commence receiving water pursuant to this subdivision.

(e) Payments which under Article 29 are due in 1963, with interest at the project interest rate compounded annually, shall be made in two equal installments, concurrently with the comparable payments due under this contract in 1964.

TABLE A
ANNUAL ENTITLEMENTS
SAN GORGONIO PASS WATER AGENCY

Year	Total annual amount in acre-feet
1	1,000
2	1,700
3	2,400
4	3,100
5	3,800
6	4,500
7	5,200
8	5,900
9	6,600
10	7,400
11	8,200
12	9,000
13	9,800
14	10,600
15	11,500
16	12,400
17	13,300
18	14,200
19	15,000
and each succeeding year thereafter, for the term of this contract as a Maximum Annual Entitlement:	15,000

TABLE B

ALLOCATED PROPORTION OF COSTS OF PROJECT TRANSPORTATION FACILITIES
SAN GORGONIO PASS WATER AGENCY

	Total for project transportation facilities					District participation			
	Total of maximum annual entitlements of all contractors thousands of acre-feet per year ¹	Total of maximum capacities in cubic-feet ¹ per second ⁴	Total capital cost, thousands of dollars	Minimum annual operating cost, thousands of dollars	Maximum annual entitlement, thousands of acre-feet ¹ per year	Ratio of maximum annual entitlement to total of maximum annual entitlements	Maximum capacity in cubic-feet per second ¹	Ratio of maximum capacity to total capacity	Average of ratios

CALIFORNIA AQUEDUCTDelta to Discharge Delta Pumping Plant:³Discharge² Delta Pumping Plant to San Luis Forebay:San Luis Forebay:³

San Luis Forebay to Kettleman City:

Kettleman City to Avenal Gap:

Avenal Gap to Buena Vista Pumping Plant:

Buena Vista Pumping Plant to Wheeler Ridge Pumping Plant I:

Wheeler Ridge Pumping Plant I to Tehachapi Pumping Plant:

Tehachapi Pumping Plant to South Portal Tehachapi Tunnels:

South Portal Tehachapi Tunnels to Junction, East and West Branches:

EAST BRANCH

Junction, East and West Branches to Little Rock Creek:

Little Rock Creek to West Fork Mojave River:

¹ As increased by an allowance to compensate for losses as provided in Article 24(b) (2).² Based on values as of the end of the construction period.³ Costs allocated to water transportation.⁴ State's capacity only.

TABLE C
PROJECTED ALLOCATIONS OF CAPITAL
COST OF PROJECT TRANSPORTATION FACILITIES TO
SAN GORGONIO PASS WATER AGENCY

Year	Projected Allocation in Thousands of Dollars
1*	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
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* Year in which State commenced construction of project transportation facilities, 1959.

TABLE D
TRANSPORTATION CHARGE - CAPITAL COST COMPONENT
SAN GORGONIO PASS WATER AGENCY
(In thousands of dollars)

Year	Annual Payment of Principal	Annual Interest Payment	Total Annual Payment by District
1*			
2			
3			
4			
5			
6**			
7			
8			
9			
10			
11			
12			
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45			

TABLE D (Continued)
TRANSPORTATION CHARGE - CAPITAL COST COMPONENT
SAN GORGONIO PASS WATER AGENCY
(In thousands of dollars)

Year	Annual Payment of Principal	Annual Interest Payment	Total Annual Payment by District
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			
61			
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63			
64			
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66			
67			
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69			
70			
71			
72			
73			
74			
75			
76			
77			
78			
79			
80			
TOTAL			

* Year in which the State commenced construction of the project transportation facilities, 1959.

** Year of first payment.

TABLE E

**TRANSPORTATION CHARGE - MINIMUM OPERATION
MAINTENANCE, POWER, AND REPLACEMENT COMPONENT
SAN GORGONIO PASS WATER AGENCY**

Year	Total Annual Payment by District* (In thousands of dollars)
1**	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
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and each succeeding year thereafter, for the term of this contract.	

* Payment shall start with respect to each aqueduct reach in the year following the year in which the State completes construction of the respective reach.

** Year in which the State commenced construction of the project transportation facilities, 1959.

TABLE F
TRANSPORTATION CHARGE - ESTIMATED VARIABLE OPERATION,
MAINTENANCE, POWER, AND REPLACEMENT COMPONENT
SAN GORGONIO PASS WATER AGENCY

Year	Total Annual Payment by District* (In thousands of dollars)
1**	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
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and each succeeding year thereafter, for the term of this contract.	

* Payments start with year of initial water delivery.

** Year in which State commenced construction of project transportation facilities, 1959.

TABLE G
PAYMENT SCHEDULE
SAN GORGONIO PASS WATER AGENCY
(In thousands of dollars)

Year	Transportation Charge			
	Capital Cost Component	Minimum Component	Variable Component	Total
1*				
2				
3				
4				
5				
6**				
7				
8				
9				
10				
11				
12				
13				
14				
15				
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45				

TABLE G (Continued)
PAYMENT SCHEDULE
SAN GORGONIO PASS WATER AGENCY
(In thousands of dollars)

Year	Transportation Charge			
	Capital Cost Component	Minimum Component	Variable Component	Total
46				
47				
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
60				
61				
62				
63				
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65				
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67				
68				
69				
70				
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74				
75				
76				
77				
78				
79				
80				

* Year in which State commenced construction of project transportation facilities, 1959.

** Year of first payment.

TABLE H

**PROJECT TRANSPORTATION FACILITIES
SAN GORGONIO PASS WATER AGENCY**

A San Joaquin Valley—Southern California Aqueduct extending to the West Fork of the Mojave River on the East Branch Aqueduct defined below, to the extent such aqueduct is determined by the State to be required for water transportation.

"East Branch Aqueduct" shall mean that portion of the San Joaquin Valley—Southern California Aqueduct specified in Section 12934(d) (2) of the Water Code extending from the Junction of East and West Branches to a terminus in the vicinity of Perris, Riverside County.

TABLE I
AQUEDUCT REACHES
SAN GORGONIO PASS WATER AGENCY

Aqueduct Reach	Major Features of Reach
Delta to Discharge Delta Pumping Plant:	Intake Canal Fish Protective Facilities Delta Pumping Plant (Pumping Plant I)
Discharge Delta Pumping Plant to San Luis Forebay:	Aqueduct
San Luis Forebay:	San Luis Forebay and Forebay Dam
San Luis Forebay to Kettleman City:	Aqueduct Mile 18 Pumping Plant
Kettleman City to Avenal Gap:	Aqueduct
Avenal Gap to Buena Vista Pumping Plant:	Aqueduct
Buena Vista Pumping Plant to Wheeler Ridge Pumping Plant I:	Buena Vista Pumping Plant Aqueduct
Wheeler Ridge Pumping Plant I to Tehachapi Pumping Plant:	Wheeler Ridge Pumping Plant I Wheeler Ridge Pumping Plant II Aqueduct
Tehachapi Pumping Plant to South Portal Tehachapi Tunnels:	Tehachapi Pumping Plant (Pumping Plant VI) Tehachapi Tunnels
South Portal Tehachapi Tunnels to Junction, East and West Branches:	Cottonwood Power Plant Aqueduct
EAST BRANCH	
Junction, East and West Branches to Little Rock Creek:	Aqueduct
Little Rock Creek to West Fork Mojave River:	Pearblossom Pumping Plant Aqueduct

IN WITNESS WHEREOF, the parties hereto have executed this contract on the date first above,
written.

Approved as to legal form and sufficiency:

J. G. Towne
Chief Counsel
Department of Water Resources

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By Wil E. Swan
Director

Attest:

E. F. Dibble
Secretary-Manager
560 Magnolia Avenue
Beaumont, California

SAN GORGONIO PASS WATER AGENCY

By W. E. Silverwood
President

Approved as to form and execution:

SURR & HELLYER

By John B. Surr

By C. D. [unclear]
Director

By A. C. [unclear]
Director

By George [unclear]
Director

By Richard E. Lee
Director

By Rae [unclear]
Director

By _____
Director

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 1 TO WATER SUPPLY
CONTRACT BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS CONTRACT, made this 15th day of November , 1963, pursuant to the provisions of the California Water Resources Development Bond Act, the State Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State," and

San Gorgonio Pass Water Agency

a public agency in the State of California, duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in Riverside County, California, herein referred to as the "Agency,"

WITNESSETH, That:

WHEREAS, the State is authorized to construct and operate facilities for the storage and conveyance of water, certain of which facilities will make water available to the Agency; and

WHEREAS, the State and the Agency have entered into a water supply contract, dated November 16, 1962, providing that the State shall supply certain quantities of water to the Agency, and providing that the Agency shall make certain payments to the State, and setting forth the terms and conditions of such supply and such payment; and

Original in vault also

WHEREAS, the State and the Agency are desirous of making certain changes and additions to the above-mentioned contract, while otherwise continuing the contract in full force and effect;

NOW THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Agency's water supply contract with the State:

Article 46 is added to the contract to read as follows:

46. Amendatory Provisions

a. Surplus Water

Notwithstanding other provisions of this contract, surplus water for agricultural and ground water replenishment use shall be offered to contractors on the following basis. Before surplus water is sold for other than agricultural and ground water replenishment use, each contractor shall have the right, subject to the ability of the State to deliver such water, to contract for agricultural and ground water replenishment use for a portion of the total amount of surplus water available in any year, in an amount which bears the same ratio to the total amount of surplus water available in that year as the sum of the annual entitlements delivered to the contractor for agricultural and ground water replenishment use during the preceding three years bears to the total amount of the annual entitlements delivered for agricultural and ground water replenishment use during the preceding three years of all contractors requesting surplus water: Provided, That if its proportion of such surplus water is not required by or cannot be delivered to any contractor, such amount of additional surplus water shall be offered to other contractors for agricultural and

ground water replenishment use. During the first three years in which project water is delivered to a contractor, the State shall determine the amount of surplus water which the contractor may obtain based on the contractor's maximum annual entitlement and the estimated percentage of its annual entitlement to be delivered for agricultural and ground water replenishment use; but quantities so determined shall not exceed the contractor's annual entitlement for that year. For the purpose of computing the portion of the surplus water for agricultural and ground water replenishment use to which each contractor is entitled, the State shall determine the amounts of water used for agricultural and ground water replenishment use by each contractor in each year: Provided, That each contractor shall furnish certified copies of such records and data concerning the use of water within its boundaries as the State : may request.

Surplus water for agricultural and ground water replenishment use shall be furnished at prices which will return to the State the variable operation, maintenance, power, and replacement components of the Delta Water Charge and Transportation Charge incurred in such service of surplus water as determined by the State. A surcharge shall be added to the rate for surplus water furnished to excess land in an amount and under the conditions specified in Article 30 of this contract. Contracts made pursuant to this subdivision may exceed one year in duration.

Except as herein modified, the provisions of Article 21 of this contract are hereby confirmed, and all surplus water not specifically allocated pursuant to this subdivision shall be sold under the provisions of Article 21.

As used in this subdivision "ground water replenishment use" shall mean the use of project water exclusively by direct application to spreading basins, streambeds, or through other means of direct artificial recharge for the purpose of replenishing overdrawn ground water basins.

b. Surcharge Credit

Notwithstanding other provisions of this contract, the State may include provisions in water supply contracts allowing a credit to a contractor not to exceed the surcharge to be paid by such contractor: Provided, That such credit shall be utilized to reduce the cost of water for agricultural use on other than excess land at a uniform rate per acre-foot not to exceed two dollars (\$2) per acre-foot. Any contract including provisions pursuant to this subdivision shall assure that the reductions in the contractors' obligations authorized by this subdivision are made available exclusively for the benefit of agricultural use on land other than excess land and are not directly or indirectly made available for the benefit of agricultural use on excess land.

IN WITNESS WHEREOF, the parties hereto have executed
this contract on the date first above written.

Approved as to legal form
and sufficiency:




For Chief Counsel
Department of Water Resources

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By 
Director

SAN GORGONIO PASS WATER AGENCY

By 
President

ATTEST:

By 
Secretary

CD
632.31431

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 2 TO WATER SUPPLY
CONTRACT BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS CONTRACT, made this 19th day of January 1965, pursuant to the provisions of the California Water Resources Development Bond Act, the State Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State", and San Gorgonio Pass Water Agency, a public agency in the State of California, duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in Riverside County, California, herein referred to as the "Agency",

WITNESSETH, That:

WHEREAS, the State is authorized to construct and operate facilities for the storage and conveyance of water, certain of which facilities will make water available to the Agency; and

WHEREAS, the State and the Agency have entered into a water supply contract, dated November 16, 1962, as amended November 15, 1963, providing that the State shall supply certain quantities of water to the Agency, and providing that the Agency shall make certain payments to the State, and setting forth the terms and conditions of such supply and such payment; and

Witnessed in vault also.

WHEREAS, the maximum annual entitlements under all contracts executed by the State on or before December 31, 1963, did not aggregate the amount of the minimum project yield as defined in such water supply contract; and

WHEREAS, the Agency has elected to become entitled to a certain amount of the uncontracted for portion of the minimum project yield under the provisions of Article 8 of the above-mentioned contract and the State has determined that the Agency can put the water involved to beneficial use within a reasonable period of time; and

WHEREAS, said increase in maximum annual entitlement requires minimum project yield to be increased from 4,000,000 to 4,230,000 acre-feet per year, which will result in changes in design and increases in size of facilities and capital costs; and

WHEREAS, the Agency, in addition to its obligation under the contract must also finance the construction of more than 25 miles of transportation facilities from the south portal of the San Bernardino Tunnel to the Agency's boundary prior to distribution of such water supplies; and

WHEREAS, the Agency has been informed by the State that its share of the cost of the project will not be increased as a result of increase in the minimum project yield, and has further been informed by the State that such increase in yield will bring about reductions in the Delta Water Charge and the Transportation Charge to be paid by the Agency; and

WHEREAS, the State and the Agency are desirous of making certain other changes and additions to such contract, while otherwise continuing the contract in full force and effect;

NOW THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Agency's water supply contract with the State:

1. Subdivision (k) of Article 1 is amended to read as follows:

(k) Minimum Project Yield

"Minimum project yield" shall mean the dependable annual supply of project water to be made available, estimated to be 4,230,000 acre-feet per year, said amount to be determined by the State on the basis of coordinated operation studies of initial project conservation facilities and additional project conservation facilities, which studies shall be based upon:

(1) The estimated relative proportion of deliveries for agricultural use to deliveries for municipal use for the year 1990, and the characteristic distributions of demands for these two uses throughout the year.

(2) An allowable reduction in the agricultural use portion of the minimum project yield, due to drought, of not to exceed fifty percent (50%) in any one year, nor a total of one hundred percent (100%) of one year's supply in any series of seven consecutive years.

(3) Agreements now in effect or as hereafter amended or supplemented between the State and the United States and others regarding the diversion or utilization of waters of the Delta or streams tributary thereto.

2. Table A of the contract entitled "Annual Entitlements San Geronio Pass Water Agency" is amended to read as follows:

TABLE A

ANNUAL ENTITLEMENTS
SAN GORGONIO PASS WATER AGENCY

<u>Year</u>	<u>Total Annual Amount in Acre-feet</u>
1	1,000
2	1,700
3	2,400
4	3,100
5	3,800
6	4,500
7	5,200
8	5,900
9	6,800
10	7,800
11	8,800
12	9,800
13	10,800
14	11,800
15	12,900
16	14,000
17	15,100
18	16,200
19	17,300

And each succeeding year
thereafter, for the term
of this contract:

17,300

3. Table B of the contract entitled "Allocated Proportion of Costs of Project Transportation Facilities San Gorgonio Pass Water Agency" is amended to read as follows:

TABLE B
ALLOCATED PROPORTION OF COSTS OF PROJECT TRANSPORTATION FACILITIES
SAN Geronimo PASS WATER AGENCY

Aqueduct Reach	Total for project transportation facilities				District participation			
	Total of maximum annual entitlements of all contractors thousands of acre-feet per year ¹	Total of maximum capacities in cubic feet per second ⁴	Total capital cost thousands of dollars	Minimum annual operating cost thousands of dollars ²	Maximum annual entitlement thousands of acre-feet per year ¹	Ratio of maximum annual entitlement to total of maximum entitlements	Maximum capacity in cubic-feet per second ¹	Ratio of maximum capacity to total capacity
CALIFORNIA AQUEDUCT								
Delta to Discharge Delta Pumping Plant ³								
Discharge, Delta Pumping Plant to San Luis Forebay ³								
San Luis Forebay ³								
San Luis Forebay to Kettleman City								
Kettleman City to Avenal Gap								
Avenal Gap to Buena Vista Pumping Plant								
Buena Vista Pumping Plant to Wheeler Ridge Pumping Plant ¹								
Wheeler Ridge Pumping Plant I to Tehachapi Pumping Plant								
Tehachapi Pumping Plant to South Portal Tehachapi Tunnels								
South Portal Tehachapi Tunnels to Junction, East and West Branches								
EAST BRANCH								
Junction, East and West Branches to Little Rock Creek								
Little Rock Creek to West Fork Mojave River								
West Fork Mojave River to Cedar Springs Reservoir								
Cedar Springs Reservoir to South Portal of San Bernardino Tunnel								

¹ As increased by an allowance to compensate for losses as provided in Article 24(b) (2).

² Based on values as of the end of the construction period.

³ Costs allocated to water transportation.

⁴ State's capacity only.

4. Table H of the contract entitled "Project Transportation Facilities San Gorgonio Pass Water Agency" is amended to read as follows:

TABLE H

PROJECT TRANSPORTATION FACILITIES
SAN GORGONIO PASS WATER AGENCY

A San Joaquin Valley-Southern California Aqueduct extending to the South Portal of the San Bernardino Tunnel on the East Branch Aqueduct defined below, to the extent such aqueduct is determined by the State to be required for water transportation.

"East Branch Aqueduct" shall mean that portion of the San Joaquin Valley-Southern California Aqueduct specified in Section 12934(d)(2) of the Water Code Extending from the Junction of East and West Branches to a terminus in the vicinity of Perris, Riverside County.

5. Table I of the contract entitled "Aqueduct Reaches San Gorgonio Pass Water Agency" is amended to read as follows:

TABLE I

AQUEDUCT REACHES
SAN GORGONIO PASS WATER AGENCY

Aqueduct Reach	Major Features of Reach
Delta to Discharge Delta Pumping Plant:	Intake Canal Fish Protective Facilities Delta Pumping Plant (Pumping Plant I)
Discharge Delta Pumping Plant to San Luis Forebay:	Aqueduct
San Luis Forebay:	San Luis Forebay and Forebay Dam
San Luis Forebay to Kettleman City:	Aqueduct Mile 18 Pumping Plant
Kettleman City to Avenal Gap:	Aqueduct

Aqueduct Reach:

Major Features of Reach

Avenal Gap to Buena Vista Pumping Plant:

Aqueduct

Buena Vista Pumping Plant to Wheeler Ridge Pumping Plant I:

Buena Vista Pumping Plant Aqueduct

Wheeler Ridge Pumping Plant I to Tehachapi Pumping Plant:

Wheeler Ridge Pumping Plant I
Wheeler Ridge Pumping Plant II
Aqueduct

Tehachapi Pumping Plant to South Portal Tehachapi Tunnels:

Tehachapi Pumping Plant (Pumping Plant VI)
Tehachapi Tunnels

South Portal Tehachapi Tunnels to Junction, East and West Branches

Cottonwood Power Plant
Aqueduct

EAST BRANCH

Junction, East and West Branches to Little Rock Creek:

Aqueduct

Little Rock Creek to West Fork Mojave River:

Pearblossom Pumping Plant
Aqueduct

West Fork Mojave River to Cedar Springs Reservoir:

Cedar Springs Reservoir
Cedar Springs Dam
Aqueduct

Cedar Springs Reservoir to South Portal of San Bernardino Tunnel:

San Bernardino Tunnel

6. Subdivision (c) of Article 12 is amended to read as follows:

(c) Limit on Rate of Delivery to Agency

In no event shall the State be obligated to deliver water to the Agency through all delivery structures at a total combined instantaneous rate of flow exceeding thirty-two (32) cubic feet per second, except as this rate of flow may be revised by amendment of this article after submission to the State of the

Agency's requests with respect to maximum flow capacities to be provided in said delivery structures, pursuant to Article 10.

7. Subdivision (a) of Article 16 is amended to read as follows:

(a) Limit on Total of All Maximum Annual Entitlements

The Agency's maximum annual entitlement hereunder, together with the maximum annual entitlements of all other contractors, shall aggregate no more than the minimum project yield as defined herein and in no event more than 4,230,000 acre-feet of project water.

8. Subdivision (b) of Article 45 is amended to read as follows:

(b) The State shall provide sufficient capacity in the transportation facilities, subject to the provisions of Article 17(b), to deliver 11 percent of the Agency's annual entitlement in each of four months in each year. Subject to the foregoing limitation, in scheduling deliveries under Article 12(a) the State will provide for up to $1/9$ of the Agency's annual entitlement to be delivered in excess of a rate of $8\frac{1}{3}$ percent of the annual entitlement per month.

9. Subdivision (c) of Article 45 is amended to read as follows:

(c) Prior to the time when the Agency submits its request concerning location of delivery structures pursuant to Article 10 of this contract, the capital cost component of the transportation charge shall be computed on the assumption that the delivery point for the Agency, under Article 9 of this contract, will be at the

West Fork of the Mojave River in the vicinity of Hesperia. If the delivery point or points for the Agency is or are finally determined to be elsewhere pursuant to Articles 9 and 10 of this contract, Tables B, H, and I shall be amended accordingly. The transportation charge shall be recomputed for all previous years to account for any such change, and charges to all agencies affected shall be adjusted as provided in Article 28.

10. Article 46 is amended to read as follows:

46. Amendatory Provisions

(a) Surplus Water

Notwithstanding other provisions of this contract, surplus water for agricultural and ground water replenishment use shall be offered to contractors on the following basis. Before surplus water is sold for other than agricultural and ground water replenishment use, each contractor shall have the right, subject to the ability of the State to deliver such water and to the provisions of the next succeeding paragraph, to contract for agricultural and ground water replenishment use for a portion of the total amount of surplus water available in any year, in an amount which bears the same ratio to the total amount of surplus water available in that year as the sum of the annual entitlements, set forth in Table A of this contract, delivered to the contractor for agricultural and ground water replenishment use during the preceding three years bears to the total amount of such annual entitlements delivered for agricultural and ground water replenishment use during the preceding three years of all contractors requesting surplus water: Provided, That if its proportion of such surplus water is not required by or cannot be delivered to

any contractor, such amount of additional surplus water shall be offered to other contractors for agricultural and ground water replenishment use. During the first three years in which project water is delivered to a contractor, the State shall determine the amount of surplus water which the contractor may obtain based on the contractor's maximum annual entitlement and the estimated percentage of its annual entitlement to be delivered for agricultural and ground water replenishment use; but quantities so determined shall not exceed the contractor's annual entitlement for that year. For the purpose of computing the portion of the surplus water for agricultural and ground water replenishment use to which each contractor is entitled, the State shall determine the amounts of water used for agricultural and ground water replenishment use by each contractor in each year: Provided, That each contractor shall furnish certified copies of such records and data concerning the use of water within its boundaries as the State may request.

The provisions of this paragraph shall be applicable only to contractors in the San Joaquin Valley Service Area, contractors in the Southern California Service Area, and contractors in the Central Coastal Service Area. Before surplus water is sold for other than agricultural and ground water replenishment use, each such contractor shall have the right, subject to the ability of the State to deliver such water, to contract for agricultural and ground water replenishment use in accordance with the following formula: contractors in the San Joaquin Valley Service Area shall have a right to contract for sixty-nine percent

(69%) of the surplus water available at the Mile 18 Pumping Plant; contractors in the Southern California Service Area shall have a right to contract for twenty-nine percent (29%) of such water; and contractors in the Central Coastal Service Area shall have a right to contract for two percent (2%) of such water: Provided, That within each of these service areas, each contractor shall have the right to contract for agricultural and ground water replenishment use for a portion of the total amount of surplus water available to that service area in any year, in an amount which bears the same ratio to the total amount of surplus water available to the service area in that year as the sum of the annual entitlements, set forth in Table A of this contract, delivered to the contractor for agricultural and ground water replenishment use during the preceding three years bears to the total amount of such annual entitlements delivered for agricultural and ground water replenishment use during the preceding three years of all contractors in that service area requesting surplus water: Provided further, That if its proportion of such surplus water is not required by or cannot be delivered to any contractor, such amount of additional surplus water shall be offered to other contractors for agricultural and ground water replenishment use. During the first three years in which project water is delivered to a contractor, the State shall determine the amount of surplus water which the contractor may obtain based on the contractor's maximum annual entitlement and the estimated percentage of its annual entitlement to be delivered for agricultural and ground water replenishment use; but quantities so

determined shall not exceed the contractor's annual entitlement for that year. As used in this paragraph, "contractors in the San Joaquin Service Area" shall mean: Devil's Den Water District, Dudley Ridge Water District, Empire West Side Irrigation District, Hacienda Water District, Kern County Water Agency, and Tulare Lake Basin Water Storage District; "contractors in the Southern California Service Area" shall mean: Antelope Valley-East Kern Water Agency, City of West Covina, Coachella Valley County Water District, Crestline-Lake Arrowhead Water Agency, Desert Water Agency, Littlerock Creek Irrigation District, Mojave Water Agency, Palmdale Irrigation District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Geronimo Pass Water Agency, The Metropolitan Water District of Southern California, Upper Santa Clara Valley Water Agency, and Ventura County Flood Control District; "contractors in the Central Coastal Service Area" shall mean: San Luis Obispo County Flood Control and Water Conservation District and Santa Barbara County Flood Control and Water Conservation District.

The provision of this paragraph shall be applicable only to a contractor to which the delivery of project water for municipal use as of 1990 is estimated by the State to be in excess of fifty percent (50%) of such contractor's maximum annual entitlement. For the purpose of fixing such contractor's right to delivery of surplus water, water from a watershed not tributary to the contractor's area which is delivered within the contractor's boundaries for agricultural or ground water replenishment use shall be deemed to be part of the contractor's annual entitlement.

delivered for such use in computing the quantity of surplus water to which the contractor is entitled under this subdivision:

Provided, That the contractor shall not be deemed to have used more than its annual entitlement, as set forth in Table A, for such use. Surplus water shall be deemed to be used by the contractor for agricultural or ground water replenishment use if an equal quantity of water imported from a watershed not tributary to the contractor's area is delivered within the contractor's boundaries for such use.

In providing for the delivery of surplus water to contractors pursuant to this subdivision, the State shall refuse to deliver such surplus water to any contractor to the extent that the State determines that such delivery would tend to encourage the development of an economy within the area served by such contractor which would be dependent upon the sustained delivery of water in excess of the contractor's maximum annual entitlement. In no event shall the quantity of surplus water made available in any year prior to 1986 to any contractor under this subdivision exceed the difference between its annual entitlement for that year and its maximum annual entitlement, except that, subject to provisions of the immediately preceding sentence, with respect to any contractor which under Table A of its contract is scheduled to receive its maximum annual entitlement prior to 1978, the quantity of surplus water made available in any year prior to 1986 under this subdivision may exceed such difference by not more than 3,000 acre-feet.

Surplus water for agricultural and ground water replenishment use shall be furnished at prices which will return to the State the variable operation, maintenance, power, and replacement components of the Delta Water Charge and Transportation Charge incurred in such service of surplus water as determined by the State. Surplus water delivered under this subdivision shall be limited to the quantity of water which can be delivered without adversely affecting the reliability, or increasing the cost, of service to meet annual entitlements. A surcharge shall be added to the rate for surplus water furnished to excess land in an amount and under the conditions specified in Article 30 of this contract. Contracts made pursuant to this subdivision may exceed one year in duration.

Except as herein modified, the provisions of Article 21 of this contract are hereby confirmed, and all surplus water not specifically allocated pursuant to this subdivision shall be sold under the provisions of Article 21. Nothing in this subdivision shall limit the right of the Agency to increase its annual entitlements as otherwise provided in this contract.

As used in this subdivision "ground water replenishment use" shall mean the use of project water exclusively by direct application to spreading basins, streambeds, or through other means of direct artificial recharge for the purpose of replenishing overdrawn ground water basins.

(b) Surcharge Credit

Notwithstanding other provisions of this contract, the State may allow a credit to each contractor not to exceed the surcharge paid by such contractor.

For the purpose of this contract, the surcharge credit shall be determined and applied in the following manner:

(1) The State shall, in each year after the year of initial water delivery, allow a credit to the Agency in the amount of the surcharge forwarded by the Agency to the State in the preceding year.

(2) The Agency shall not establish water rates, or tax or assessment rates, so as to cause the surcharge credit to be passed on to water users in a manner which will bring about a greater reduction in the cost per acre-foot of project water put to use on excess land than such cost of project water put to use on other than excess land.

This subdivision 46(b) shall be separable from all other provisions in this contract, and in the event that any or all of the provisions of this subdivision are in any manner or to any extent held to be invalid by final judgment or decree of a court of competent jurisdiction, such holding and such invalidity shall in no way affect the validity of, or make invalid, any other provision of this contract.

IN WITNESS WHEREOF, the parties hereto have executed
this contract on the date first above written.

Approved as to legal form
and sufficiency:

J. G. Turner
Chief Counsel
Department of Water Resources

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By G. J. T. Wanner
Director

Approved as to form and
execution:

John B. Surr
Counsel

SAN GORGONIO PASS WATER AGENCY

By W. E. Greenwood
President

By E. F. Dibble
Secretary

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 3 TO
WATER SUPPLY CONTRACT BETWEEN THE
STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

CA

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THIS CONTRACT, made this 12th day of January, 1970, pursuant to the provisions of the California Water Resources Development Bond Act, the State Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State", and San Gorgonio Pass Water Agency, a public agency in the State of California, duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in Riverside County, California, herein referred to as the "Agency",

WITNESSETH, that:

WHEREAS, the State is authorized to construct and operate facilities for the storage and conveyance of water, certain of which facilities will make water available to the Agency; and

WHEREAS, the State and the Agency have entered into a water supply contract, dated November 16, 1962, as amended on November 15, 1963, and on January 19, 1965, providing that the State shall supply certain quantities of water to the Agency, and providing that the Agency shall make certain payments to the State, and setting forth the terms and conditions of such supply and such payment; and

WHEREAS, the State and the Agency desire to make certain other changes and additions to such contract, while otherwise continuing the contract in full force and effect;

NOW, THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Agency's water supply contract with the State:

1. The first column (Aqueduct Reach) of Table B of the contract entitled "Allocated Proportion of Costs of Project Transportation Facilities" is amended to read as follows:

AQUEDUCT REACH

CALIFORNIA AQUEDUCT

Delta Thru Bethany Reservoir

Bethany Reservoir to Orestimba Creek

Orestimba Creek to O'Neill Forebay

O'Neill Forebay to Dos Amigos Pumping Plant

Dos Amigos Pumping Plant to Panoche Creek

Panoche Creek to Five Points

Five Points to Arroyo Pasajero

Arroyo Pasajero to Kettleman City

Kettleman City Thru Milham Avenue

Milham Avenue Thru Avenal Gap

Avenal Gap Thru Twisselman Road

Twisselman Road Thru Lost Hills

Lost Hills to 7th Standard Road

7th Standard Road Thru Elk Hills Road

Elk Hills Road Thru Tupman Road

CALIFORNIA AQUEDUCT (Continued)

Tupman Road to Buena Vista Pumping Plant

Buena Vista Pumping Plant Thru Santiago Creek

Santiago Creek Thru Old River Road

Old River Road to Wheeler Ridge Pumping Plant

Wheeler Ridge Pumping Plant to Wind Gap Pumping
Plant

Wind Gap Pumping Plant to A. D. Edmonston
Pumping Plant

A. D. Edmonston Pumping Plant to Carley V. Porter
Tunnel

Carley V. Porter Tunnel to Junction,
West Branch, California Aqueduct

Junction, West Branch, California Aqueduct
Thru Cottonwood Powerplant

Cottonwood Powerplant to Fairmont

Fairmont Thru 70th Street West

70th Street West to Palmdale

Palmdale to Littlerock Creek

Littlerock Creek to Pearblossom Pumping Plant

Pearblossom Pumping Plant to West Fork
Mojave River

West Fork Mojave River to Silverwood Lake

Cedar Springs Dam and Silverwood Lake

Silverwood Lake to South Portal, San Bernardino
Tunnel

South Portal, San Bernardino Tunnel Thru
Devil Canyon Powerplant

2. Table H of the contract entitled "Project Transportation Facilities" is amended to read as follows:

TABLE H

PROJECT TRANSPORTATION FACILITIES SAN GORGONIO PASS WATER AGENCY

The California Aqueduct extending to a turnout at the Devil Canyon Powerplant Afterbay, to the extent such aqueduct is determined by the State to be required for water transportation.

3. Table I of the contract entitled "Aqueduct Reaches" is amended to read as follows:

TABLE I

AQUEDUCT REACHES SAN GORGONIO PASS WATER AGENCY

Aqueduct Reach	: : Major features of Reach
Delta thru Bethany Reservoir (Reach 1)	Clifton Court Forebay Intake Channel Fish Protective Facilities Delta Pumping Plant Bethany Dam and Reservoir Aqueduct
Bethany Reservoir to Orestimba Creek (Reach 2A)	Bethany Dam and Reservoir Aqueduct
Orestimba Creek to O'Neill Forebay (Reach 2B)	Orestimba Creek Siphon Aqueduct
O'Neill Forebay to Dos Amigos Pumping Plant (Reach 3)	O'Neill Dam and Forebay Los Banos Reservoir Aqueduct
Dos Amigos Pumping Plant to Panoche Creek (Reach 4)	Dos Amigos Pumping Plant Little Panoche Reservoir Aqueduct
Panoche Creek to Five Points (Reach 5)	Aqueduct
Five Points to Arroyo Pasajero (Reach 6)	Aqueduct

Aqueduct Reach	: : Major features of Reach
Arroyo Pasajero to Kettleman City (Reach 7)	Aqueduct
Kettleman City Thru Milham Avenue (Reach 8C)	Aqueduct
Milham Avenue Thru Avenal Gap (Reach 8D)	Aqueduct
Avenal Gap Thru Twisselman Road (Reach 9)	Aqueduct
Twisselman Road Thru Lost Hills (Reach 10A)	Aqueduct
Lost Hills to 7th Standard Road (Reach 11B)	Aqueduct
7th Standard Road Thru Elk Hills Road (Reach 12D)	Aqueduct
Elk Hills Road Thru Tupman Road (Reach 12E)	Aqueduct
Tupman Road to Buena Vista Pumping Plant (Reach 13B)	Aqueduct
Buena Vista Pumping Plant Thru Santiago Creek (Reach 14A)	Buena Vista Pumping Plant Sandy Creek Siphon Sunset Railroad Siphon Santiago Siphon Aqueduct
Santiago Creek Thru Old River Road (Reach 14B)	Los Lobos Siphon San Emigdio Siphon Old River Road Siphon Pleitilo Siphon Aqueduct
Old River Road to Wheeler Ridge Pumping Plant (Reach 14C)	Aqueduct
Wheeler Ridge Pumping Plant to Wind Gap Pumping Plant (Reach 15A)	Wheeler Ridge Pumping Plant Aqueduct

Aqueduct Reach	Major features of Reach
Wind Gap Pumping Plant to A. D. Edmonston Pumping Plant (Reach 16A)	Wind Gap Pumping Plant Aqueduct
A. D. Edmonston Pumping Plant to Carley V. Porter Tunnel (Reach 17E)	A. D. Edmonston Pumping Plant Tunnels #1, 2, & 3 Siphon #1 Pastoria Siphon Bear Trap Access Structure
Carley V. Porter Tunnel to Junction, West Branch, California Aqueduct (Reach 17F)	Carley V. Porter Tunnel Siphon #4 Tehachapi Afterbay
Junction, West Branch, California Aqueduct Thru Cottonwood Powerplant (Reach 18A)	Cottonwood Energy Dissipator Chute Aqueduct
Cottonwood Powerplant to Fairmont (Reach 19)	Aqueduct
Fairmont Thru 70th Street West (Reach 20A)	Myrick Siphon Willow Springs Siphon Johnson Siphon Aqueduct
70th Street West to Palmdale (Reach 20B)	Ritter Siphon Leona Siphon Aqueduct
Palmdale to Littlerock Creek (Reach 21)	Soledad Siphon Cheseboro Siphon Littlerock Siphon Aqueduct
Littlerock Creek to Pearblossom Pumping Plant (Reach 22A)	Aqueduct
Pearblossom Pumping Plant to West Fork Mojave River (Reach 22B)	Pearblossom Pumping Plant Fort Tejon Siphon Big Rock Siphon Antelope Siphon Aqueduct

Aqueduct Reach	:	Major features of Reach
West Fork Mojave River to Silverwood Lake (Reach 23)		Mojave Siphon
Cedar Springs Dam and Silverwood Lake (Reach 24)		Cedar Springs Dam Silverwood Lake
Silverwood Lake to South Portal, San Bernardino Tunnel (Reach 25)		San Bernardino Tunnel
South Portal, San Bernardino Tunnel Thru Devil Canyon Powerplant (Reach 26A)		Devil Canyon Powerplant

4. The amendments to Tables B, H, and I of the contract as set forth in paragraphs numbered 1, 2, and 3 above shall in no way limit the right of the State to make subsequent modifications pursuant to the provisions of Article 23 of the contract.

IN WITNESS WHEREOF, the parties hereto have executed this contract on the date first above written.

Approved as to form and
execution:

John B. Surr
Attorney

SAN GORGONIO PASS WATER
AGENCY

By [Signature]
President
By E. J. Dibble
Secretary

Approved as to legal form
and sufficiency:

P. G. Turner
Chief Counsel
Department of Water Resources

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By [Signature]
Director

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

632.51431
San Geronimo

~~632.5143~~
Vault
S/O

AMENDMENT NO. 4 TO WATER SUPPLY CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GERONIMO PASS WATER AGENCY

THIS CONTRACT, made this 31 day of December 1969,
pursuant to the provisions of the California Water Resources
Development Bond Act, the State Central Valley Project Act, and
other applicable laws of the State of California, between the State
of California, acting by and through its Department of Water
Resources, herein referred to as the "State", and San Geronimo
Pass Water Agency,
herein referred to as the "Agency";

WITNESSETH, That

WHEREAS, the State and the Agency have entered into and
subsequently amended a water supply contract providing that the
State will supply certain quantities of water to the Agency, and
providing that the Agency shall make certain payments to the State,
and setting forth the terms and conditions of such supply and such
payment; and

WHEREAS, Article 22(b) of such water supply contract pro-
vides that for each year through the year 1969 the Delta Water
Charge shall be the product of \$3.50 and the Agency's annual entitle-
ment for the respective year and that beginning in the year 1970, the
Delta Water Charge shall be the sum of the capital cost component,
minimum operation, maintenance, power and replacement component, and

Copy also in Sat 1

variable operation, maintenance, power and replacement component computed in accordance with Articles 22(c) and (d) of the water supply contract; and

WHEREAS, Articles 22(e) and (g) of such water supply contract provide that the Delta Water Charge as computed in accordance with Articles 22(c) and (d) shall include all projected costs of additional project and supplemental conservation facilities commencing in the years in which the State first incurs capital costs for such facilities after the facilities are authorized; and

WHEREAS, the parties desire that all water supply contracts be amended to postpone inclusion of the projected costs of any authorized additional project and supplemental conservation facilities in the computation of the Delta Water Charge until after the year 1970 and to fix the rate for computing the Delta Water Charge for the year 1970 at \$6.65; and

WHEREAS, the payments to be made by the Agency to the State include interest calculated at the "project interest rate" defined in Article 1(r) of such water supply contract to mean the weighted average of the interest rates paid by the State on bonds issued under the Water Resources Development Bond Act (Bond Act) disregarding premiums received on the sale of such bonds; and

WHEREAS, the underlying assumption upon which the "project interest rate" was established was that all of the initial facilities of the State Water Resources Development System (Project) would be financed principally with proceeds of bonds issued under the Bond Act or from other sources on which the interest rate would not exceed that of the bonds issued under the Bond Act; and

WHEREAS, the State already has financed the Oroville-

Thermalito power facilities through Central Valley Project Revenue Bonds and may finance other portions of the project facilities through additional revenue bond issues, bonds issued under other authority granted by the Legislature or the voters, bonds issued by other state agencies, advances from contractors, and other methods under which the financing costs relate to interest rates that may exceed the interest rate of the bonds issued under the Bond Act; and

WHEREAS, either the State or contractors making advances to the State may be subject to interest rates, or other financing costs that relate to interest rates, which will be greater than the "project interest rate" as presently defined in the contracts; and

WHEREAS, the parties desire that (1) the interest costs hereafter incurred by or on behalf of the State in financing the construction of project facilities by means other than the use of moneys provided under the Bond Act will be reflected in appropriate adjustments of the "project interest rate" (excepting the interest costs incurred for the Central Valley Project Revenue Bonds issued prior to the date of this amendment); (2) appropriate credit will be given to any contractor having made an advance of funds to the State corresponding to the bond service obligation payable by such contractor by reason of such advance or if bonds were not used to obtain funds for such advance, then to the net interest cost which would have resulted if the contractor had sold bonds for the purpose of funding the advance; and (3) if any sources of funds other than those provided under the Bond Act are employed to finance the construction of specific project facilities and the interest or other costs of such financing are greater than the cost would have been if bonds issued under the Bond Act had been used, appropriate

adjustments to the charges to contractors will be made with respect to such facilities so that the charges to contractors taking water through reaches which include such facilities will be the same after such adjustments as such charges would have been if such facilities had been financed by the use of proceeds of bonds issued under the Bond Act, except insofar as the "project interest rate" has been adjusted pursuant to (1) in this recital:

NOW THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Agency's water supply contract with the State:

1. Subdivision (b) of Article 22 is amended to read as follows:

For each contractor receiving project water in any year through December 31, 1969, the Delta Water Charge shall be the product of \$3.50 and the contractor's annual entitlement to project water for the respective year. For each contractor receiving project water in the year 1970, the Delta Water Charge shall be the product of \$6.65 and the contractor's annual entitlement to project water for that year. The \$6.65 rate for the year 1970 shall consist of a capital cost component of \$5.04 and a minimum operation, maintenance, power and replacement component of \$1.61. After December 31, 1970, the Delta Water Charge shall consist and be the sum of the following components as these are computed in accordance with subdivisions (c) and (d) of this article: a capital cost component; a minimum operation, maintenance, power and replacement component; and a variable operation, maintenance, power and replacement component.

2. Subdivision (r) of Article 1 is amended to read as follows:

"Project interest rate" shall mean the weighted average interest rate of (1) through (6) below computed by dividing (i) the total interest cost required to be paid or credited by the State during the life of the indebtedness or advance by (ii) the total of the products of the various principal amounts and the respective terms in years of all such amounts:

- (1) general obligation bonds issued by the State under the Bond Act,
- (2) revenue bonds issued by the State under the Central Valley Project Act after May 1, 1969,
- (3) bonds issued by the State under any other authority granted by the Legislature or the voters,
- (4) bonds issued by any agency, district, political subdivision, public corporation, or non-profit corporation of this State,
- (5) funds advanced by any contractor without the actual incurring of bonded debt therefor, for which the net interest cost and terms shall be those which would have resulted if the contractor had sold bonds for the purpose of funding the advance, as determined by the State, and
- (6) funds borrowed from the General Fund or other funds in the Treasury of the State of California, for which the total interest cost shall be computed at the interest rate earned over the period of such borrowing

by moneys in the Pooled Money Investment
Account of such Treasury invested in
securities,

to the extent the proceeds of any such bonds, advances or loans are for construction of the State Water Facilities defined in Section 12934(d) of the Water Code, the additional project conservation facilities, and the supplemental conservation facilities (except advances for delivery structures, measuring devices and excess capacity) and without regard to any premiums received on the sale of bonds under item (1) above. The "project interest rate" shall be computed as a decimal fraction to five places.

3. Subdivision (f) of Article 17 is added to the contract to read as follows:

(f) Adjustments Due to Supplemental Financing Costs

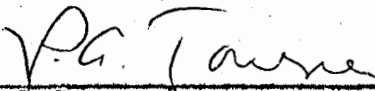
(1) If a contractor, with approval of the State, advances funds to the State to assist the State in financing construction of project facilities (not including delivery structures, measuring devices and excess capacity), such advance shall be amortized by means of annual credits to the contractor having made such advance of funds to the State, with such credits being equal to the actual bond service obligations payable by such contractor by reason of such advance or, if no bonded debt was incurred, then such credits shall be sufficient to cover the repayment of principal and interest costs which would have resulted if the contractor had sold bonds for the purpose of funding the advance as determined by the State.

(2) If, after May 1, 1969, any source of funds other than those provided by the Bond Act is employed to finance

construction of specific project facilities, any additional costs incurred because of such financing will not be charged to the contractors, except for adjustments to the "project interest rate".

Approved as to legal form and
sufficiency:

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

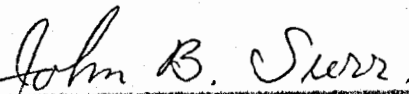


Chief Counsel
Department of Water Resources
P. O. Box 388
Sacramento, California


By (sgd) W. R. Gianelli
Director


Approved as to form and
execution:

SAN GORGONIO PASS WATER AGENCY



Counsel

By 

President
By 

Secretary

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 5 TO WATER SUPPLY CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS CONTRACT, made this 31st day of December , 1970,
pursuant to the provisions of the California Water Resources
Development Bond Act, the State Central Valley Project Act, and
other applicable laws of the State of California, between the State
of California, acting by and through its Department of Water
Resources, herein referred to as the "State", and **San Geronio**
Pass Water Agency,
herein referred to as the "Agency";

WITNESSETH, That

WHEREAS, the State and the Agency have entered into and
subsequently amended a water supply contract providing that the
State will supply certain quantities of water to the Agency, and
providing that the Agency shall make certain payments to the State,
and setting forth the terms and conditions of such supply and such
payment; and

WHEREAS, Article 22(b) of such water supply contract, as
amended, provides that for each year through the year 1969 the
Delta Water Charge shall be the product of \$3.50 and the Agency's
annual entitlement for the respective year, that for the year 1970
the Delta Water Charge shall be the product of \$6.65 and the Agency's
annual entitlement for that year, and that beginning in the year

1971 the Delta Water Charge shall be the sum of the capital cost component, minimum operation, maintenance, power and replacement component, and variable operation, maintenance, power and replacement component computed in accordance with Articles 22(c) and (d) of the water supply contract; and

WHEREAS, Articles 22(e) and (g) of such water supply contract provide that the Delta Water Charge as computed in accordance with Articles 22(c) and (d) shall include all projected costs of additional project and supplemental conservation facilities commencing in the years in which the State first incurs capital costs for such facilities after the facilities are authorized; and

WHEREAS, the parties desire that all water supply contracts be amended to postpone inclusion of the projected costs of any authorized additional project and supplemental conservation facilities in the computation of the Delta Water Charge until after the year 1971 and to fix the rate for computing the Delta Water Charge for the year 1971 at \$7.24;

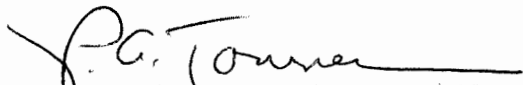
NOW, THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Agency's water supply contract with the State:

1. Subdivision (b) of Article 22 is amended to read as follows:

For each contractor receiving project water in any year through December 31, 1969, the Delta Water Charge shall be the product of \$3.50 and the contractor's annual entitlement to project water for the respective year. For each contractor receiving project water in the year 1970, the Delta Water Charge shall be the


product of \$6.65 and the contractor's annual entitlement to project water for that year. The \$6.65 rate for the year 1970 shall consist of a capital cost component of \$5.04 and a minimum operation, maintenance, power and replacement component of \$1.61. For each contractor receiving project water in the year 1971, the Delta Water Charge shall be the product of \$7.24 and the contractor's annual entitlement to project water for that year. The \$7.24 rate for the year 1971 shall consist of a capital cost component of \$5.44 and a minimum operation, maintenance, power and replacement component of \$1.80. After December 31, 1971, the Delta Water Charge shall consist and be the sum of the following components as these are computed in accordance with subdivisions (c) and (d) of this article: a capital cost component; a minimum operation, maintenance, power and replacement component; and a variable operation, maintenance, power and replacement component.

Approved as to legal form and
sufficiency:



Chief Counsel
Department of Water Resources
P. O. Box 388
Sacramento, California

Approved as to form and
execution:



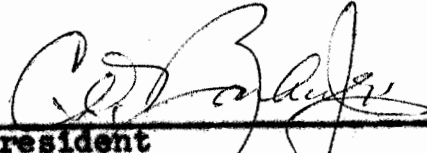
Counsel

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

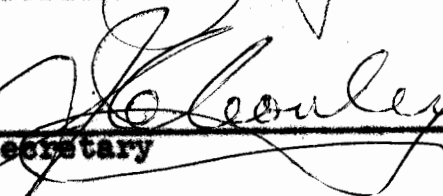
By 

Director

SAN GORGONIO PASS WATER AGENCY

By 

President

By 

Secretary

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 6 TO WATER SUPPLY CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS CONTRACT, made this 27th day of December, 1971, pursuant to the provisions of the California Water Resources Development Bond Act, the State Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State", and San Gorgonio Pass Water Agency, herein referred to as the "Agency";

WITNESSETH, That:

WHEREAS, the State and the Agency have entered into and subsequently amended a water supply contract providing that the State will supply certain quantities of water to the Agency, and providing that the Agency shall make certain payments to the State, and setting forth the terms and conditions of such supply and such payment; and

WHEREAS, Article 22(b) of such water supply contract, as amended, provides that for each year through the year 1969 the Delta Water Charge shall be the product of \$3.50 and the Agency's annual entitlement for the respective year, that for the year 1970 the Delta Water Charge shall be the product of \$6.65 and the

Agency's annual entitlement for that year, that for the year 1971 the Delta Water Charge shall be the product of \$7.24 and the Agency's annual entitlement for that year, and that beginning in the year 1972 the Delta Water Charge shall be the sum of the capital cost component, minimum operation, maintenance, power and replacement component, and variable operation, maintenance, power and replacement component computed in accordance with Articles 22(c) and (d) of the water supply contract; and

WHEREAS, Articles 22(e) and (g) of such water supply contract provide that the Delta Water Charge as computed in accordance with Articles 22(c) and (d) shall include all projected costs of additional project and supplemental conservation facilities commencing in the years in which the State first incurs capital costs for such facilities after the facilities are authorized; and

WHEREAS, the parties desire that all water supply contracts be amended to postpone inclusion of the projected costs of any authorized additional project and supplemental conservation facilities in the computation of the Delta Water Charge until the happening of certain events;

NOW, THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Agency's water supply contract with the State:

1. Subdivision (e) of Article 22 is amended to read as follows:

Prior to the time that additional project conservation facilities or supplemental conservation facilities are constructed,

the Delta Water Charge shall be determined on the basis of an allocation to project purposes, by the separable cost-remaining benefits method, of all actual and projected costs of all those initial project conservation facilities located in and above the Delta, and upon an allocation to the purposes of water conservation and water transportation, by the proportionate use of facilities method, of all actual and projected costs of the following project facilities located below the Delta: The aqueduct intake facilities at the Delta, Pumping Plant I (Delta Pumping Plant), the aqueduct from the Delta to San Luis Forebay (O'Neill Forebay), San Luis Forebay (O'Neill Forebay), and San Luis Reservoir: Provided, That all of the actual and projected costs properly chargeable to the generation and transmission of electrical energy in connection with operation of project conservation facilities shall be allocated to the purpose of water conservation in, above, and below the Delta: Provided further, That allocations to purposes the cost of which are to be paid by the United States shall be as determined by the United States.

Commencing in the year in which the State first awards a major construction contract for construction of a major feature of additional project conservation facilities, or first commences payments under a contract with a federal agency in the event a major feature of additional project conservation facilities is constructed by such federal agency under an agreement requiring the State to pay all or part of the costs of such construction, the Delta Water Charge shall be determined on the basis of the

foregoing allocations and upon an allocation to project purposes, by the separable costs-remaining benefits method and subject to the foregoing provisos, of all projected costs of such feature of the additional project conservation facilities: Provided, That if the agreement with such federal agency allows repayment of costs of a portion of a facility to be deferred, the associated costs of such portion shall be excluded from the Delta Water Charge computations until repayment of such deferred costs or interest thereon is commenced by the State: Provided further, That all costs of additional project conservation facilities incurred prior to the award of a major construction contract, shall be included in the Delta Water Charge computations in the year in which they are incurred.

2. Subdivision (g) of Article 22 is amended to read as follows:

Upon the construction of the supplemental conservation facilities, the Delta Water Charge shall be paid by all contractors for supplemental water, as well as by contractors for project water, and, together with revenues derived from the sale or other disposal of electrical energy generated in connection with operation of project conservation facilities and supplemental conservation facilities, shall return to the State, in addition to those costs of the project conservation facilities allocated to the purpose of water conservation, in, above, and below the Delta pursuant to subdivision (e) of this article, all costs of such supplemental conservation facilities, including capital, operation, maintenance, power, and replacement costs

which are allocated to the purpose of water conservation, in, above, and below the Delta pursuant hereto. Commencing in the year in which the State first awards a major construction contract for construction of a major feature of any supplemental conservation facilities, or first commences payments under a contract with a federal agency in the event a major feature of supplemental conservation facilities is constructed by such federal agency under an agreement requiring the State to pay all or part of the costs of such construction, the Delta Water Charge shall be determined on the basis of the allocations made pursuant to subdivision (e) of this article, and upon an allocation to project purposes, by the separable costs-remaining benefits method and subject to provisos corresponding to those contained in said subdivision (e), of all projected costs of such feature of the supplemental conservation facilities. Commencing in the same year, the computation of the rates to be used in determining the components of the Delta Water Charge shall include the annual entitlements to water under all contracts for supplemental water. If the repayment period of any bonds sold to construct supplemental conservation facilities or the repayment period under any agreement with a federal agency for repayment of the costs of supplemental conservation facilities constructed by such federal agency extends beyond the repayment period of the contract, the Delta Water Charge shall be determined and redetermined on the basis of such extended repayment period as the State determines to be appropriate: Provided, That if the agreement with such federal agency allows repayment of costs

of a portion of a facility to be deferred, the associated costs of such portion shall be excluded from the Delta Water Charge computations until repayment of such deferred costs or interest thereon is commenced by the State.

IN WITNESS WHEREOF, the parties hereto have executed this contract on the date first above written.

Approved as to legal form
and sufficiency:

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By *P.C. Turner*
Chief Counsel
Department of Water Resources

By *W. Genelli*
Director

Approved as to form and
execution:

SAN GORGONIO PASS WATER AGENCY

Swan & Kelly
By *James K. Edwards*
(Title) Counsel

By *C. O. Ayler*
(Title) President

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 7 TO WATER SUPPLY CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

632,51431
5-14-72
X Jambert
DR

THIS CONTRACT, made as of the 15th day of October, 1972, pursuant to the provisions of the California Water Resources Development Bond Act, the State Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State", and San Gorgonio Pass Water Agency, herein referred to as the "Agency";

WITNESSETH, That:

WHEREAS, the State and the Agency have entered into and subsequently amended a water supply contract, dated November 16, 1962 (herein referred to as the "Amended Contract") providing that the State shall supply certain quantities of water to the Agency, and that the Agency shall make certain payments to the State, and setting forth the terms and conditions of such supply and such payment; and

WHEREAS, the Amended Contract provides for a surcharge equivalent to the power credit per acre-foot of water to be charged to water users, other than the United States or the State of California, for each acre-foot of project water determined to have been put to agricultural or manufacturing uses on excess land, for collection by the Agency either itself or through a

retail agency or another agency, for payment to the State of such surcharge, and for the allowance, on specified terms and conditions, of the amount of such surcharge as a credit to the Agency; and

WHEREAS, the Amended Contract establishes the power credit per acre-foot of water as two dollars until all of the facilities for generation of electrical energy in connection with operation of initial project conservation facilities are installed and in operation, and provides for a redetermination of such credit thereafter to reflect accurately increases or decreases from year to year in the power credit; and

WHEREAS, the provisions of the Amended Contract providing for or related to the power credit, surcharge and surcharge credit have been suspended as to water deliveries during the years prior to 1972 pending redetermination of the power credit and a reevaluation of the merits of such contract provisions; and

WHEREAS, estimates indicate that the power credit will be relatively negligible in amount and that administrative costs associated with the power credit, surcharge and surcharge credit provisions will be excessively burdensome to the State, the Agency and its water users; and

WHEREAS, the power credit, surcharge and surcharge credit provisions rest on unclear, confused or mistaken premises and should no longer be retained;

NOW, THEREFORE, it is mutually agreed as follows:

There are hereby deleted from the Amended Contract the following:

1. Article 30 entitled "Surcharge for Project Water Used on Excess Land".

2. The next-to-the-last sentence of the fifth paragraph of subdivision (a) of Article 46, entitled "Surplus Water", which sentence reads as follows:

"A surcharge shall be added to the rate for surplus water furnished to excess land in an amount and under the conditions specified in Article 30 of this contract".

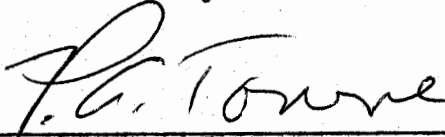
3. Subdivision (b) of Article 46 entitled "Surcharge Credit".

IN WITNESS WHEREOF, the parties hereto have executed this contract amendment on the date first above written.

Approved as to legal form
and sufficiency:

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By



Chief Counsel
Department of Water Resources

By

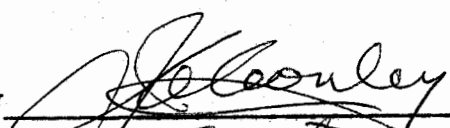


Director

Attest:

SAN GORGONIO PASS WATER AGENCY

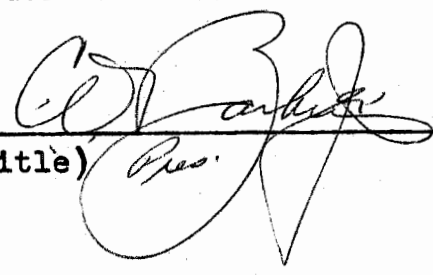
By



(Title) Secretary

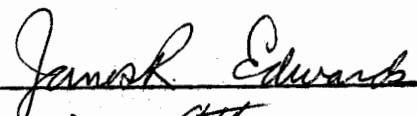
Approved as to form
and execution:

By



(Title) Pres.

By



(Title) Attorney

THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 8 TO WATER SUPPLY CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS CONTRACT, made this 14th day of January, 1980,
pursuant to the provisions of the California Water Resources
Development Bond Act, the State Central Valley Project Act, and
other applicable laws of the State of California, between the
State of California, acting by and through its Department of Water
Resources, herein referred to as the "State", and San Gorgonio
Pass Water Agencyt, herein referred to as the "Agency";

WHEREAS, the State and the Agency have entered into and
subsequently amended a water supply contract providing that the
State will supply certain quantities of water to the Agency, and
providing that the Agency shall make certain payments to the
State, and setting forth the terms and conditions of such supply
and such payment; and

WHEREAS, the State and the Agency desire to make certain
changes and additions to such contract, while otherwise continuing
the contract in full force and effect;

NOW, THEREFORE, it is mutually agreed that the following
changes and additions are hereby made to the Agency's water
supply contract with the State;

1. Subdivision t of Article 1 of the Agency's Water
Supply Contract with the State is amended to read as follows:

(t) Project Repayment Period

"Project repayment period" shall mean that period of years commencing on January 1, 1961, and extending until December 31, 2035; Provided, that whenever construction of any project facilities is financed by a bond issue with maturity dates later than December 31, 2035, whether the bonds are issued pursuant to the Bond Act or other authority, repayment of the costs of such facilities shall be extended to end on the date of the latest maturities of the bonds with which construction of such facilities financed.

2. Article 2 of the Agency's Water Supply Contract with the State is amended to read as follows:

(2) Term of Contract

This contract shall become effective on the date first above written and shall remain in effect for the longest of the following:

1. The project repayment period
2. 75 years
3. The period ending with the latest maturity date of any bond issue used to finance the construction costs of project facilities.

IN WITNESS WHEREOF, the parties hereto have executed
this contract amendment on the date first above written.

Approved as to legal form
and sufficiency:

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

by *R. A. Turner*
Chief Counsel
Department of Water Resources

by *Arnold B. Miller*
Director

SAN GORGONIO PASS WATER
DISTRICT

by *Lewis W. Haskell*

Title President

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

632-51481

AMENDMENT NO. 9 TO WATER SUPPLY CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND THE
SAN GORGONIO PASS WATER AGENCY

THIS CONTRACT, made this 13th day of December,
1987, pursuant to the provisions of the California Water Resources
Development Bond Act, the State Central Valley Project Act, and
other applicable laws of the State of California, between the
State of California, acting by and through its Department of Water
Resources, herein referred to as the "State", and San Gorgonio
Pass Water Agency, herein referred to as the "Agency";

WHEREAS, the State and the Agency have entered into and
subsequently amended a water supply contract providing that the
State will supply certain quantities of water to the Agency, and
providing that the Agency shall make certain payments to the
State, and setting forth the terms and conditions of such supply
and such payment; and

WHEREAS, the State and the Agency desire to make certain
changes and additions to such contract, while otherwise continuing
the contract in full force and effect;

NOW, THEREFORE, it is mutually agreed that the following
changes and additions are hereby made to the Agency's water supply
contract with the State:

1. Article 1(e) is amended to read:

(e) Project Facilities

"Project facilities" shall mean those facilities of the system which will, in whole or in part, serve the purposes of this contract by conserving water and making it available for use in and above the Delta and for export from the Delta and from such additional facilities as are defined in Article 1(h)(2) herein, and by conveying water to the Agency. Said project facilities shall consist specifically of "project conservation facilities" and "project transportation facilities", as hereinafter defined.

2. Article 1(h) is amended to read:

(h) Additional Project Conservation Facilities

"Additional project conservation facilities" shall mean the following facilities and programs which will serve the purpose of preventing any reduction in the minimum project yield as hereinafter defined:

(1) Those project facilities specified in Section 12938 of the Water Code;

(2) Those facilities and programs described in (A), (B), (C), (D), and (E) below which, in the State's determination, are engineeringly feasible and capable of producing project water which is economically competitive with alternative new water supply sources, provided that, in the State's determination, the construction and operation of such facilities and programs will not interfere with the requested deliveries of annual entitlement to any contractor other than the sponsoring contractor, and will not result in any greater annual charges to any contractor other than the sponsoring contractor than would have occurred with the

construction at the same time of alternative new water supply sources which are either reservoirs located north of the Delta or off-Aqueduct storage reservoirs located south or west of the Delta designed to supply water to the California Aqueduct. The following facilities and programs shall hereinafter be referred to as "Local Projects":

(A) On-stream and off-stream surface storage reservoirs not provided for in Section 12938 of the Water Code, that will produce project water for the System for a period of time agreed to by the sponsoring contractor;

(B) Ground water storage facilities that will produce project water for the System for a period of time agreed to by the sponsoring contractor;

(C) Waste water reclamation facilities that will produce project water for the System for a period of time agreed to by the sponsoring contractor;

(D) Water and facilities for delivering water purchased by the State for the System for a period of time agreed to by the sponsoring contractor; provided that the economic test specified herein shall be applied to the cost of these facilities together with the cost of the purchased water; and

(E) Future water conservation programs and facilities that will reduce demands by the sponsoring contractor for project water from the System for a period of time agreed to by the sponsoring contractor and will thereby have the effect of increasing project water available in the Delta for distribution.

(3) Whether a Local Project described in (2) above shall be considered economically competitive shall be determined by the State by comparing, in an engineering and economic analysis, such Local Project with alternative new water supply sources which are either reservoirs located north of the Delta or off-Aqueduct storage reservoirs located south or west of the Delta designed to supply water to the California Aqueduct. The analysis for such alternative new water supply sources shall use the average cost per acre-foot of yield in the latest studies made for such sources by the State and shall compare those facilities with the proposed Local Project using commonly accepted engineering economics. In the case of a Local Project to be funded in part by the State as part of the System and in part from other sources, the economic analysis specified herein shall be applied only to the portion to be funded by the State as part of the System.

(4) The Local Projects in (2) above shall not be constructed or implemented unless or until:

(A) The sponsoring contractor signs a written agreement with the State which:

(i) Contains the sponsoring contractor's approval of such facility or program.

(ii) Specifies the yield and the period of time during which the water from the Local Project shall constitute project water; and

(iii) Specifies the disposition of such Local Project or of the yield from such Local Project upon the expiration of such period of time; and

(B) All contractors within whose boundaries any portion of such Local Project is located, and who are not sponsoring contractors for such Local Project give their written approval of such Local Project.

(5) "Sponsoring contractor" as used in this Article 1(h) shall mean the contractor or contractors who either will receive the yield from facilities described in 2(A), (B), (C), or (D) above, or agree to reduce demands for project water from the System pursuant to 2(E) above.

(6) In the event of a shortage in water supply within the meaning of Article 18(a), the determination of whether to count, in whole or in part, the yield from facilities described in 2(A), (B), (C), or (D) above, or the reduced demand from future conservation programs described in 2(E) above in the allocation of deficiencies among contractors will be based on a project-by-project evaluation taking into consideration such factors as any limitation on the use of the water from such facilities and whether the sponsoring contractor has access to project water from the Delta as an alternate to such facilities.

3. Article 1(i)(2) is amended to read:

(2) Facilities for the generation and transmission of electrical energy of the following types:

(A) Hydroelectric generating and transmission facilities, whose operation is dependent on the transportation of project water, or on releases to channels downstream of project facilities defined under (1) above. Such facilities shall be called "project aqueduct power recovery plants."

(B) All other generating and associated transmission facilities, except those dependent on water from project conservation facilities, for the generation of power. These facilities shall be called "off-aqueduct power facilities" and shall consist of the State's interest in the Reid-Gardner and any other generating and associated transmission facilities, constructed or financed in whole or in part by the State, which are economically competitive with alternative power supply sources as determined by the State.

4. Article 1(r) is amended to read:

(r) Project Interest Rate

"Project interest rate" shall mean the weighted average interest rate of (1) through (6) below computed by dividing (i) the total interest cost required to be paid or credited by the State during the life of the indebtedness or advance by (ii) the total of the projects of the various principal amounts and the respective terms in years of all such amounts:

(1) general obligation bonds issued by the State under the Bond Act,

(2) revenue bonds issued by the State under the Central Valley Project Act after May 1, 1969,

(3) bonds issued by the State under any other authority granted by the Legislature or the voters,

(4) bonds issued by any agency, district, political subdivision, public corporation, or nonprofit corporation of this State,

(5) funds advanced by any contractor without the actual incurring of bonded debt therefor, for which the net interest cost and terms shall be those which would have resulted if the contractor had sold bonds for the purpose of funding the advance, as determined by the State, and

(6) funds borrowed from the General Fund or other funds in the Treasury of the State of California, for which the total interest cost shall be computed at the interest rate earned over the period of such borrowing by moneys in the Pooled Money Investment Account of such Treasury invested in securities,

to the extent the proceeds of any such bonds, advances or loans are for construction of the State Water Facilities defined in Section 12934(d) of the Water Code, the additional project conservation facilities, and the supplemental conservation facilities, (except off-aqueduct power facilities and advances for delivery structures, measuring devices and excess capacity) and without regard to any premiums received on the sale of bonds under item (1) above. The "project interest rate" shall be computed as a decimal fraction to five places.

5. Subdivision (h) is added to Article 22 to read:

(h) The determination of the rate for water under the Delta Water Charge shall be made by including the appropriate costs and quantities of water, calculated in accordance with subdivisions (c), (d) and (e) above, for all additional project conservation facilities as defined in Article 1(h) hereinabove. In the event a Local Project as defined in Article 1(h)(2) will,

pursuant to written agreement between the State and the sponsoring contractor, be considered and treated as an additional project conservation facility for less than the estimated life of the facility, the rate under the Delta Water Charge will be determined on the basis of that portion of the appropriate cost and water supply associated with such facility as the period of time during which such facility shall be considered as an additional project conservation facility bears to the estimated life of such facility. No costs for the construction or implementation of any Local Project are to be included in the Delta Water Charge unless and until the written agreement required by Article 1(h) has been entered into.

6. Subdivision (i) is added to Article 22 to read:

(i) In calculating the rate for project water to be paid by each contractor for the Delta Water Charge under subdivisions (c), (d) and (e) above, the component for operation, maintenance, power and replacement costs shall include, but not be limited to, all costs to the State incurred in purchasing water, which is competitive with alternative sources as determined by the State, for delivery as project water.

7. Subdivision (f) is added to Article 24 to read:

(f) The capital costs of project aqueduct power recovery plants shall be charged and allocated in accordance with this Article 24. The capital costs of off-aqueduct power facilities shall be charged and allocated in accordance with Article 25(d).

8. Subdivision (d) is added to Article 25 to read:

(d) Notwithstanding the provisions of subdivisions (a) and (b) of this article, or of Article 1(s), the costs of off-aqueduct power facilities shall be determined and allocated as follows:

(1) The off-aqueduct power costs shall include all annual costs the State incurs for any off-aqueduct power facility, which shall include, but not be limited to, power purchases, any annual principal and interest payments on funds borrowed by or advanced to the State, annual principal and interest on bonds issued by the State or other agency, or under revenue bond financing contracts, any requirements for coverage, deposits to reserves, and associated operation and maintenance costs of such facility, less any credits, interest earnings, or other monies received by the State in connection with such facility. In the event the State finances all or any part of an off-aqueduct power facility directly from funds other than bonds or borrowed funds, in lieu of such annual principal and interest payments, the repayment of capital costs as to that part financed by such other funds shall be determined on the basis of the schedule that would have been required under Article 24.

(2) The annual costs of off-aqueduct power facilities as computed in (1) above shall initially be allocated among contractors in amounts which bear the same proportions to the total amount of such power costs that the total estimated electrical energy (kilowatt hours) required to pump through project transportation facilities the desired delivery amounts of annual entitlements for that year, as submitted pursuant to

Article 12(a)(1) and as may be modified by the State pursuant to Article 12(a)(2), bears to the total estimated electrical energy (kilowatt hours) required to pump all such amounts for all contractors through project transportation facilities for that year, all as determined by the State.

(3) An interim adjustment in the allocation of the power costs calculated in accordance with (2) above, may be made in May of each year based on April revisions in approved schedules of deliveries of annual entitlement for such year. A further adjustment shall be made in the following year based on actual deliveries of annual entitlement; provided, however, in the event no deliveries are made through a pumping plant, the adjustments shall not be made for that year at that plant.

(4) To the extent the monies received or to be received by the State from all contractors for off-aqueduct power costs in any year are determined by the State to be less than the amount required to pay the off-aqueduct power costs in such year, the State may allocate and charge that amount of off-aqueduct power costs to the Agency and other contractors in the same manner as costs under the capital cost component of the Transportation Charge are allocated and charged. After that amount has been so allocated, charged and collected, the State shall provide a reallocation of the amounts allocated pursuant to this paragraph (4), such reallocation to be based on the allocations made pursuant to (2) and (3) above for that year, or in the event no such allocation was made for that year, on the last previous allocation made pursuant to (2) and (3) above. Any such

reallocation shall include appropriate interest at the project interest rate.

9. Subdivision (e) is added to Article 25 to read:

(e) The total minimum operation, maintenance, power and replacement component due that year from each contractor shall be the sum of the allocations made under the proportionate use of facilities method provided in subdivision (b) of this article and the allocations made pursuant to subdivision (d) of this article for each contractor.


10. Subdivision (b) of Article 32 is amended to read:

(b) Interest on Overdue Payments

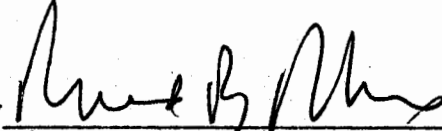
Upon every amount of money required to be paid by the Agency to the State pursuant to this contract which remains unpaid after it becomes due and payable, interest shall accrue at an annual rate equal to that earned by the Pooled Money Investment Fund, as provided in Government Code Sections 16480, et seq. calculated monthly on the amount of such delinquent payment from and after the due date until it is paid, and the Agency hereby agrees to pay such interest: provided, that no interest shall be charged to or be paid by the Agency unless such delinquency continues for more than thirty (30) days.

IN WITNESS WHEREOF, the parties hereto have executed
this contract amendment as of the date first above written.


Approved as to legal form
and sufficiency:

By 
Acting Chief Counsel
Department of Water Resources

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By 
Director

SAN GORGONIO PASS WATER
AGENCY

By 
(Title) *Manager Secretary*

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 10 TO WATER SUPPLY CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS CONTRACT is made this 27th day of April, 1987,
pursuant to the provisions of the California Water Resources Development Bond
Act, the State Central Valley Project Act, and other applicable laws of the
State of California, between the State of California, acting by and through its
Department of Water Resources, herein referred to as the "State", and
San Gorgonio Pass Water Agency, herein referred to as the "Agency".

WHEREAS, the State and the Agency have entered into and subsequently
amended a water supply contract providing that the State will supply certain
quantities of water to the Agency, and providing that the Agency shall make
certain payments to the State, and setting forth the terms and conditions of
such supply and such payment;

WHEREAS, the State and the Agency wish to provide financing for
project facilities with water system revenue bonds and provide for repayment of
water system revenue bonds;

WHEREAS, the State and the Agency wish to clarify the definition of
the project interest rate without changing the interpretation of Article 1(r),
except for the addition of item (7), and to specify that financing costs of
water system facilities and East Branch Enlargement facilities shall not be
included in calculating the project interest rate; and

WHEREAS, Article 28 of such water supply contract provides that the State shall redetermine the annual amounts of the Transportation Charge in order that the charges to the Agency may accurately reflect increases or decreases from year to year in projected costs, outstanding reimbursable indebtedness of the State, annual entitlements, estimated deliveries, project interest rate, and all other factors which are determinative of such charges;

WHEREAS, Article 28 also provides that each such redetermination shall include an adjustment of the components of the Transportation Charge to be paid by the Agency for succeeding years which shall account for differences, if any, between projections used by the State in determining the amounts of such components for all preceding years and actual costs incurred by the State during such years, but does not specify the computational details or the method of payment of such adjustments; and

WHEREAS, the State is willing to amortize over the remaining repayment period of the contract, the "one-shot" adjustment applied to previous payments resulting from revisions in the project interest rate under conditions defined in this amendment.

NOW THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Agency's water supply contract with the State:

1. Article 1(r) is amended to read:

(r) "Project interest rate" shall mean the weighted average interest rate on bonds, advances, or loans listed in this section to the extent the proceeds of any such bonds, advances, or loans are for construction of the State Water Facilities defined in Section 12934(d) of the Water Code, the additional project conservation facilities, and the supplemental conservation

facilities (except off-aqueduct power facilities; water system facilities; advances for delivery structures, measuring devices and excess capacity; and East Branch Enlargement Facilities). The project interest rate shall be calculated as a decimal fraction to five places by dividing (i) the total interest cost required to be paid or credited by the State during the life of the indebtedness or advance by (ii) the total of the products of the various principal amounts and the respective terms in years of all such amounts. The bonds, advances, or loans used in calculating the project interest rate shall be:

(1) General obligation bonds issued by the State under the Bond Act, except that any premium received on the sale of these bonds shall not be included in the calculation of the project interest rate,

(2) Revenue bonds issued by the State under the Central Valley Project Act after May 1, 1969,

(3) Bonds issued by the State under any other authority granted by the Legislature or the voters,

(4) Bonds issued by any agency, district, political subdivision, public corporation, or nonprofit corporation of this State,

(5) Funds advanced by any contractor without the actual incurring of bonded debt therefor, for which the net interest cost and terms shall be those which would have resulted if the contractor had sold bonds for the purpose of funding the advance, as determined by the State,

(6) Funds borrowed from the General Fund or other funds in the Treasury of the State of California, for which the total interest cost shall be computed at the interest rate earned over the period of such borrowing by

moneys in the Surplus Money Investment Fund of such Treasury invested in securities, and

(7) Any other financing capability available in the Treasury of the State of California at whatever interest rate and other financing costs are provided in the law authorizing such borrowing. However, the use of other financing from the State Treasury is intended to involve only short term borrowing at interest rates and other financing costs no greater than those charged to other State agencies during the same period until such time as the Department can sell bonds and reimburse the source of the short term borrowing from the proceeds of the bond sale.

1.5 Articles 1(z), 1(aa), 1(bb), 1(dd), 1(ee), and 1(ff) are reserved for future use and have no text as of the date of this amendment.

2. Article 1(cc) is added to read:

(cc) "Water system revenue bonds" shall mean revenue bonds or revenue bond anticipation notes issued by the State under the Central Valley Project Act after January 1, 1987 for water system facilities identified in Article 1(hh).

3. Article 1(gg) is added to read:

(gg) "East Branch Enlargement Facilities" shall mean all of the following:

(1) The facilities remaining to be constructed as part of the East Branch Enlargement construction;

(2) The work done pursuant to the letter agreement between the State and The Metropolitan Water District of Southern California dated November 29, 1966, which consisted of constructing the California Aqueduct between Cottonwood (now known as Alamo) Powerplant and Cedar Springs (now known as Silverwood) Reservoir so that, by future additions to the canal lining, siphons, and additional pumping units at Pearblossom Pumping Plant, the capacity could be increased by a then-estimated approximately 700 cubic feet per second;

(3) That portion of the enlargement of the Pearblossom Pumping Plant Forebay and Cofferdam construction which would not have been constructed but for the proposed East Branch Enlargement and which was done pursuant to the letter agreement between the State and The Metropolitan Water District of Southern California, dated January 19, 1984;

(4) That portion of the canal lining work between Alamo Powerplant and Pearblossom Pumping Plant done pursuant to the letter agreements between the State and The Metropolitan Water District of Southern California, dated July 2, 1984, and May 15, 1985, which increased the East Branch Aqueduct capacity beyond that set forth in Table B-2 as shown in State Bulletin 132-70;

(5) That portion of Reach 24 (Silverwood Lake) to be determined by reallocation of Reach 24 to reflect the additional use to be made of that reach as a result of the East Branch Enlargement operation; and

(6) That portion of Reach 25 (San Bernardino Tunnel) to be determined by an allocation of total delivery capacity of Reach 25 between the basic East Branch facilities and the East Branch Enlargement as a result of East Branch Enlargement operation.

4. Article 1 (hh) is added to read:

(hh) "Water System Facilities" shall mean the following facilities to the extent that they are financed with water system revenue bonds or to the extent that other financing of such facilities is reimbursed with proceeds from water system revenue bonds:

(1) The North Bay Aqueduct,

(2) The Coastal Branch Aqueduct,

(3) Delta Facilities, including Suisun Marsh facilities, to serve the purposes of water conservation in the Delta, water supply in the Delta, transfer of water across the Delta, and mitigation of the environmental effects of project facilities, and to the extent presently authorized as project purposes, recreation and fish and wildlife enhancement,

(4) Local projects as defined in Article 1(h)(2) designed to develop no more than 25,000 acre-feet of project yield from each project,

(5) Land acquisition for the Kern Fan Element of the Kern Water Bank,

(6) Additional pumps at the Banks Delta Pumping Plant,

(7) The transmission line from Midway to Wheeler Ridge Pumping Plant, and

(8) Repairs, additions, and betterments to conservation or transportation facilities existing as of January 1, 1987, and to all other facilities described in this subarticle (hh) except for item (5).

5. Article 22(j) of the Agency's water supply contract with the State is added as follows:

(j) Notwithstanding provisions of Article 22(a) through (i), the capital cost component and the minimum OMP&R component of the Delta Water Charge shall include an annual charge to recover the Agency's share of the conservation portion of the water system revenue bond financing costs. Charges to the Agency for these costs shall be calculated in accordance with provisions in Article 50 of this contract.

6. Article 24(g) of the Agency's water supply contract with the State is added as follows:

(g) Notwithstanding provisions of Article 24(a) through (d), the capital cost component of the Transportation charge shall include an annual charge to recover the Agency's share of the transportation portion of the water system revenue bond financing costs. Charges to the Agency for these costs shall be calculated in accordance with provisions in Article 50 of this contract.

6.5 Article 28 of the Agency's water supply contract with the State is amended to read as follows:

28. Transportation Charge--Redetermination

(a) Determinative Factors Subject to Retroactive Change

The State shall redetermine the values and amounts set forth in Tables B, C, D, E, F, and G of this contract in the year following the year in which the State commences construction of the project transportation

facilities and each year thereafter in order that the Transportation Charge to the Agency and the components thereof may accurately reflect the increases or decreases from year to year in projected costs, outstanding reimbursable indebtedness of the State incurred to construct the project transportation facilities described in Table I of this contract, annual entitlements, estimated deliveries, project interest rate, and all other factors which are determinative of such charges. In addition, each such redetermination shall include an adjustment of the components of the Transportation Charge to be paid by the Agency for succeeding years which shall account for the differences, if any, between those factors used by the State in determining the amounts of such components for all preceding years and the factors as then currently known by the State. Such adjustment shall be computed by the State and paid by the Agency or credited to the Agency's account in the manner described in (b) and (c) below.

(b) Adjustment: Transportation Charge--Capital Cost Component

Adjustments for prior underpayments or overpayments of the capital cost component of the Transportation Charge to the Agency, together with accrued interest charges or credits thereon computed at the then current project interest rate on the amount of the underpayment or overpayment and compounded annually for the number of years from the year the underpayment or overpayment occurred to and including the year following the redetermination, shall be paid in the year following the redetermination: Provided, That the Agency may elect to exercise the option whereby when the redetermined Transportation Charge for the following year, with adjustments, including adjustments of the operation, maintenance, power, and replacement components

provided for in subdivision (c) of this article, is more or less than the last estimate of the Charge provided pursuant to Article 27 for the corresponding year, without adjustments, an amount equal to the total of such difference shall be deducted from or added to the adjusted capital cost component for that year and paid or credited in accordance with the following schedule:

Percent that Transportation Charge differs from last estimate (+ or -)	Period in years, for amortizing the difference in indicated charge
for 10% or less	no amortization
more than 10%, but not more than 20%	2
more than 20%, but not more than 30%	3
more than 30%, but not more than 40%	4
more than 40%.	5

Such payments or credits shall be equal semi-annual amounts of principal and interest on or before the 1st day of January and the 1st day of July, with interest computed at the project interest rate and compounded annually, during varying amortization periods as set forth in the preceding schedule: Provided, that for the purpose of determining the above difference in the Transportation Charge, the variable operation, maintenance, power, and replacement component shall be computed on the basis of the same estimated project water deliveries as was assumed in computing pursuant to Article 26(c).

(c) Adjustment: Transportation Charge--Minimum and Variable Components

One-twelfth of the adjustments for prior underpayments or overpayments of the Agency's minimum and variable operation, power, and replacement components for each year shall be added or credited to the corresponding components to be paid in the corresponding month of the year

following the redetermination, together with accrued interest charges or credits thereon computed at the then current project interest rate on the amount of the underpayment or overpayment and compounded annually for the number of years from the year the underpayment or overpayment occurred to and including the year following the redetermination.

(d) Exercise of Option

The option provided for in subdivision (b) above shall be exercised in writing on or before the January 1 due date of the first payment of the capital cost component of the Transportation Charge for the year in which the option is to become effective.

Such option, once having been exercised, shall be applicable for all of the remaining years of the project repayment period.

(e) Notwithstanding the provisions of Article 28(b),

adjustments for prior overpayments and underpayments shall be repaid beginning in the year following the redetermination by application of a unit rate per acre-foot which, when paid for the projected portion of the Agency's annual entitlement will return to the State, during the project repayment period, together with interest thereon computed at the project interest rate and compounded annually, the full amount of the adjustments resulting from financing after January 1, 1987, from all bonds, advances, or loans listed in Article 1(r) except for Article 1(r)(3) and except for bonds issued by the State under the Central Valley Project Act after January 1, 1987 for facilities not listed among the water system facilities in Article 1(hh). Notwithstanding the immediately preceding exception, such amortization shall also apply to any adjustments in this component charge resulting from a change in the project

interest rate due to any refunding after January 1, 1986 of bonds issued under the Central Valley Project Act. However, amortization of adjustments resulting from items 1(r)(4) through (7) shall be limited to a period which would allow the Department to repay the debt service on a current basis until such time as bonds are issued to reimburse the source of such funding. In no event shall this amortization period be greater than the project repayment period.

(f) Adjustment: Water System Revenue Bond Financing Costs.

The use of water system revenue bonds for financing facilities listed in Article 1(hh) would result in adjustments for prior underpayments or overpayments of the capital cost component of the Transportation Charge to the Agency under the provisions of this article; however, in place of making such adjustments, charges to the Agency will be governed by Article 50.

7. Articles 46, 47, 48, and 49 are reserved for future use and have no text as of the date of this amendment.

8. Article 50 of the Agency's water supply contract with the State is added as follows:

50. Water System Revenue Bond Financing Costs.

(a) Charges to the Agency for water system revenue bond financing costs shall be governed by provisions of this article. Charges to all contractors for water system revenue bond financing costs shall return to the State an amount equal to the annual financing costs the State incurs in that year for water system revenue bonds (including water system revenue bond anticipation notes). Annual financing costs shall include, but not be limited

to, any annual principal and interest on water system revenue bonds plus any additional requirements for bond debt service coverage, deposits to reserves, and annual premiums for insurance or other security obtained pursuant to subdivision (f) of this article. The State shall provide credits to the contractors for excess reserve funds, excess debt service coverage, interest, and other earnings of the State in connection with repayment of such revenue bond financing costs, when and as permitted by the bond resolution. When such credits are determined by the State to be available, such credits shall be promptly provided to the contractors and shall be in proportion to the payments under this article from each contractor. Reserves, bond debt service coverage, interest, and other earnings may be used in the last year to retire the bonds.

(b) Annual charges to recover water system revenue bond financing costs shall consist of two elements.

(1) The first element shall be an annual charge to the Agency for repayment of capital costs of water system facilities as determined under Articles 22 and 24 of this contract with interest at the project interest rate. For conservation facilities, the charge shall be a part of the capital cost component of the Delta Water Charge in accordance with Article 22. For transportation facilities, the charge shall be a part of the capital cost component of the Transportation Charge in accordance with Article 24.

(2) The second element shall be the Agency's share of a Water System Revenue Bond Surcharge to be paid in lieu of a project interest rate adjustment. The total annual amount to be paid by all contractors under this element shall be the difference between the total annual charges under the first element and the annual financing costs of the water system revenue

bonds. The amount to be paid by each contractor shall be calculated annually as if the project interest rate were increased to the extent necessary to produce revenues from all contractors sufficient to pay such difference for that year. In making that calculation, adjustments in the Agency's Transportation capital cost component charges for prior overpayments and underpayments shall be determined as if amortized over the remaining years of the project repayment period.

(c) The Water System Revenue Bond Surcharge will be identified by component and charge in the Agency's invoice.

(d) Timing of Payments. Payments shall be made in accordance with Article 29(f) of this contract.

(e) Reduction in Charges. The Water System Revenue Bond Surcharge under Article 50(b)(2) shall cease for each series of water system revenue bonds when that series is fully repaid. However, the annual charge determined pursuant to Article 50(b)(1) shall continue to be collected for the time periods otherwise required under Articles 22 and 24.

After the Department has repaid the California Water Fund in full and after each series of Water System Revenue Bonds is repaid, the Department will reduce the charges to all contractors in an equitable manner in a total amount that equals the amount of the charges under Article 50(b)(1) that the Department determines is not needed for future financing of facilities of the System which, in whole or in part, will serve the purposes of the water supply contract with the Agency.

(f) To the extent economically feasible and justifiable, as determined by the State after consultation with contractors, the State shall

maintain insurance or other forms of security protecting bondholders and non-defaulting contractors against costs resulting from the failure of any contractor to make the payments required by this article.

(g) Before issuing each series of water system revenue bonds, the State shall consult with the contractors, prepare a plan for the State's future financing of water system facilities, and give the Agency an opportunity to comment on the plan. The plan shall include but not be limited to the size of any water system revenue bond issuances and the form of any necessary resolutions or supplements.

(h) Defaults. (1) If a contractor defaults partially or entirely on its payment obligations calculated under this article and sufficient insurance or other security protecting the non-defaulting contractors is not provided under Article 50(f), the State shall allocate a portion of the default to each non-defaulting contractor. The Agency's share of the default shall be equal to an amount determined by multiplying the total default amount to be charged to all non-defaulting contractors by the ratio that the Agency's maximum Table A entitlement bears to the maximum Table A entitlements of all non-defaulting contractors. However, such amount shall not exceed in any year 25 percent of the Water System Revenue Bond financing costs that are otherwise payable by the Agency in that year. The amount of default to be charged to non-defaulting contractors shall be reduced by any receipts from insurance protecting non-defaulting contractors and bond debt service coverage from a prior year and available for such purpose.

(2) If a contractor defaults partially or entirely on its payment obligations under this article, the State shall also pursuant to

Article 20, upon six months' notice to the defaulting contractor, suspend water deliveries under Article 20 to the defaulting contractor so long as the default continues. The suspension of water deliveries shall be proportional to the ratio of the default to the total water system revenue bond payments due from the defaulting contractor. However, the State may reduce, eliminate, or not commence suspension of deliveries pursuant to this subparagraph if it determines suspension in the amounts otherwise required is likely to impair the defaulting contractor's ability to avoid further defaults or that there would be insufficient water for human consumption, sanitation, and fire protection. The State may distribute the suspended water to the non-defaulting contractors on terms it determines to be equitable.

(3) During the period of default, credits otherwise due the defaulting contractor shall be applied to payments due from the defaulting contractor.

(4) Except as otherwise provided in Article 50(h)(3), the defaulting contractor shall repay the entire amount of the default to the State with interest compounded annually at the Surplus Money Investment Fund rate before water deliveries that had been suspended shall be fully resumed to that contractor. If the defaulting contractor makes a partial repayment of its default, the Department may provide a proportional restoration of suspended deliveries. The amount of the default to be repaid shall include any amounts previously received by the State from insurance proceeds, bond debt service coverage, or other reserves, and payments from other contractors pursuant to this subparagraph (h). The defaulting contractor shall not be entitled to any

make-up water deliveries as compensation for any water deliveries suspended during the period when the contractor was in default.

(5) At such time as the default amount is repaid by the defaulting contractor, the non-defaulting contractors shall receive credits in proportion to their contributions towards the amount of the default with interest collected by the State on the defaulted amount.

(6) In the event there is an increase in the amount a non-defaulting contractor contributes to reserves and/or bond debt service coverage, such increase shall be handled in the same manner as provided in Article 50(a).

(7) Action taken pursuant to this subarticle shall not deprive the State of or limit any remedy provided by this contract or by law for the recovery of money due or which may become due under this contract.

(i) Power of Termination.

(1) The Department and the Agency agree to negotiate in good faith the development of a means to provide adequate protection for the Department's cash flow into priorities one and two for revenues under Water Code Section 12937(b) with the goal of obtaining agreement by April 1, 1987. The Department and the Agency agree to continue negotiations beyond April 1, 1987 if necessary to meet their common goal of arriving at agreement.

(2) If such an agreement has not been reached by April 1, 1987, and if the Director of Water Resources determines that adequate progress has not been made toward such an agreement, the Director may give notice to the Agency and other contractors that he intends to exercise the power to terminate

provided in this subarticle 50(i). The Director's authority to give such a notice shall terminate on July 1, 1988.

(3) After six months from the date of issuing the notice of intent to terminate, but in no event later than January 1, 1989, the Director may terminate the authority of the Department to issue additional series of water system revenue bonds using the repayment provisions of Article 50. The Department shall promptly notify the Agency and other contractors that the Director has exercised the power of termination.

(4) No additional series of water system revenue bonds shall be issued under the provisions of this Article 50 after the Director has exercised the power to terminate, but Article 50 shall remain in effect as to any series of water system revenue bonds issued prior to the time the Director exercises the power to terminate.

(5) An exercise of the power to terminate provided in this subarticle 50(i) shall also rescind any changes made by this amendment in the schedule of payment of overpayment or underpayment of capital costs resulting from a change in the project interest rate and shall also rescind the addition of item (7) to Article 1(r). However, if the Department has borrowed any funds under Article 1(r)(7), Article 1(r)(7) shall remain in effect as to that and only that borrowing. Upon the exercising of the power to terminate, subarticles 28(e) and (f) shall be rescinded and Article 1(r) shall read as it previously read as shown on Attachment Number 1 to this amendment.

(6) At any time before January 1, 1989, so long as the Director has not already exercised the power of termination, the Director may

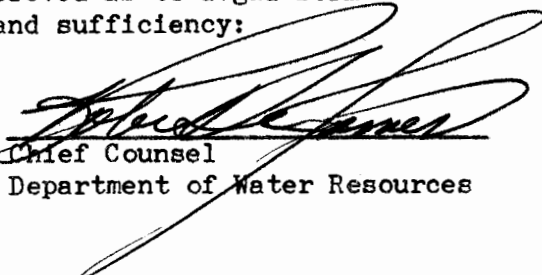
irrevocably waive his right to exercise the power of termination or may rescind any previously issued notice of intention to terminate.

(7) If the Director does not exercise the power of termination before January 1, 1989, this Subarticle 50(1) shall expire, and the remainder of this Article 50 shall remain in effect. Changes made by this amendment to other articles shall also remain in effect.

IN WITNESS WHEREOF, the parties have executed this contract on the date first above written.

Approved as to legal form
and sufficiency:

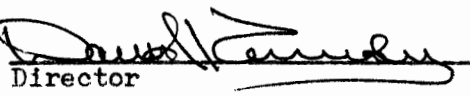
By


Chief Counsel

Department of Water Resources

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By


Director

Attest:

By _____

SAN GORGONIO PASS WATER AGENCY

By



Article 1(r) is amended to read:

(r) Project Interest Rate

"Project interest rate" shall mean the weighted average interest rate of (1) through (6) below computed by dividing (i) the total interest cost required to be paid or credited by the State during the life of the indebtedness or advance by (ii) the total of the products of the various principal amounts and the respective terms in years of all such amounts:

(1) general obligation bonds issued by the State under the Bond Act,

(2) revenue bonds issued by the State under the Central Valley

Project Act after May 1, 1969,

(3) bonds issued by the State under any other authority granted by the Legislature or the voters,

(4) bonds issued by any agency, district, political subdivision, public corporation, or nonprofit corporation of this State,

(5) funds advanced by any contractor without the actual incurring of bonded debt therefor, for which the net interest cost and terms shall be those which would have resulted if the contractor had sold bonds for the purpose of funding the advance, as determined by the State, and

(6) funds borrowed from the General Fund or other funds in the Treasury of the State of California, for which the total interest cost shall be computed at the interest rate earned over the period of such borrowing by

moneys in the Pooled Money Investment Account of such Treasury invested in securities,

to the extent the proceeds of any such bonds, advances or loans are for construction of the State Water Facilities defined in Section 12934(d) of the Water Code, the additional project conservation facilities, and the supplemental conservation facilities, (except off-aqueduct power facilities and advances for delivery structures, measuring devices and excess capacity) and without regard to any premiums received on the sale of bonds under item (1) above. The "project interest rate" shall be computed as a decimal fraction to five places.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

632-51431
SEP 04

AMENDMENT NO. 11 TO WATER SUPPLY CONTRACT
BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
AND
SAN GORGONIO PASS WATER AGENCY

THIS AMENDMENT to the Water Supply Contract is made this
13th day of March, 1991, pursuant to the provisions
of the California Water Resources Development Bond Act, and other
applicable laws of the State of California, between the State of
California, acting by and through its Department of Water
Resources, herein referred to as "State", and San Gorgonio Pass
Water Agency, herein referred to as the "Agency".

WHEREAS, the State and the Agency entered into a contract
whereby the State will deliver and the Agency will purchase a
supply of water to be made available from project facilities
constructed by the State;

WHEREAS, a more efficient use of entitlement water may be
achieved by deferral of its use from October, November and
December of one calendar year into the first three months of the
next year.

WHEREAS, the State and the Agency desire to amend the provisions of such contract related to the delivery and scheduling of entitlement water to allow, under certain conditions, the carry-over of a portion of the Agency's entitlement deliveries from a respective year into the first three months of the next calendar year.

WHEREAS, the carry-over of entitlement by the Agency is not intended to adversely impact current or future project operations.

WHEREAS, the State Water Project contractors and the Department are aware that the carry-over of entitlement water from one year into the next may increase or decrease the costs to other SWP contractors in either year. The tracking of those costs may be too complex and expensive and does not warrant special accounting procedures to be established; however, any significant identifiable cost shall be charged to those contractors causing such cost, as determined by the Department;

WHEREAS, the carry-over of entitlement water is not to affect the payment provisions of the contract.

NOW THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Agency's Water Supply Contract with the State:

1. Article 1(ii) is added to read:

"Carry-over Entitlement Water" shall mean water from a contractor's annual entitlement for a respective year which is made available for delivery by the State in the next year pursuant to Article 12(e).

2. Article 12(e) is added to read:

(e) Delivery of Carry-over Entitlement Water

Upon request of the Agency, the State shall make Carry-over Entitlement Water available for delivery to the Agency during the first three months of the next year, to the extent that such deliveries do not adversely affect current or future project operations, as determined by the State. The State's determination shall include, but not be limited to the operational constraints of project facilities, filling of project conservation storage, flood control releases and water quality restrictions.

Carry-over of entitlement water shall be limited to entitlement water that was included in the Agency's approved delivery schedule for October, November and December, but was not delivered due to:

- (1) scheduled or unscheduled outages of facilities within the Agency's service area; or
- (2) a delay in the planned application of a contractor's annual entitlement water for pre-irrigation; or
- (3) a delay in the planned spreading of the Agency's annual entitlement water for ground water storage.

After determining that the carry-over of entitlement water would not adversely affect project operations, the State shall notify the Agency of the amount of entitlement water to be carried over to the following January through March period. The notification shall include the proposed terms and

conditions consistent with this Article 12(e) that would govern the delivery of the Carry-over Entitlement Water.

The Agency agrees to pay all significant identifiable costs associated with its Carry-over Entitlement Water, as determined by the State.

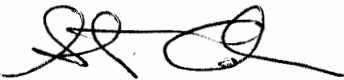
All scheduling and delivery of Carry-over Entitlement Water shall be carried out pursuant to the provisions of this contract.

The Agency agrees to forego the delivery of any Carry-over Entitlement Water that is lost because of project operations or is not delivered by March 31 of the next year.

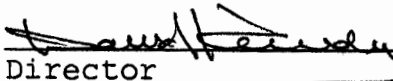
Any Carry-over Entitlement Water foregone by the Agency will become a part of the current year's total project supply.

WITNESS WHEREOF, the parties have executed this contract on the date first above written.

Approved as to legal form
and sufficiency:

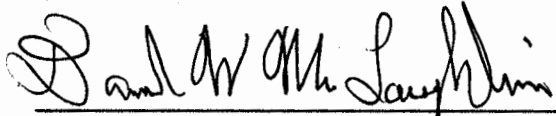

Acting Chief Counsel
Department of Water Resources

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES


Director

Attest:

SAN GORGONIO PASS WATER AGENCY


Name Daniel W. McLaughlin

Secretary
Title

January 8, 1991
Date


Name Jack A. Beaver

General Manager
Title

January 8, 1991
Date

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

632.51431

AMENDMENT NO. 12 TO WATER SUPPLY
CONTRACT BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS AMENDMENT to the Water Supply Contract is made this 11th day of APRIL, 1991, pursuant to the provisions of the California Water Resources Development Bond Act, the State Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State", and San Gorgonio Pass Water Agency, herein referred to as the "Agency".

RECITALS:

WHEREAS, the State and the Agency entered into a contract whereby the State will deliver and the Agency will purchase a supply of water to be made available from project facilities constructed by the State;

WHEREAS, the State and the Agency included in such contract an article which entitles the Agency to obtain from the State deliveries of surplus water when available;

WHEREAS, the State and the Agency desire to amend the provisions of such contract related to the deliveries of surplus water; and

WHEREAS, beginning January 1, 1991 the Agency desires to be charged for the power used for pumping surplus water at the Melded Power Rate as provided herein for the remainder of the project repayment period.

WHEREAS, the parties to this Amendment, and those approving the Amendment, intend no impact upon their positions with respect to the interpretation of any existing contractual provisions.

AGREEMENT:

It is agreed that the following changes are hereby made to the Agency's water supply contract as follows:

1. Purpose and Scope. This Amendment is only intended to define the procedure for determining the charges for power used to pump surplus and unscheduled water. The scope of the Amendment is strictly confined to that purpose.

2. Article 21(d) of the Agency's water supply contract with the State is amended to read:

(d) Schedules. On or before October 1 of each year, concurrently with the schedule submitted pursuant to the provisions of Article 12, the Agency shall submit in writing to the State a preliminary water delivery schedule, indicating the desired amounts of surplus water for each month of the subsequent six-year period beginning January 1, of the next succeeding year. The last five years of this preliminary surplus water delivery schedule shall be used by the State for planning and operations studies.

3. Article 21(f) of the Agency's water supply contract with the State is amended to read:

(f) Power Costs.

(1) Beginning January 1, 1991, the Agency shall pay power charges for pumping surplus water as follows:

(A) If during a calendar month it is either not necessary to purchase power for pumping surplus water, or it is necessary to purchase power for pumping surplus water and the purchased power rate is less than or equal to the Melded Power Rate (defined as the average unit charge for pumping entitlement water during the calendar year for all power resources, including on-aqueduct power resources, off-aqueduct power resources, and any other power resources), then the monthly charges to the Agency for the Net Power (gross power used to pump the surplus water less power generated by the surplus water) used to pump surplus water to the Agency shall be determined using the Melded Power Rate.

(B) If during a calendar month it is necessary to purchase power for pumping surplus water and the purchased power rate is greater than the Melded Power Rate, the monthly charges to the Agency for the Net Power used to pump surplus water for delivery to the Agency shall be determined using a composite rate equal to the sum of:

(i) The monthly average purchased power rate per unit of power so purchased times the power purchased for pumping surplus water and that result divided by the Net Power; plus,

(ii) The Melded Power Rate per unit of power times a quantity which equals the Net Power used for pumping surplus water minus the power purchased for pumping surplus water and that result divided by the Net Power.

(C) In all cases, the power charges shall include the cost of any additional transmission service required for the delivery of surplus water to the Agency.

(2) By receiving surplus or unscheduled water under this Article 21(f), the Agency accepts the responsibility to indemnify, defend, and hold harmless the State, its officers, employees and agents from all liability, expenses, defense costs, attorney fees, claims, actions, liens, and lawsuits of whatever kind, arising out of or related to this article.


(3) Effective January 1, 1991, power charges for delivery of unscheduled water to the Agency shall be calculated in the same manner as provided in this Article 21(f).

4. This Amendment shall take effect on January 1, 1991, only if, by January 31, 1991 an Amendment substantially the same as this one is executed by contractors that together have maximum annual entitlements totaling at least 3,796,007 acre-feet. By February 15, 1991, the State will inform the Agency of whether sufficient contractors had executed the Amendment to cause the Amendment to take effect.

IN WITNESS WHEREOF, the parties hereto have executed
this Amendment on the date first above written.

Approved as to legal form
and sufficiency:


STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES


Acting Chief Counsel
Department of Water Resources

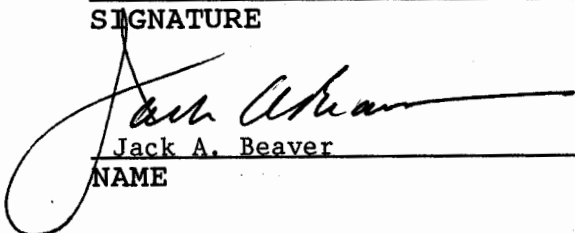

Director

SAN GORGONIO PASS WATER AGENCY

ATTEST:


Daniel W. McLaughlin, Secretary
San Gorgonio Pass Water Agency

SIGNATURE


Jack A. Beaver

NAME

General Manager
TITLE

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

630.51431
SGPWA

AMENDMENT NO. 13 (THE MONTEREY AMENDMENT)
TO WATER SUPPLY CONTRACT BETWEEN THE
STATE OF CALIFORNIA DEPARTMENT OF
WATER RESOURCES AND SAN GORGONIO PASS WATER AGENCY

THIS AMENDMENT to the Water Supply Contract is made this
15th day of February, 1996, ~~1995~~, pursuant to the
provisions of the California Water Resources Development Bond Act,
the Central Valley Project Act, and other applicable laws of the
State of California, between the State of California, acting by and
through its Department of Water Resources, herein referred to as the
"State", and San Gorgonio Pass Water Agency, herein referred to as
the "Agency".

RECITALS:

WHEREAS, the State and the Agency have entered into and
subsequently amended a water supply contract providing that the
State will supply certain quantities of water to the Agency, and
providing that the Agency shall make certain payments to the State,
and setting forth the terms and conditions of such supply and such
payment; and

WHEREAS, on December 1, 1994, representatives of the
contractors and the State executed a document entitled "Monterey
Agreement - Statement of Principles - By the State Water Contractors
and the State of California Department of Water Resources For
Potential Amendments To The State Water Supply Contracts" (the
"Monterey Agreement"); and

1 WHEREAS, the contractors and the State have negotiated an
2 amendment to the water supply contracts to implement provisions of
3 the Monterey Agreement (the "Monterey Amendment"); and

4 WHEREAS, the State and the Agency desire to implement such
5 provisions by incorporating this Monterey Amendment into the water
6 supply contract;

7 NOW, THEREFORE, IT IS MUTUALLY AGREED that the following
8 changes and additions are hereby made to the Agency's water supply
9 contract with the State:

10
11 1. Article 1(d) is amended to read:

12 (d) Contractor

13 "Contractor" shall mean any entity that has executed, or is
14 an assignee of, a contract of the type published in Department of
15 Water Resources Bulletin No. 141 dated November 1965, with the
16 State for a dependable supply of water made available by the System,
17 except such water as is made available by the facilities specified
18 in Section 12934(d)(6) of the Water Code.

19
20 2. Article 1(k) is amended to read:

21 (k) Minimum Project Yield

22 "Minimum project yield" shall mean the dependable annual
23 supply of project water to be made available, estimated to be
24 4,185,000 acre-feet per year, said amount to be determined by the
25 State on the basis of coordinated operation studies of initial
26 project conservation facilities and additional project conservation
27 facilities, which studies shall be based upon:

1 (1) The estimated relative proportion of deliveries for
2 agricultural use to deliveries for municipal use for the year 1990,
3 and the characteristic distributions of demands for these two uses
4 throughout the year.

5 (2) Agreements now in effect or as hereafter amended or
6 supplemented between the State and the United States and others
7 regarding the diversion or utilization of waters of the Delta or
8 streams tributary thereto.

9
10 **3. Article 1(hh) is amended to read:**

11 (hh) **Water System Facilities**

12 (hh) "Water System Facilities" shall mean the following
13 facilities to the extent that they are financed with water system
14 revenue bonds or to the extent that other financing of such
15 facilities is reimbursed with proceeds from water system revenue
16 bonds:

17 (1) The North Bay Aqueduct,

18 (2) The Coastal Branch Aqueduct,

19 (3) Delta Facilities, including Suisun Marsh
20 facilities, to serve the purposes of water conservation in
21 the Delta, water supply in the Delta, transfer of water
22 across the Delta, and mitigation of the environmental effects
23 of project facilities, and to the extent presently authorized
24 as project purposes, recreation and fish and wildlife
25 enhancement,

26 (4) Local projects as defined in Article 1(h)(2)
27 designed to develop no more than 25,000 acre-feet of project
28 yield from each project,

1 (5) Land acquisition prior to December 31, 1995, for
2 the Kern Fan Element of the Kern Water Bank,

3 (6) Additional pumps at the Banks Delta Pumping Plant,

4 (7) The transmission line from Midway to Wheeler Ridge
5 Pumping Plant,

6 (8) Repairs, additions, and betterments to conservation
7 or transportation facilities existing as of January 1, 1987,
8 and to all other facilities described in this subarticle (hh)
9 except for item (5),

10 (9) A project facilities corporation yard, and

11 (10) A project facilities operation center.
12

13 **4. Article 1(jj) is added to read:**

14 **(jj) Interruptible water**

15 "Interruptible water" shall mean project water available as
16 determined by the State that is not needed for fulfilling
17 contractors' annual entitlement deliveries as set forth in their
18 water delivery schedules furnished pursuant to Article 12 or for
19 meeting project operational requirements, including storage goals
20 for the current or following years.
21

22 **5. Article 1(kk) is added to read:**

23 **(kk) Nonproject water**

24 "Nonproject water" shall mean water made available for
25 delivery to contractors that is not project water as defined in
26 Article 1(j).
27
28

1 6. Article 1(11) is added to read:

2 (11) "Monterey Amendments" shall mean this amendment and
3 substantially similar amendments to other contractors' water supply
4 contracts that include, among other provisions, the addition of
5 Articles 51 through 56.

6
7 7. Article 4 is amended to read:

8 4. OPTION FOR CONTINUED SERVICE

9 By written notice to the State at least six (6) months prior
10 to the expiration of the term of this contract, the Agency may elect
11 to receive continued service after expiration of said term under the
12 following conditions unless otherwise agreed to:

13 (1) Service of water in annual amounts up to and
14 including the Agency's maximum annual entitlement
15 hereunder.

16 (2) Service of water at no greater cost to the Agency
17 than would have been the case had this contract
18 continued in effect.

19 (3) Service of water under the same physical
20 conditions of service, including time, place,
21 amount and rate of delivery, as are provided for
22 hereunder.

23 (4) Retention of the same chemical quality objective
24 provision as is set forth herein.

25 (5) Retention of the same options to utilize the
26 project transportation facilities as are provided
27 for in Articles 18 (c) and 55, to the extent such
28 options are then applicable.

1 Other terms and conditions of the continued service shall be
2 reasonable and equitable and shall be mutually agreed upon. In the
3 event that said terms and conditions provide for continued service
4 for a limited number of years only, the Agency shall have the same
5 option to receive continued service here provided for upon the
6 expiration of that and each succeeding period of continued service.
7

8 **8. Article 7(a) is amended to read:**

9 **(a) Changes in Annual Entitlements**

10 The Agency may, at any time or times during the term of this
11 contract, by timely written notice furnished to the State, request
12 that project water be made available to it thereafter in annual
13 amounts greater or less than the annual entitlements designated in
14 Table A of this contract. Subject to approval by the State of any
15 such request, the State's construction schedule shall be adjusted
16 to the extent necessary to satisfy the request, and the requested
17 increases or decreases in said annual entitlements shall be
18 incorporated in said Table A by amendment thereof. Requests for
19 changes in annual entitlements for more than one year shall be
20 approved by the State: *Provided*, That no change shall be approved
21 if in the judgment of the State it would impair the financial
22 feasibility of project facilities.
23

24 **9. The title of Article 12 is amended to read "Priorities,**
25 **Amounts, Times and Rates of Deliveries".**
26
27
28

1 10. Article 12(a)(2) is amended to read:

2 (2) Upon receipt of a preliminary schedule the State shall
3 review it and, after consultation with the Agency, shall make such
4 modifications in it as are necessary to insure the delivery of the
5 annual quantity allocated to the Agency in accordance with
6 Article 18 and to insure that the amounts, times, and rates of
7 delivery to the Agency will be consistent with the State's overall
8 delivery ability, considering the then current delivery schedules
9 of all contractors. On or before December 1 of each year, the State
10 shall determine and furnish to the Agency the water delivery
11 schedule for the next succeeding year which shall show the amounts
12 of water to be delivered to the Agency during each month of that
13 year.

14
15 11. Article 12(d) is deleted.

16
17 12. Article 12(f) is added to read:

18 (f) **Priorities**

19 Each year water deliveries to the contractors shall be in
20 accordance with the following priorities to the extent there are
21 conflicts:

22 First, project water to meet scheduled deliveries of
23 contractors' annual entitlements for that year.

24 Second, interruptible water to the extent contractors' annual
25 entitlements for that year are not met by the first priority.

26 Third, project water to fulfill delivery requirements pursuant
27 to Article 14(b).
28

1 Fourth, project water previously stored pursuant to Articles
2 12(e) and 56.

3 Fifth, nonproject water to fulfill contractors' annual
4 entitlements for that year not met by the first two priorities.

5 Sixth, additional interruptible water delivered to contractors
6 in excess of their annual entitlements for that year.

7 Seventh, additional nonproject water delivered to contractors
8 in excess of their annual entitlements for that year.

9
10 **13. Article 14 is amended to read:**

11 **Curtailment of Delivery**

12 **(a) State May Curtail Deliveries**

13 The State may temporarily discontinue or reduce the delivery
14 of project water to the Agency hereunder for the purposes of
15 necessary investigation, inspection, maintenance, repair, or
16 replacement of any of the project facilities necessary for the
17 delivery of project water to the Agency, as well as due to outages
18 in, or reductions in capability of, such facilities beyond the
19 State's control or unuseability of project water due to an emergency
20 affecting project facilities. The State shall notify the Agency as
21 far in advance as possible of any such discontinuance or reduction,
22 except in cases of emergency, in which case notice need not be
23 given.

24 **(b) Agency May Receive Later Delivery of Water Not
25 Delivered**

26 In the event of any discontinuance or reduction of delivery
27 of project water pursuant to subdivision (a) of this article, the
28 Agency may elect to receive the amount of annual entitlement which
otherwise would have been delivered to it during such period under

1 the water delivery schedule for that year at other times during the
2 year or the succeeding year to the extent that such water is then
3 available and such election is consistent with the State's overall
4 delivery ability, considering the then current delivery schedules
5 of annual entitlement to all contractors.

6
7 **14. Article 16(a) is amended to read:**

8 **(a) Limit on Total of all Maximum Annual Entitlements**

9 The Agency's maximum annual entitlement hereunder, together
10 with the maximum annual entitlements of all other contractors, shall
11 aggregate no more than the minimum project yield as defined herein
12 and in no event more than 4,185,000 acre-feet of project water.

13
14 **15. Article 18 is amended to read:**

15 **18. SHORTAGE IN WATER SUPPLY**

16 **(a) Shortages; Delivery Priorities**

17 In any year in which there may occur a shortage due to drought
18 or any other cause whatsoever, in the supply of project water
19 available for delivery to the contractors, with the result that such
20 supply is less than the total of the annual entitlements of all
21 contractors for that year, the State shall allocate the available
22 supply in proportion to each contractor's annual entitlement as set
23 forth in its Table A for that year and shall reduce the allocation
24 of project water to each contractor using such water for
25 agricultural purposes and to each contractor using such water for
26 other purposes by the same percentage of their respective annual
27 entitlements for that year: *Provided*, that the State may allocate
28 on some other basis if such is required to meet minimum demands of

1 contractors for domestic supply, fire protection, or sanitation
2 during the year. If a contractor is allocated more water than it
3 requested, the excess water shall be reallocated among the other
4 contractors in proportion to their annual entitlements as provided
5 for above. The foregoing provisions of this subdivision shall be
6 inoperative to the extent necessary to comply with subdivision (c)
7 of this article and to the extent that a contractor's annual
8 entitlement for the respective year reflects established rights
9 under the area of origin statutes precluding a reduction in
10 deliveries to such contractor.

11 (b) - Deleted

12 (c) **Permanent Shortage; Contracts for Areas-of-Origin**

13 In the event that the State, because of the establishment by
14 a party of a prior right to water under the provisions of Sections
15 11460 through 11463 of the Water Code, enters into a contract with
16 such party for a dependable supply of project water, which contract
17 will cause a permanent shortage in the supply of project water to
18 be made available to the Agency hereunder:

19 (1) The State shall: (i) equitably redistribute the costs of
20 all transportation facilities included in the System among all
21 contractors for project water, taking into account the diminution
22 of the supply to the Agency and other prior contractors in
23 accordance with the terms of their contracts, and (ii) revise the
24 Agency's annual entitlements and maximum annual entitlement, by
25 amendment of Table A of this contract to correspond to the reduced
26 supply of project water to be made available to the Agency:
27 *Provided, That such redistribution of costs of transportation*
28 *facilities shall not be made until there has been reasonable*

1 opportunity for the Agency to exercise the option provided for in
2 (2) below, and for other prior contractors to exercise similar
3 options.

4 (2) The Agency, at its option, shall have the right to use
5 any of the project transportation facilities which by reason of such
6 permanent shortage in the supply of project water to be made
7 available to the Agency are not required for delivery of project
8 water to the Agency, to transport water procured by it from any
9 other source: *Provided*, That such use shall be within the limits
10 of the capacities provided in the project transportation facilities
11 for service to the Agency under this contract: *Provided further*,
12 That, except to the extent such limitation in Section 12931 of the
13 Water Code be changed, the Agency shall not use the project
14 transportation facilities under this option to transport water the
15 right to which was secured by the Agency through eminent domain
16 unless such use be approved by the Legislature by concurrent
17 resolution with a majority of the members elected to each house
18 voting in favor thereof. This option shall terminate upon a
19 redistribution of costs of transportation facilities by the State
20 pursuant to (1) above. In the event that this option is exercised,
21 the State shall take such fact into account in making such
22 redistribution of costs, and shall offset such use as is made of the
23 project transportation facilities pursuant thereto against any
24 reduction in the Agency's payment obligation hereunder resulting
25 from such redistribution of costs.

1 (d) **Reinstatement of Entitlements**

2 If after any revision of annual entitlements and maximum
3 annual entitlements pursuant to subdivision (c) of this article,
4 circumstances arise which, in the judgment of the State, justify a
5 revision upward of the same, the State shall, with the consent of
6 the affected contractor, reinstate proportionately the previously
7 reduced entitlements of such contractor to the extent deemed
8 justified, and shall equitably redistribute the costs of the project
9 transportation facilities if inequities would otherwise occur as a
10 result of such reinstatement of entitlements.

11 (e) **Advance Notice of Delivery Reductions**

12 The State shall give the Agency written notice as far in
13 advance as possible of any reduction in deliveries to it which is
14 to be made under subdivision (a) of this article and, to the extent
15 possible, shall give the Agency written notice five (5) years in
16 advance of any reduction in its annual entitlements and maximum
17 annual entitlement under subdivision (c) of this article. Reports
18 submitted to the Agency pursuant to Article 16(c) may constitute
19 such notices.

20 (f) **No Liability for Shortages**

21 Neither the State nor any of its officers, agents, or
22 employees shall be liable for any damage, direct or indirect,
23 arising from shortages in the amount of water to be made available
24 for delivery to the Agency under this contract caused by drought,
25 operation of area of origin statutes, or any other cause beyond its
26 control.

1 16. Old Article 21 "Sale of Surplus Water" is deleted and
2 replaced by new Article 21 "Interruptible Water Service"
3 to read:

4 **21. Interruptible Water Service**

5 (a) **Allocation of Interruptible Water**

6 Each year from water sources available to the project, the
7 State shall make available and allocate interruptible water to
8 contractors in accordance with the procedure in Article 18(a).
9 Allocations of interruptible water in any one year may not be
10 carried over for delivery in a subsequent year, nor shall the
11 delivery of interruptible water in any year impact a contractor's
12 approved deliveries of annual entitlement or the contractor's
13 allocation of water for the next year. Deliveries of interruptible
14 water in excess of a contractor's annual entitlement may be made if
15 the deliveries do not adversely affect the State's delivery of
16 annual entitlement to other contractors or adversely affect project
17 operations. Any amounts of water owed to the Agency as of the date
18 of this amendment pursuant to former Article 12(d), any contract
19 provisions or letter agreements relating to wet weather water, and
20 any Article 14(b) balances accumulated prior to 1995, are canceled.
21 The State shall hereafter use its best efforts, in a manner that
22 causes no adverse impacts upon other contractors or the project, to
23 avoid adverse economic impacts due to a contractor's inability to
24 take water during wet weather.

25 (b) **Rates**

26 For any interruptible water delivered pursuant to this
27 article, contractors shall pay the State the same (including
28 adjustments) for power resources (including on-aqueduct,

1 off-aqueduct, and any other power) incurred in the transportation
2 of such water as if such interruptible water were entitlement water,
3 as well as all incremental operation, maintenance, and replacement
4 costs, and any other incremental costs, as determined by the State.
5 The State shall not include any administrative or contract
6 preparation charge. Incremental costs shall mean those nonpower
7 costs which would not be incurred if interruptible water were not
8 scheduled for or delivered to the contractor. Only those
9 contractors not participating in the repayment of the capital costs
10 of a reach shall be required to pay any use of facilities charge for
11 the delivery of interruptible water through that reach.

12 (c) **Contracts**

13 To obtain a supply of interruptible water, a contractor shall
14 execute a further contract with the State which shall be in
15 conformity with this article and shall include at least provisions
16 concerning the scheduling of deliveries of interruptible water and
17 times and methods of payment.

18
19 **17. Article 22(j) is amended to read:**

20 (j) Notwithstanding provisions of Article 22(a) through (i),
21 the capital cost component and the minimum OMP&R component of the
22 Delta Water Charge shall include an annual charge to recover the
23 Agency's share of the conservation portion of the water system
24 revenue bond financing costs. Charges to the Agency for these costs
25 shall be calculated in accordance with provisions in Article 50 of
26 this contract. Charges for the conservation portion of the water
27 system revenue bond financing costs shall not be affected by any
28 reductions in payments pursuant to Article 51.

1 18. The first paragraph of Article 24(b) is amended to read:

2 (b) In the first step, the total amount of capital costs of
3 each aqueduct reach to be returned to the State shall be allocated
4 among all contractors entitled to delivery of project water from or
5 through the reach by the proportionate use of facilities method of
6 cost allocation and in accordance with (1) and (2) below. The
7 measure of the proportionate use of each contractor of each reach
8 shall be the average of the following two ratios: (i) the ratio of
9 the contractor's maximum annual entitlement to be delivered from or
10 through the reach to the total of the maximum annual entitlements
11 of all contractors to be delivered from or through the reach from
12 the year in which charges are to be paid through the end of the
13 project repayment period and (ii) the ratio of the capacity provided
14 in the reach for the transport and delivery of project water to the
15 contractor to the total capacity provided in the reach for the
16 transport and delivery of project water to all contractors served
17 from or through the reach from the year in which charges are to be
18 paid through the end of the project repayment period. Allocations
19 of capital costs to the Agency pursuant hereto shall be on the basis
20 of relevant values which will be set forth in Table B of this
21 contract by the State as soon as designs and cost estimates are
22 prepared by it subsequent to receipt of requests from the Agency as
23 to the maximum monthly delivery capability to be provided in each
24 aqueduct reach of the project transportation facilities for the
25 transport and delivery of project water to the Agency, pursuant to
26 Article 17(a): *Provided*, That these values shall be subject to
27 redetermination by the State in accordance with Article 28: *Provided*
28 *further*, That the principles and procedures set forth in this

1 subdivision shall be controlling as to allocations of capital costs
2 to the Agency. Proportionate use of facilities factors for prior
3 years shall not be adjusted by the State in response to changes or
4 transfers of entitlement among contractors unless otherwise agreed
5 by the State and the parties to the transfer and unless there is no
6 impact on past charges or credits of other contractors.

7
8 **19. Article 24(g) is amended to read:**

9 (g) Notwithstanding provisions of Article 24(a) through (d),
10 the capital cost component of the Transportation Charge shall
11 include an annual charge to recover the Agency's share of the
12 transportation portion of the water system revenue bond financing
13 costs. Charges to the Agency for these costs shall be calculated
14 in accordance with the provisions of Article 50 of this contract.
15 Charges for the transportation portion of the water system revenue
16 bond financing costs shall not be affected by any reductions in
17 payments pursuant to Article 51.

18
19 **20. Article 25(d) (3) is amended to read:**

20 (3) An interim adjustment in the allocation of the power costs
21 calculated in accordance with (2) above, may be made in May of each
22 year based on April revisions in approved schedules of deliveries
23 of project and nonproject water for contractors for such year. A
24 further adjustment shall be made in the following year based on
25 actual deliveries of project and nonproject water for contractors
26 provided, however, in the event no deliveries are made through a
27 pumping plant, the adjustments shall not be made for that year at
28 that plant.

1 21. Article 50(j) is added to read:

2 (j) Amounts payable under this article shall not be affected
3 by any reductions in payments pursuant to Article 51.

4
5 22. Article 51 is added to read:

6 51. FINANCIAL ADJUSTMENTS

7 (a) General Operating Account

8 (1) The State shall maintain a General Operating Account to
9 provide the moneys needed to pay obligations incurred by the State
10 of the types described in Water Code sections 12937(b)(1) and (2)
11 in the event of emergency or cash flow shortages.

12 (2) An initial deposit of \$15 million shall be made available
13 from revenue bond reserves that are no longer required by revenue
14 bond covenants and that would otherwise be credited to the
15 contractors including the Agency. In 1998 or when the funds become
16 available an additional \$7.7 million will be deposited in the
17 General Operating Account from revenue bond reserves that are no
18 longer required by revenue bond covenants and that would otherwise
19 be credited to the contractors including the Agency, bringing the
20 deposits to that account under this article to \$22.7 million.

21 (3) The balance in the General Operating Account will
22 increase pursuant to subdivision (e)(3)(v) of this article to an
23 amount determined by the State but not in excess of \$32 million.
24 However, after the year 2001, the maximum amount of the fund may
25 increase or decrease annually by not more than the same percentage
26 as the increase or decrease in the charges, other than power charges
27 for pumping water, to all the contractors for the previous year from
28

1 the charges for the year before that for obligations under
2 subdivisions (c) (2) (ii) and (iii) of this article.

3 (b) **State Water Facilities Capital Account**

4 (1) The State shall establish a State Water Facilities
5 Capital Account to be funded from revenues available under Water
6 Code section 12937(b) (4). Through procedures described in this
7 article and as limited by this article, the State may consider as
8 a revenue need under subdivision (c) (2) (v) of this article and may
9 deposit in the State Water Facilities Capital Account the amounts
10 necessary to pay capital costs of the State Water Facilities for
11 which neither general obligation bond nor revenue bond proceeds are
12 available, including but not limited to planning, reconnaissance and
13 feasibility studies, the San Joaquin Valley Drainage Program and,
14 through the year 2000, the CALFED Bay-Delta Program.

15 (2) The Director of the Department of Water Resources shall
16 fully consult with the contractors and consider any advice given
17 prior to depositing funds into this account for any purposes.
18 Deposits into this account shall not exceed the amounts specified
19 in subdivision (c) (2) (v) of this article plus any amounts determined
20 pursuant to subdivision (e) (1) (iii) of this article.

21 (3) The State shall use revenue bonds or other sources of
22 moneys rather than this account to finance the costs of construction
23 of any major capital projects.

24 (c) **Calculation of Financial Needs**

25 (1) Each year the State shall calculate in accordance with
26 the timing provisions of Articles 29 and 31 the amounts that would
27 have been charged (but for this article) to each contractor as
28 provided in other provisions of this contract.

1 (2) Each year the State shall also establish its revenue
2 needs for the following year for the following purposes, subject to
3 the following limitations:

4 (i) The amount required to be collected under the
5 provisions of this contract, other than this article, with respect
6 to all revenue bonds issued by the State for Project Facilities.

7 (ii) The amount required for payment of the reasonable
8 costs of the annual maintenance and operation of the State Water
9 Resources Development System and the replacement of any parts
10 thereof as described in Water Code section 12937(b)(1). These costs
11 shall not include operation and maintenance costs of any Federal
12 Central Valley Project facilities constructed by the United States
13 and acquired by the State of California after 1994, other than the
14 State's share of the joint use facilities which include San Luis
15 Reservoir, the San Luis Canal and related facilities.

16 (iii) The amount required for payment of the principal
17 of and interest on the bonds issued pursuant to the Burns-Porter Act
18 as described in Water Code section 12937(b)(2).

19 (iv) Any amount required for transfer to the California
20 Water Fund in reimbursement as described in Water Code section
21 12937(b)(3) for funds utilized from said fund for construction of
22 the State Water Resources Development System.

23 (v) For the years 1998 and thereafter, the amount needed
24 for deposits into the State Water Facilities Capital Account as
25 provided in subdivision (b) of this article, but (A) not more than
26 \$6 million per year for the years 1998, 1999 and 2000, and (B) not
27 more than \$4.5 million per year for the years 2001 and thereafter.

28

1 (3) Subject to the provisions of subdivision (e) of this
2 article, the State shall reduce the annual charges in the aggregate
3 for all contractors by the amounts by which the hypothetical charges
4 calculated pursuant to subdivision (c)(1) above exceed the revenue
5 needs determined pursuant to subdivision (c)(2) above. The
6 reductions under this article shall be apportioned among the
7 contractors as provided in subdivisions (d), (e), (f) and (g) of
8 this article. Reductions to contractors shall be used to reduce the
9 payments due from the contractors on each January 1 and July 1;
10 *Provided*, however, that to the extent required pursuant to
11 subdivision (h) of this article, each Agricultural Contractor shall
12 pay to the Agricultural Rate Management Trust Fund an amount equal
13 to the reduction allocated to such Agricultural Contractor. Any
14 default in payment to the trust fund shall be subject to the same
15 remedies as any default in payment to the State under this contract.

16 (4) The State may submit a supplemental billing to the Agency
17 for the year in an amount not to exceed the amount of the prior
18 reductions for such year under this article if necessary to meet
19 unanticipated costs for purposes identified in Water Code section
20 12937(b)(1) and (2) for which the State can issue billings under
21 other provisions of this contract. Any supplemental billing made
22 to the Agency for these purposes shall be in the same proportion to
23 the total supplemental billings to all contractors for these
24 purposes as the prior reduction in charges to the Agency in that
25 year bears to the total reductions in charges to all contractors in
26 that year and shall be treated as reducing the amount of the
27 reduction made available for that year to the Agency by the amount
28 of the supplemental bill to the Agency.

1 (5) The State may also submit a supplemental billing to the
2 Agency for the year if necessary to meet unanticipated costs for
3 revenue bond debt service and coverage for which the State can issue
4 a statement of charges under provisions of this contract other than
5 this article. The relative amounts of any supplemental billing made
6 to the Agency and to other contractors for revenue bond purposes
7 shall be governed by such other applicable provisions of this
8 contract.

9 (6) Payment of any supplemental billing shall be due thirty
10 days after the date of the invoice. Delinquency and interest on
11 delinquent amounts due shall be governed by Article 32.

12 (d) **Apportionment of Reductions between Agricultural and**
13 **Urban Contractors**

14 (1) Reductions available under this article are projected to
15 begin to occur in 1997. The numbers and percentages in this
16 subdivision reflect certain estimates of dollars and sharing of
17 reductions. The actual reductions may vary slightly from the
18 amounts described below. The State shall determine the availability
19 of reductions for each year in accordance with this article.

20 (2) Reductions shall be phased in as follows:

21 (i) In 1997 reductions in the amount of \$14 million are
22 projected to be available and shall be applied as follows: the first
23 \$10 million of reductions shall be apportioned among the
24 Agricultural Contractors, and the remaining reductions shall be
25 apportioned among the Urban Contractors.

26 (ii) In 1998 reductions in the amount of \$17 million are
27 projected to be available and shall be applied as follows: the first
28 \$10 million of reductions shall be apportioned among the

1 Agricultural Contractors, and the remaining reductions shall be
2 apportioned among the Urban Contractors.

3 (iii) In 1999 reductions in the amount of \$32 million
4 are projected to be available and shall be applied as follows: the
5 first \$10 million of reductions shall be apportioned among the
6 Agricultural Contractors, and the remaining reductions shall be
7 apportioned among the Urban Contractors.

8 (iv) In 2000 reductions in the amount of \$33 million are
9 projected to be available and shall be applied as follows: the first
10 \$10 million of reductions shall be apportioned among the
11 Agricultural Contractors, and the remaining reductions shall be
12 apportioned among the Urban Contractors.

13 (3)(i) In the event that the aggregate amount of reductions
14 in any of the years 1997 through 2000 is less than the respective
15 amount projected for such year in subdivision (d)(2) above, the
16 shortfall shall be taken first from reductions that would have been
17 provided to Urban Contractors. Only after all reductions to Urban
18 Contractors have been eliminated in a given year shall the remaining
19 shortfall be taken from reductions scheduled for Agricultural
20 Contractors. Any projected reductions not made available due to
21 such shortfalls in the years 1997 through 2000 shall be deferred
22 with interest at the project interest rate to the earliest
23 subsequent years when reductions in excess of those projected for
24 those years are available. Such deferred reductions with interest
25 at the project interest rate shall be applied to the charges of the
26 contractors whose reductions have been deferred.

27 (ii) In the event that the aggregate amount of
28 reductions available in any of the years 1997 through 2000 is

1 greater than the sum of (A) the respective amount projected for such
2 year in subdivision (d)(2) above, plus (B) the amount of any
3 shortfall with accrued interest at the project interest rate,
4 remaining from any prior year to be applied, the excess shall be
5 applied for the purposes and in the amounts per year described in
6 subdivisions (e)(3)(iii), (iv), (v) and (vi) of this article, in
7 that order.

8 (4) In 2001 and in each succeeding year reductions equal to
9 or in excess of \$40.5 million are projected to be available and
10 shall be applied as follows:

11 (i) If reductions are available in an amount that equals
12 or exceeds \$40.5 million, \$10 million of reductions shall be
13 apportioned among the Agricultural Contractors, and \$30.5 million
14 of reductions shall be apportioned among the Urban Contractors. If
15 reductions are available in an amount greater than \$40.5 million,
16 the excess shall be applied as provided in subdivision (e)(3) of
17 this article, subject however to subdivision (e)(1).

18 (ii) If reductions are available in an amount less than
19 \$40.5 million in any of these years, the reductions shall be divided
20 on a 24.7% - 75.3% basis between the Agricultural Contractors and
21 the Urban Contractors respectively. Any such reductions not made
22 due to shortages shall be applied without interest in the next year
23 in which reductions in an amount in excess of \$40.5 million are
24 available pursuant to subdivision (e)(3) of this article with any
25 remainder that is not available carried over without interest to be
26 applied in the earliest subsequent years when reductions in excess
27 of \$40.5 million are available.

1 (5) Annual charges to a contractor shall only be reduced
2 prospectively from and after the date it executes the Monterey
3 Amendment to this contract. Apportionments of reductions shall be
4 calculated on the assumption that all contractors have executed such
5 amendment.

6 (e) **Review of Financial Requirements**

7 (1) In 2001 and every fifth year thereafter the Director of
8 the Department of Water Resources, in full consultation with the
9 contractors, will review the financial requirements of the State
10 Water Resources Development System and determine the following:

11 (i) The amount of revenues that are needed for State
12 Water Resources Development System purposes in addition to those
13 needed for the purposes specified in subdivisions (c)(2)(i), (ii),
14 (iii), and (iv) of this article;

15 (ii) If the aggregate amount that would have been
16 charged to all contractors in any year but for this article exceeds
17 the sum of (A) the amount of revenues needed for the purposes
18 specified in subdivisions (c)(2)(i), (ii), (iii) and (iv), plus (B)
19 \$40.5 million, plus (C) the amount determined pursuant to
20 subdivision (c)(2)(v) of this article, the amount of such excess.

21 (iii) The amount of the excess determined in subdivision
22 (e)(1)(ii) above that should be collected by the State for
23 additional State Water Resources Development System purposes and the
24 amount of such excess that should be used for further annual charge
25 reductions.

26 (2) After making the determinations required above, the State
27 may collect the revenues for additional State Water Resources
28

1 Development System purposes in the amount determined pursuant to
2 subdivision (e) (1) (iii) above.

3 (3) If and to the extent that as a result of such
4 determinations, the aggregate amount to be charged to contractors
5 is to be reduced by more than \$40.5 million per year, the following
6 priorities and limitations shall apply with respect to the
7 application of such additional reductions:

8 (i) First, reductions shall be allocated to make up
9 shortfalls in reductions from those projected for the years 1997
10 through 2000 with interest at the project interest rate pursuant to
11 subdivision (d) (3) (i).

12 (ii) Second, reductions shall be allocated to make up
13 shortfalls in reductions from those projected for the years
14 beginning with 2001 without interest pursuant to subdivision
15 (d) (4) (ii).

16 (iii) Third, additional reductions in the amount of \$2
17 million per year shall be apportioned among the Urban Contractors
18 until a total of \$19.3 million in such additional reductions have
19 been so applied.

20 (iv) Fourth, reductions up to an additional \$2 million
21 per year shall be allocated to make up any shortfalls in the annual
22 reductions provided for in subdivision (e) (3) (iii).

23 (v) Fifth, \$2 million per year shall be charged and
24 collected by the State and deposited in the General Operating
25 Account to bring the account ultimately up to an amount determined
26 by the State but not in excess of \$32 million with adjustments as
27 provided in subdivision (a) of this article. Any amount in the
28

1 account in excess of this requirement shall be returned to general
2 project revenues.

3 (vi) Sixth, remaining amounts if any shall be used for
4 reductions divided on a 24.7% - 75.3% basis between the Agricultural
5 Contractors and the Urban Contractors respectively.

6 (f) **Apportionment of Reductions among Urban Contractors.**

7 Reductions in annual charges apportioned to Urban Contractors under
8 subdivisions (d) and (e) of this article shall be further allocated
9 among Urban Contractors pursuant to this subdivision. The amount
10 of reduction of annual charges for each Urban Contractor shall be
11 based on each Urban Contractor's proportionate share of total
12 allocated capital costs as calculated below, for both project
13 conservation and project transportation facilities, repaid by all
14 Urban Contractors over the project repayment period.

15 (1) The conservation capital cost component of the reduction
16 allocation shall be apportioned on the basis of maximum annual
17 entitlement. Each Urban Contractor's proportionate share shall be
18 the same as the percentage of that contractor's maximum annual
19 entitlement to the total of all Urban Contractors' maximum annual
20 entitlements.

21 (2) The transportation capital cost component of the
22 reduction allocation shall be apportioned on the basis of
23 transportation capital cost component repayment obligations,
24 including interest over the project repayment period. Each Urban
25 Contractor's proportionate share shall be the same as the percentage
26 that the contractor's total transportation capital cost component
27 repayment obligation is of the total of all Urban Contractors'
28 transportation capital cost component repayment obligations.

1 (i) Recalculations shall be made annually through the
2 year 1999. Beginning in the year 2000 recalculations shall be made
3 every five years unless an Urban Contractor requests a recalculation
4 for an interim year and does so by a request in writing delivered
5 to the Department by January 1 of the year in which the
6 recalculation is to take place.

7 (ii) The transportation capital cost component
8 repayment obligations, for purposes of this Article 51(f), shall be
9 based in the year of recalculation on the then most recent
10 Department of Water Resources Bulletin 132, Table B-15, "Capital
11 Cost Component of Transportation Charge for Each Contractor," or its
12 equivalent, excluding any costs or entitlement associated with
13 transfers of entitlement from Agricultural Contractors pursuant to
14 Article 53.

15 (3) To reflect the relative proportion of the conservation
16 capital cost component and the transportation capital cost component
17 to the total of all capital cost repayment obligations, the two cost
18 components shall be weighted as follows:

19 (i) The conservation capital cost component shall be
20 weighted with a thirty percent (30%) factor. The weighting shall
21 be accomplished by multiplying each Urban Contractor's percentage
22 of maximum annual entitlements as calculated in subdivision (f)(1)
23 of this article by thirty percent (30%).

24 (ii) The transportation capital cost component shall be
25 weighted with a seventy percent (70%) factor. The weighting shall
26 be accomplished by multiplying each Urban Contractor's percentage
27 of transportation capital cost component repayment obligations as
28

1 calculated in subdivision (f) (2) of this article by seventy percent
2 (70%).

3 (iii) A total, weighted capital cost percentage shall
4 be calculated for each Urban Contractor by adding the weighted
5 conservation capital cost component percentage to their weighted
6 transportation capital cost component percentage.

7 (4) The total amount of the annual charges to be reduced to
8 Urban Contractors in each year shall be allocated among them by
9 multiplying the total amount of annual charges to be reduced to the
10 Urban Contractors by the total, weighted capital cost percentages
11 for each such contractor. If the amount of the reduction to an
12 Urban Contractor is in excess of that contractor's payment
13 obligation to the Department for that year, such excess shall be
14 reallocated among the other Urban Contractors.

15 (5) In the case of a permanent transfer of urban entitlement,
16 the proportionate share of annual charge reductions associated with
17 that entitlement shall be transferred with the entitlement to the
18 buying contractor. In the case of an entitlement transfer by either
19 Santa Barbara County Flood Control and Water Conservation District
20 or San Luis Obispo County Flood Control and Water Conservation
21 District, the reductions in annual charges to that agency shall be
22 allocated (a) on the basis of that entitlement being retained by
23 that agency which bears Coastal Branch Phase II transportation
24 costs, (b) on the basis of that entitlement being retained by that
25 agency which does not bear Coastal Branch Phase II transportation
26 costs, and (c) on the basis of the balance of that agency's
27 entitlement which also does not bear Coastal Branch Phase II
28 transportation costs.

1 (g) Apportionment of Reductions Among Agricultural
2 Contractors

3 (1) Reductions in annual charges apportioned to Agricultural
4 Contractors under subdivisions (d) and (e) of this article shall be
5 allocated among the Agricultural Contractors pursuant to this
6 subdivision. The amount of reduction of annual charges for each
7 Agricultural Contractor for the years 1997 through 2001 shall be
8 based on each Agricultural Contractor's estimated proportionate
9 share of the total project costs, excluding the variable operation,
10 maintenance, power and replacement components of the Delta Water
11 Charge and the Transportation Charge and also excluding off-aqueduct
12 power charges, to be paid by all Agricultural Contractors for the
13 years 1997 through 2035, calculated without taking into account this
14 article. For purposes of these calculations, Kern County Water
15 Agency's and Dudley Ridge Water District's estimated project costs
16 shall not include any costs associated with the 45,000 acre-feet of
17 annual entitlement being relinquished by those contractors pursuant
18 to subdivision (i) of Article 53. Also, for purposes of these
19 calculations, an Agricultural Contractor's estimated project costs
20 shall not be reduced by the transfer of any of the 130,000 acre-feet
21 of annual entitlements provided for in subdivisions (a) through (i)
22 of Article 53. The proportionate shares for 1997 through 2001
23 shall be calculated as follows:

24 (i) Each Agricultural Contractor's statement of charges
25 received on July 1, 1994, shall be the initial basis for calculating
26 the proportionate shares for the five years 1997 through 2001.

27 (ii) Each Agricultural Contractor's estimated capital
28 and minimum components of the Delta Water Charge and the

1 Transportation Charge (excluding off-aqueduct power charges) and
2 Water Revenue Bond Surcharge shall be totaled for the years 1997
3 through 2035.

4 (iii) Kern County Water Agency and Dudley Ridge Water
5 District totaled costs shall be reduced for the 45,000 acre-feet of
6 annual entitlement being relinquished by them.

7 (iv) Any reductions in an Agricultural Contractor's
8 totaled costs resulting from the transfer of any of the 130,000
9 acre-feet of annual entitlement shall be re-added to that
10 contractor's costs.

11 (v) Each Agricultural Contractor's proportionate share
12 shall be computed by dividing that contractor's total costs by the
13 total costs for all Agricultural Contractors determined pursuant to
14 subparagraphs (ii), (iii) and (iv) above.

15 (2) The reductions in annual charges, for 1997 through 2001,
16 shall be calculated using the method described in subdivision (g) (1)
17 of this article.

18 (3) The allocation shall be recalculated using the same
19 method described in subdivision (g) (1) of this article every five
20 years beginning in 2002, if any Agricultural Contractor requests
21 such a recalculation. Any recalculation shall be based on project
22 cost data beginning with the year that the recalculation is to
23 become effective through 2035.

24 (h) **Agricultural Rate Management Trust Fund**

25 (1) **Establishment.** Through a trust agreement executed
26 contemporaneously with this amendment, the State and the
27 Agricultural Contractors that sign the Monterey Amendments shall
28

1 establish the Agricultural Rate Management Trust Fund with a
2 mutually agreed independent trustee.

3 (2) **Separate Accounts.** The trustee shall maintain within the
4 trust fund a separate account for each Agricultural Contractor that
5 signs the trust agreement to hold deposits made pursuant to this
6 article.

7 (3) **Deposits.** Each Agricultural Contractor that signs the
8 trust agreement shall deposit into such contractor's account within
9 the trust fund, at the same time as payments would otherwise be
10 required by this contract to be made to the State, an amount equal
11 to the amount by which such contractor's charges under this contract
12 have been reduced by reason of this article, until the balance in
13 such contractor's account within the trust fund is the same
14 percentage of \$150,000,000 as such contractor's percentage share of
15 reductions made available to all Agricultural Contractors as
16 specified in subdivision (g) of this article. In 2002 and every
17 fifth year thereafter, the Agricultural Contractors will review the
18 maximum accumulation in the trust fund (the "Cap") and determine
19 whether the cap should be adjusted. However, the Cap shall not be
20 reduced below an aggregate of \$150,000,000 for all Agricultural
21 Contractor accounts.

22 (4) **Trust Fund Disbursements.**

23 (i) In any year in which the State's allocation of water
24 to an Agricultural Contractor by April 15th of that year is less
25 than one-hundred percent (100%) of the contractor's requested annual
26 entitlement for that year, the trustee shall, to the extent there
27 are funds in that contractor's account, distribute to the State from
28 such account for the benefit of that contractor an amount equal to

1 the percentage of the total of that contractor's statement of
2 charges for that year, as redetermined by the State on or about May
3 15th of that year, for (a) the Delta Water Charge; (b) the capital
4 cost and minimum operation, maintenance, power and replacement
5 components of the Transportation Charge (including off-aqueduct
6 power charges); and (c) the water system revenue bond surcharge,
7 that is equal to the percentage of that contractor's annual
8 entitlement for that year that was not allocated to it by the State
9 by April 15th of that year.

10 (ii) In addition to the provisions of subdivision
11 (h) (4) (i) of this article, if on April 15 of any year any of the
12 irrigable land within the Tulare Lake Basin Water Storage District
13 (Tulare) is flooded, and Tulare in writing requests the trustee to
14 do so, the trustee shall, to the extent there are funds in Tulare's
15 account, distribute to the State from such account for the benefit
16 of Tulare an amount equal to the percentage of the total of Tulare's
17 statement of charges for that year, as redetermined by the State on
18 or about May 15th of that year, for (a) the Delta Water Charge; (b)
19 the capital cost and minimum components of the Transportation Charge
20 (including off-aqueduct power charges); and (c) the water system
21 revenue bond surcharge, that is equal to the percentage of the
22 irrigable land within Tulare that is flooded on April 15.

23 (iii) Each Agricultural Contractor shall remain
24 obligated to make payments to the State as required by other
25 articles in this contract. Any amount to be disbursed pursuant to
26 subdivisions (h) (4) (i) and (h) (4) (ii) shall be paid by the trustee
27 to the State on July 1 of the year involved and shall be credited
28 by the State toward any amounts owed by such respective Agricultural

1 Contractor to the State as of that date. However, an Agricultural
2 Contractor may direct the trustee to make the disbursement to that
3 Agricultural Contractor which shall in turn make the payment to the
4 State as required by other provisions of this contract. If the
5 amount to be disbursed exceeds the amount owed to the State by such
6 contractor as of July 1, the excess shall be disbursed by the
7 Trustee to the State at the time of and in payment of future
8 obligations owed to the State by such contractor. Alternatively,
9 upon the request of such contractor, all or part of the excess shall
10 be paid by the trustee to that contractor in reimbursement of prior
11 payments by the contractor to the State for that year.

12 (5) **Payment of Supplemental Bills.** In any year in which a
13 supplemental bill has been submitted to an Agricultural Contractor
14 pursuant to subdivision (c)(4) of this article, such supplemental
15 bill shall be treated as reducing by an equal amount the obligation
16 of such contractor for that year to make payments into the
17 Agricultural Rate Management Trust Fund. To the extent that such
18 contractor has already made payments to the trust fund in an amount
19 in excess of such contractor's reduced trust fund payment
20 obligation, such contractor may request the trustee to use the
21 excess from the trust fund to pay the supplemental bill.

22 (6) **Discharge of Payment Obligation.** Each payment to the
23 State by the trust fund shall discharge and satisfy the Agricultural
24 Contractor's obligation to pay the amount of such payment to the
25 State. No reimbursement of the trust fund by the Agricultural
26 Contractor for such payments shall be required. However, each
27 Agricultural Contractor shall continue to make deposits to the trust
28 fund matching the amount of each year's reductions as provided in

1 subdivision (d) of this article so long as the amount in that
2 contractor's account is less than its share of the Cap.

3 (7) **Distribution of Funds in Excess of the Cap.** Whenever
4 accumulated funds (including interest) in an Agricultural
5 Contractor's account in the trust fund exceed that contractor's
6 share of the Cap, or the estimated remaining payments the contractor
7 is required to make to the State prior to the end of the project
8 repayment period, that contractor may direct the trustee to pay such
9 excess to the contractor.

10 (8) **Termination of Trust Fund.** At the end of the project
11 repayment period, the Agricultural Rate Management Trust Fund shall
12 be terminated and any balances remaining in the accounts for each
13 of the Agricultural Contractors shall be disbursed to the respective
14 Agricultural Contractors.

15 (i) **Definitions.** For the purposes of this article, the
16 following definitions will apply:

17 (1) "Agricultural Contractor" shall mean the following
18 agencies as they now exist or in any reorganized form:

19 (i) County of Kings,

20 (ii) Dudley Ridge Water District,

21 (iii) Empire West Side Irrigation District,

22 (iv) Kern County Water Agency for 993,300 acre-feet of
23 its entitlement,

24 (v) Oak Flat Water District,

25 (vi) Tulare Lake Basin Water Storage District.

26 (2) "Urban Contractor" shall mean every other agency having
27 a long term water supply contract with the State as they exist as
28 of the date of this amendment or in any reorganized form as well as

1 Kern County Water Agency for 119,600 acre-feet of its entitlement.

2 (j) Except as provided in subdivisions (c)(4) and (c)(5),
3 this article shall not be interpreted to result in any greater State
4 authority to charge the contractors than exists under provisions of
5 this contract other than this article.

6
7 **23. Article 52 is added to read:**

8 **52. KERN WATER BANK**

9 (a) The State shall convey to the Kern County Water Agency
10 (KCWA) in accordance with the terms set forth in the agreement
11 between the State of California Department of Water Resources and
12 Kern County Water Agency entitled "Agreement for the Exchange of the
13 Kern Fan Element of the Kern Water Bank" (the Kern Water Bank
14 Contract), the real and personal property described therein.

15 (b) Subject to the approval of KCWA, other contractors may
16 be provided access to and use of the property conveyed to KCWA by
17 the Kern Water Bank Contract for water storage and recovery. Fifty
18 percent (50%) of any project water remaining in storage on December
19 31, 1995, from the 1990 Berrenda Mesa Demonstration Program and the
20 La Hacienda Water Purchase Program shall be transferred to KCWA
21 pursuant to the Kern Water Bank Contract. The remaining fifty
22 percent (50%) of any such water (approximately 42,828.5 acre-feet)
23 shall remain as project water and the State's recovery of such
24 project water shall be pursuant to the provisions of a separate
25 recovery contract. Any other Kern Water Bank demonstration program
26 water shall remain as project water and the State's recovery of such
27 water shall be pursuant to the provisions of the respective
28 contracts for implementation of such demonstration programs.

1 24. Article 53 is added to read:

2 53. PERMANENT TRANSFERS AND REDUCTIONS OF ENTITLEMENT

3 (a) Article 41 provides that no assignment or transfer of
4 a contract or any part thereof, rights thereunder or interest
5 therein by a contractor shall be valid unless and until it is
6 approved by the State and made subject to such reasonable terms and
7 conditions as the State may impose. In accordance with State policy
8 to assist water transfers, the State and the County of Kings, Dudley
9 Ridge Water District (DRWD), Empire West Side Irrigation District,
10 Kern County Water Agency (KCWA), Oak Flat Water District and Tulare
11 Lake Basin Water Storage District (for the purposes of this article
12 the "Agricultural Contractors") shall, subject to the conditions set
13 forth in this article, expeditiously execute any necessary documents
14 and approve all contracts between willing buyers and willing sellers
15 until permanent transfers totaling 130,000 acre-feet of annual
16 entitlements of the Agricultural Contractors and, to the extent
17 provided in such contracts, rights in project transportation
18 facilities related to such annual entitlement have been made to
19 other contractors (the "Urban Contractors") or noncontractors in
20 accordance with the provisions of this article. Such approval
21 requirement shall apply to all contracts executed prior to January
22 1, 2011. KCWA shall be responsible for approval of such transfers
23 for any portion of the 130,000 acre-feet not previously made
24 available under this article by the other Agricultural Contractors.
25 A contract between a willing buyer and a willing seller shall mean
26 a contract between (1) a buyer which is an Urban Contractor or, to
27 the extent provided in subdivision (e) of this article, a
28 noncontractor and (2) a seller which is an Agricultural Contractor

1 or a public entity which obtains project water from an Agricultural
2 Contractor.

3 (b) The State shall not be obligated to approve any transfer
4 of annual entitlements if in its judgment the transfer would impair
5 the security of the State's bondholders and the State may impose
6 conditions on any transfer as necessary to make the delivery of the
7 water operationally feasible and to assure that the transportation
8 costs associated with the transferred entitlement are fully repaid.
9 Transfers not approved by the State shall not be considered as part
10 of the 130,000 acre-feet of annual entitlements provided for in this
11 article.

12 (c) KCWA member units shall have 90 days to exercise a right
13 of first refusal to purchase any annual entitlements being offered
14 for sale to Urban Contractors by another KCWA member unit pursuant
15 to this article, other than those annual entitlements made available
16 to Urban Contractors by subdivision (d) of this article, by agreeing
17 to pay the same price offered by the buyer. Any such sales to KCWA
18 member units exercising such right of first refusal shall not be
19 considered a part of the 130,000 acre-feet of annual entitlements
20 provided for in this article.

21 (d) Any permanent transfers of annual entitlements by
22 Agricultural Contractors to noncontractors, including transfers to
23 KCWA urban member units or to KCWA's Improvement District Number 4,
24 other than transfers pursuant to subdivision (c) of this article,
25 will be considered a part of the 130,000 acre-feet of annual
26 entitlements provided for in this article if the Urban Contractors
27 have been given a right of first refusal to purchase such annual
28

entitlements as well as transportation rights in accordance with the following terms and procedure:

(1) The Agricultural Contractor shall provide the State a copy of a bona fide contract or Proposed Contract (the "Proposed Contract") and the State shall, within five working days of receipt, provide copies of such Proposed Contract to all Urban Contractors together with a Notice of Proposed Contract stating the date on or before which a Notice of Intent to Exercise a Right of First Refusal (NOI) must be delivered to both the State and the seller, which date shall be 90 days from the date the State mails the Notice of Proposed Contract.

(2) The Proposed Contract shall provide for the transfer of rights in project transportation facilities sufficient to deliver to the seller's service area in any one month eleven percent (11%) of the annual entitlement being transferred or such greater amount as the seller determines to sell; *Provided*, however, that sellers shall not be obligated to sell any transportation rights in the Coastal Aqueduct.

(3) To exercise the right of first refusal, an Urban Contractor shall deliver to the State and the seller its NOI within the time period stated in the Notice of Proposed Contract and shall proceed in good faith to try to complete the transfer to the Urban Contractor. If two or more Urban Contractors deliver NOI's to the State, the amount of annual entitlement and transportation rights being sold shall be allocated among those Urban Contractors that are prepared to perform the purchase by the Performance Date provided for herein in proportion to their maximum annual entitlements, or in another manner acceptable to the Urban Contractors delivering the

1 NOIs. An offer by an Urban Contractor in its NOI to purchase less
2 than the entire annual entitlement and transportation right being
3 transferred shall not be deemed to be an effective exercise of the
4 right of first refusal unless other Urban Contractors submit NOIs
5 to purchase the remainder of the annual entitlement and
6 transportation right or the noncontractor buyer agrees to purchase
7 the remainder at the same unit price and on the same terms and
8 conditions provided for in the Proposed Contract. The Performance
9 Date shall be the date upon which the Urban Contractor is prepared
10 to perform the purchase, which date shall be the later of: (1) 180
11 days after the delivery of the NOI or (2) the date set forth in the
12 Proposed Contract for the noncontractor buyer to perform the
13 purchase.

14 The Performance Date shall be extended at the request of the
15 Urban Contractor if a temporary restraining order or preliminary
16 injunction is in effect as a result of a lawsuit challenging the
17 execution of the contract on the basis of noncompliance with the
18 California Environmental Quality Act. Such extensions shall
19 continue until five days after the temporary restraining order or
20 injunction expires or until the Urban Contractor requests it be
21 discontinued, whichever occurs first. The Urban Contractor shall
22 be liable for any damages suffered by the seller as a result of such
23 extensions of the Performance Date.

24 (4) If the seller and the noncontractor buyer under the
25 Proposed Contract make any substantive changes in the Proposed
26 Contract, such changes shall constitute a new Proposed Contract that
27 cannot be performed without compliance with all of the procedures
28 set forth in this article.

1 (5) If an Urban Contractor issuing a NOI fails to complete
2 its exercise of the Right of First Refusal by the Performance Date,
3 the seller shall be free to sell its entitlement in substantial
4 conformance with the terms and conditions set forth in the Proposed
5 Contract . An Urban Contractor issuing a NOI may assign its rights
6 to exercise a right of first refusal to another Urban Contractor and
7 the assignee shall have the same rights as the assignor to complete
8 the purchase by the Performance Date.

9 (6) In exercising the Right of First Refusal, an Urban
10 Contractor, at its option, may either agree to perform the Proposed
11 Contract in its entirety, including all of its terms and conditions,
12 or agree to pay the price offered under the Proposed Contract for
13 the annual entitlement and transportation rights without condition
14 and without being entitled to enforce or being subject to any other
15 provisions of the Proposed Contract.

16 (e) As used in this article, "price" shall mean the dollar
17 amount of consideration provided for in the Proposed Contract.

18 (f) Upon the effective date of any such transfer, the seller
19 shall be relieved of and the buyer shall become liable to the State
20 for all prospective Delta Water Charges, the related Transportation
21 Charges and any other charges for the annual entitlements and
22 associated transportation rights transferred unless the seller and
23 buyer provide otherwise in the contract for the transfer and the
24 State approves such other provisions. However, the contractor
25 making the sale shall remain obligated to the State to make the
26 payments if the buyer defaults on its payments to the State related
27 to the water transferred and is not a party to a long term water
28 supply contract of the type contained in Department of Water

1 Resources Bulletin Number 141. If the contractor making the sale
2 is required to make any payments to the State as a result of the
3 buyer's default, the entitlement transferred to the defaulting buyer
4 shall, if provided for in the Proposed Contract, revert back to the
5 contractor making the sale. The buyer may also be liable for any
6 charges imposed pursuant to subdivision (g) of this article.

7 (g) A contractor which is a buyer of annual entitlement
8 pursuant to this article may receive deliveries using any portion
9 of the capacity previously provided by the State in each reach of
10 the project transportation facilities for such contractor that is
11 necessary for transporting the entitlement purchased by it on the
12 same basis as any other entitlement provided for in its Table A in
13 effect prior to the date of the Monterey Amendment. Such contractor
14 may also use any transportation rights transferred to it by a seller
15 in the same manner as the seller was entitled to use them and any
16 unused capacity in any of the reaches specified in this paragraph
17 so long as project operations and/or priority of service of water
18 to other contractors participating in repayment of capital costs in
19 such reaches is not adversely affected. The State shall not be
20 responsible for any resulting adverse impacts upon its ability to
21 provide such contractor peaking capacity. The capital cost and
22 minimum, operation, maintenance, power and replacement components
23 of the Transportation Charge allocated to a buying contractor
24 needing transportation capacity in excess of the capacity factors
25 on which its charges are based in any reach shall be determined
26 prospectively based upon the increase in the buying contractor's
27 annual entitlement resulting from the purchase, and service of water
28 to fulfill annual entitlement to other contractors shall not be

1 impaired. The capital cost and minimum operation, maintenance,
2 power and replacement components of the Transportation Charges shall
3 then be reallocated among the other entities participating in
4 repayment of costs of that reach. For the purposes of this
5 determination, all payments received by the State from the seller
6 relating to the annual entitlement sold shall be deemed to have been
7 received from the buying contractor. Any increased Transportation
8 minimum operation, maintenance, power and replacement component
9 charges allocated to the buying contractor pursuant to this
10 subdivision (g) shall begin January 1 of the year following the
11 effective date of the transfer.

12 (h) Individual contractors may transfer entitlements among
13 themselves in amounts in addition to those otherwise provided for
14 in this article. The State shall expeditiously execute any
15 necessary documents and approve all contracts involving permanent
16 sales of entitlements among contractors, including permanent sales
17 among Urban Contractors. Such sales shall be subject to the
18 provisions of subdivisions (b), (f) and (g) of this article;
19 *Provided*, however, that for a buying contractor needing
20 transportation capacity in excess of the capacity factors on which
21 its charges are based in any reach, reallocation of the
22 Transportation capital cost component charges for transfers other
23 than (i) the 130,000 acre-feet provided for in this article and (ii)
24 the approximate 33,000 acre-feet of transfers proposed from
25 contractors located in Santa Barbara or San Luis Obispo counties,
26 shall be determined both prospectively and retroactively.

27 (i) On January 1 following the year in which such Monterey
28 Amendments take effect and continuing every year thereafter until

1 the end of the project repayment period: (i) Kern County Water
2 Agency's (KCWA) annual entitlement for agricultural use as currently
3 designated in Table A-1 of its contract shall be decreased by 40,670
4 acre-feet; (ii) Dudley Ridge Water District's (DRWD) annual
5 entitlement as currently designated in Table A of its contract shall
6 be decreased by 4,330 acre-feet; and (iii) the State's prospective
7 charges (including any adjustments for past costs) for the 45,000
8 acre-feet of annual entitlements to be relinquished by KCWA and DRWD
9 thereafter shall be deemed to be costs of project conservation
10 facilities and included in the Delta Water Charge for all
11 contractors in accordance with the provisions of Article 22. If by
12 November 20, 1995 and each October 1 thereafter until the Monterey
13 Amendments of both KCWA and DRWD take effect, KCWA and DRWD at their
14 option notify the State in writing that they will relinquish up to
15 their shares of 45,000 acre-feet of annual entitlements for the
16 following calendar year beginning before the Monterey Amendments
17 take effect, the State, when and if the Monterey Amendments take
18 effect, shall adjust the charges retroactively for the acre-feet
19 relinquished by KCWA and DRWD to January 1 of each year for which
20 water was relinquished. The delivery points for the 45,000
21 acre-feet of annual entitlement to be relinquished shall be
22 identified for the State by KCWA and DRWD to enable the State to
23 calculate the transportation costs for the 45,000 acre-feet to be
24 included in the Delta Water Charge.

25. Article 54 is added to read:

54. Usage of Lakes Castaic and Perris

(a) The State shall permit the contractors participating in repayment of the capital costs of Castaic Lake (Reach 30) and Lake Perris (Reach 28J) to withdraw water from their respective service connections in amounts in excess of deliveries approved pursuant to other provisions of the state water contracts. Each such contractor shall be permitted to withdraw up to a Maximum Allocation from the reach in which it is participating. The contractors participating in repayment of Castaic Lake may withdraw a collective Maximum Allocation up to 160,000 acre-feet pursuant to this article, which shall be apportioned among them pursuant to the respective proportionate use factors from the Department of Water Resources' Bulletin 132-94, Table B-1 upon which capital cost repayment obligations are based, as follows:

Castaic Lake

Participating Contractor	Proportionate Use Factor	Maximum Allocation (Acre Feet)
The Metropolitan Water District of Southern California	0.96212388	153,940
Ventura County Flood Control and Water Conservation District	0.00860328	1,376
Castaic Lake Water Agency	0.02927284	4,684
Total	1.00000000	160,000

1 The Metropolitan Water District of Southern California, as
2 the only contractor participating in repayment of Lake Perris,
3 shall be allocated a Maximum Allocation at Lake Perris of 65,000
4 acre-feet based upon a proportionate use factor of 1.00000000.

5 The Maximum Allocation totals of 160,000 acre-feet and
6 65,000 acre-feet shall not be subject to adjustment. The
7 individual contractor's Maximum Allocations shall be adjusted
8 only as agreed to among the contractors desiring to adjust their
9 Maximum Allocations. Adjustments between the contractors shall
10 be subject to approval of the State which approval shall be given
11 unless there are adverse impacts upon another contractor
12 participating in the reach which are unacceptable to such
13 contractor. The participating contractors will, in consultation
14 with the State, cooperate with each other in an effort to promote
15 efficient utilization of Castaic Lake, and to minimize any
16 adverse impacts to each other, through coordination of deliveries
17 pursuant to other provisions of the State Water Contract as well
18 as withdrawals of allocations pursuant to this article.

19 (b) The State shall operate Castaic and Perris Reservoirs
20 as transportation facilities in a manner consistent with this
21 article. A contractor desiring to withdraw a portion or all of
22 its Maximum Allocation shall furnish the State with a proposed
23 delivery schedule. The proposed schedule may be submitted as
24 part of the preliminary water delivery schedule submitted
25 pursuant to Article 12(a)(1). Upon receipt of a schedule the
26 State shall promptly review it to ensure that the amounts, times
27 and rates of delivery will be consistent with the State's ability
28 to operate the reach. The contractor may modify its proposed

1 delivery schedule at any time, and the modified schedule shall be
2 subject to review in the same manner. If necessary, the State
3 may modify the schedule after consultation with the contractor
4 and other contractors participating in repayment of that reach
5 but may not change the total quantity of water to be withdrawn.
6 As part of the consultation, the State shall advise a contractor
7 if it determines a withdrawal will adversely impact the rate of
8 delivery provided for the contractor in this contract. The State
9 shall not be responsible for any such impacts.

10 (c) A contractor may withdraw all or a portion of its
11 Maximum Allocation. It shall restore any withdrawn portion of
12 such allocation by furnishing an equivalent amount of replacement
13 water to the reservoir from which the water was withdrawn within
14 five years from the year in which the withdrawal takes place. The
15 unused portion of the allocation, in addition to any replacement
16 water furnished to the reservoir, shall remain available for
17 subsequent withdrawal. The State shall keep an accounting of the
18 contractor's storage withdrawals and replacements. In any year,
19 the State shall permit a contractor to withdraw an amount
20 equivalent to the contractor's Maximum Allocation minus remaining
21 replacement water requirements due to previous withdrawals. If
22 the contractor fails to schedule and replace the withdrawn water
23 within the five-year return period, the State shall provide the
24 replacement water from water scheduled for delivery to the
25 contractor in the sixth year or as soon as possible thereafter.
26 The total amount of scheduled annual entitlement which a
27 contractor can use in any one year for restoring its Maximum
28 Allocation and storing water in surface storage facilities

outside of its service area pursuant to Article 56 shall be the sum of the maximum amount the contractor can add to storage that year pursuant to Article 56 and the amount of acre-feet shown in column 2 of the following table, depending on the State's final water supply allocation percentage as shown in column 1.

1. Final Water Supply Allocation Percentage	2. Maximum Acre-Feet of Scheduled Entitlement for Restoring Maximum Allocation*
50% or less	100,000
51%	98,000
52%	96,000
53%	94,000
54%	92,000
55%	90,000
56%	88,000
57%	86,000
58%	84,000
59%	82,000
60%	80,000
61%	78,000
62%	76,000
63%	74,000
64%	72,000
65%	70,000
66%	68,000
67%	66,000
68%	64,000
69%	62,000
70%	60,000
71%	58,000
72%	56,000
73%	54,000
74%	52,000
75 to 99%	50,000
100%	no limit

* Excludes the maximum amount that can be added to storage in a year pursuant to Article 56, which may be used in addition to the amounts in this table to restore Maximum Allocation.

1 A contractor may use any of this total amount for
2 replacement water but cannot use any more than that provided for
3 in Article 56 to add to storage in project surface conservation
4 facilities and in nonproject surface storage facilities. There
5 shall be no limit under this article on the amount of scheduled
6 annual entitlement a contractor can use to restore its Maximum
7 Allocation in a year when its percentage of annual water supply
8 allocation is one-hundred percent (100%), nor shall there be any
9 limit under this article on the amount of interruptible water,
10 nonproject water or water obtained through an exchange which a
11 contractor can use to restore its Maximum Allocation.

12 (d) For any replacement water furnished to reservoir
13 storage pursuant to this article, the responsible contractor
14 shall pay the State charges for the conservation, if any, and
15 transportation of such replacement water as are associated with
16 the type of replacement water that is furnished, as if such water
17 were delivered to the turnout at the reservoir to which the
18 replacement water is furnished. Adjustments from estimated to
19 actual costs shall be subject to provisions applicable to the
20 type of replacement water. The State shall not charge
21 contractors for water withdrawn pursuant to this article.

22 (e) The State shall operate capacity in Castaic and Perris
23 Reservoirs, not required for purposes of Maximum Allocation
24 deliveries, in compliance with the requirement of Article 17(b)
25 of The Metropolitan Water District of Southern California's water
26 supply contract with the State to maintain an amount of water
27 reasonably sufficient to meet emergency requirements of the
28 contractors participating in repayment of that reach. A

1 contractor receiving water pursuant to this article accepts that
2 the State shall not be liable for any damage, direct or indirect,
3 arising from shortages in the amount of water to be made
4 available from that reservoir to meet the contractor's actual
5 emergency requirements as a result of prior storage withdrawals
6 by that contractor pursuant to this article. Nothing in this
7 article shall permit or require the State to adjust allocations
8 or deliveries under Article 18.

9 (f) To the extent a contractor, during a calendar year,
10 uses all or a portion of its Maximum Allocation, the State may,
11 to the extent necessary to service project purposes, reduce that
12 contractor's requested peaking service. Such reduction in
13 peaking service shall only occur to the extent such usage of
14 Maximum Allocation causes the State to be unable to provide all
15 peaking service requested. This paragraph shall not apply to the
16 extent the contractor requested usage of Maximum Allocation as
17 part of the preliminary water delivery schedule submitted
18 pursuant to Article 12(a)(1).

19 (g) The State may reduce water stored in Castaic Lake and
20 Lake Perris to the extent necessary for maintenance and to
21 respond to emergencies resulting from failure of project
22 transportation facilities or of other supply importation
23 facilities serving the State project service area. The State
24 shall promptly replace water within the Maximum Allocation as
25 soon as the need for the reduction terminates.

1 26. Article 55 is added to read:

2 55. Transportation of Nonproject Water

3 (a) Subject to the delivery priorities in Article 12(f),
4 contractors shall have the right to receive services from any of
5 the project transportation facilities to transport water procured
6 by them from nonproject sources for delivery to their service
7 areas and to interim storage outside their service areas for
8 later transport and delivery to their service areas: *Provided,*
9 that except to the extent such limitation in Section 12931 of the
10 Water Code be changed, a contractor shall not use the project
11 transportation facilities under this option to transport water
12 the right to which was secured by the contractor through eminent
13 domain unless such use be approved by the Legislature by
14 concurrent resolution with the majority of the members elected to
15 each house voting in favor thereof.

16 (b) For any nonproject water delivered pursuant to this
17 article, contractors shall pay the State the same (including
18 adjustments) for power resources (including on-aqueduct,
19 off-aqueduct, and any other power) incurred in the conservation
20 and transportation of such water as if such nonproject water were
21 entitlement water, as well as all incremental operation,
22 maintenance, and replacement costs, and any other incremental
23 costs, which may include an administrative or contract
24 preparation charge, all as determined by the State. Incremental
25 costs shall mean those nonpower costs which would not be incurred
26 if nonproject water were not scheduled for or delivered to
27 contractors. Only those contractors not participating in the
28 repayment of a reach shall be required to pay a use of facilities

1 charge for the delivery of nonproject water from or through that
2 reach. Costs for transporting water placed into interim storage
3 shall be paid in the same manner provided for in subdivision
4 (c) (6) of Article 56.

5 (c) The amounts, times and rates of delivery of nonproject
6 water shall be provided for pursuant to a water delivery schedule
7 to be issued in the same manner as provided for in Article 12.
8 The costs specified in this article shall be paid for at the same
9 time the corresponding project water costs are paid.

10
11 **27. Article 56 is added to read:**

12 **56. Use, Storage and Sale of Project Water Outside of**
13 **Service Area and Storage of Water in Project Surface**
Conservation Facilities

14 (a) **State Consent to Use of Project Water Outside of**
15 **Service Area**

16 Notwithstanding the provisions of Article 15(a), the State
17 hereby consents to the Agency storing project water outside its
18 service area for later use within its service area in accordance
19 with the provisions of subdivision (c) of this article and to the
20 Agency selling project water for use outside its service area in
21 accordance with the provisions of subdivision (d) of this
22 article.

23 (b) **Groundwater Storage Programs**

24 The Agency shall cooperate with other contractors in the
25 development and establishment of groundwater storage programs.

26 (c) **Storage of Project Water Outside of Service Area**

27 (1) A contractor may elect to store project water outside
28 its service area for later use within its service area, up to the

1 limits and in accordance with the provisions provided for in this
2 subdivision (c) and any applicable water right laws, by setting
3 forth on the preliminary water delivery schedule submitted to the
4 State on or before October 1 of each year pursuant to Article
5 12(a) the quantity of project water it wishes to store in the
6 next succeeding year. There shall be no limit on the amount of
7 project water a contractor can store outside its service area
8 during any year in a then existing and operational groundwater
9 storage program. The amount of project water a contractor can
10 add to storage in project surface conservation facilities and in
11 nonproject surface storage facilities located outside the
12 contractor's service area each year shall be limited to the
13 lesser of the percent of the contractor's Table A annual
14 entitlement shown in column 2 or the acre-feet shown in column 3
15 of the following table, depending on the State's final water
16 supply allocation percentage as shown in column 1. However,
17 there shall be no limit to storage in nonproject facilities in a
18 year in which the State's final water supply allocation
19 percentage is one hundred percent. These limits shall not apply
20 to water stored pursuant to Article 12(e).

1. Final Water Supply Allocation Percentage	2. Maximum Percent of Agency's Annual Entitlement That Can be Stored	3. Maximum Acre-Feet That Can be Stored
50% or less	25%	100,000
51%	26%	104,000
52%	27%	108,000
53%	28%	112,000
54%	29%	116,000
55%	30%	120,000
56%	31%	124,000
57%	32%	128,000
58%	33%	132,000
59%	34%	136,000
60%	35%	140,000
61%	36%	144,000
62%	37%	148,000
63%	38%	152,000
64%	39%	156,000
65%	40%	160,000
66%	41%	164,000
67%	42%	168,000
68%	43%	172,000
69%	44%	176,000
70%	45%	180,000
71%	46%	184,000
72%	47%	188,000
73%	48%	192,000
74%	49%	196,000
75% or more	50%	200,000

1 (2) Storage capacity in project surface conservation
2 facilities at any time in excess of that needed for project
3 operations shall be made available to requesting contractors for
4 storage of project and nonproject water. If such storage
5 requests exceed the available storage capacity, the available
6 capacity shall be allocated among contractors requesting storage
7 in proportion to their annual entitlements designated in their
8 Table A's for that year. A contractor may store water in excess
9 of its allocated share of capacity as long as capacity is
10 available for such storage.

11 (3) If the State determines that a reallocation of excess
12 storage capacity is needed as a result of project operations or
13 because of the exercise of a contractor's storage right, the
14 available capacity shall be reallocated among contractors
15 requesting storage in proportion to their annual entitlements
16 designated in their Table A's for that year. If such
17 reallocation results in the need to displace water from the
18 storage balance for any contractor or noncontractor, the water to
19 be displaced shall be displaced in the following order of
20 priority:

21 First, water, if any, stored for noncontractors.

22 Second, water stored for a contractor that previously was in
23 excess of that contractor's allocation of storage capacity.

24 Third, water stored for a contractor that previously was
25 within that contractor's allocated storage capacity.

26 The State shall give as much notice as feasible of a
27 potential displacement.
28

1 (4) Any contractor electing to store project water outside
2 its service area pursuant to this subdivision may not sell
3 project water under the provisions of subdivision (d) of this
4 article during the year in which it elected to store project
5 water. This limitation shall not apply to replacement water
6 furnished to Castaic and Perris Reservoirs pursuant to Article
7 54, nor to the storage of water introduced into a groundwater
8 basin outside a contractor's service area if recovery is intended
9 to occur within that contractor's service area.

10 (5) The restrictions on storage of project water outside a
11 contractor's service area provided for in this subdivision (c),
12 shall not apply to storage in any project offstream storage
13 facilities constructed south of the Delta after the date of this
14 amendment.

15 (6) For any project water stored outside its service area
16 pursuant to this subdivision (c), a contractor shall pay the
17 State the same (including adjustments) for power resources
18 (including on-aqueduct, off-aqueduct, and any other power)
19 incurred in the transportation of such water as the contractor
20 pays for the transportation of annual entitlement to the reach of
21 the project transportation facility from which the water is
22 delivered to storage. If annual entitlement is stored, the Delta
23 Water Charge shall be charged only in the year of delivery to
24 interim storage. For any stored water returned to a project
25 transportation facility for final delivery to its service area,
26 the contractor shall pay the State the same for power resources
27 (including on-aqueduct, off-aqueduct, and any other power)
28 incurred in the transportation of such water calculated from the

1 point of return to the aqueduct to the turn-out in the
2 contractor's service area. In addition, the contractor shall pay
3 all incremental operation, maintenance, and replacement costs,
4 and any other incremental costs, as determined by the State,
5 which shall not include any administrative or contract
6 preparation charge. Incremental costs shall mean those nonpower
7 costs which would not be incurred if such water were scheduled
8 for or delivered to the contractor's service area instead of to
9 interim storage outside the service area. Only those contractors
10 not participating in the repayment of a reach shall be required
11 to pay a use of facilities charge for use of a reach for the
12 delivery of water to, or return of water from, interim storage.

13 (7) A contractor electing to store project water in a
14 nonproject facility within the service area of another contractor
15 shall execute a contract with that other contractor prior to
16 storing such water which shall be in conformity with this article
17 and will include at least provisions concerning the point of
18 delivery and the time and method for transporting such water.

19 **(d) Sale of Project Water For Use Outside Service Area**

20 (1) If in any year a contractor has been allocated annual
21 entitlement that it will not use within its service area, the
22 contractor has not elected to store project water in accordance
23 with the provisions of subdivision (c) of this article during
24 that year, and the contractor has not elected to carry over
25 entitlement water from the prior year pursuant to the provisions
26 of Article 12(e), the contractor may sell such annual
27 entitlement for use outside its service area in accordance with
28 the following provisions.

1 (2) Each year the State shall establish an annual
2 entitlement water pool (the Pool) for contractors wishing to sell
3 or buy project water pursuant to the provisions of this
4 subdivision. The Pool shall constitute the exclusive means of
5 selling portions of annual entitlements not desired by
6 contractors that year. Contractors willing to sell to or buy
7 water from the Pool shall notify the State in writing of their
8 desire to do so indicating the quantity to be sold or purchased.
9 Contractors shall have the first priority to purchase all water
10 placed in the Pool. The State may purchase any water remaining
11 in the Pool not purchased by contractors at the same price
12 available to contractors and use such water for the purpose of
13 providing additional carryover storage for contractors: *Provided,*
14 that the State shall consult with the contractors prior to making
15 any such purchases.

16 (3) Each year, the price per acre-foot to be paid by the
17 State to contractors selling water placed in the Pool on or
18 before February 15 that is purchased by a contractor requesting
19 such purchase by March 1 or by the State on March 1 shall be
20 equal to fifty percent (50%) of the Delta water rate as of that
21 date. The price per acre-foot to be paid to the State for the
22 purchase of water from the Pool by a contractor placing a request
23 for such purchase on or before March 1 shall be equal to fifty
24 percent (50%) of the Delta water rate as of that date. Any water
25 placed in the Pool on or before February 15 that is not purchased
26 by contractors or the State by March 1 may be withdrawn from the
27 Pool by the selling contractor.

1 (4) Each year the price per acre-foot to be paid by the
2 State to contractors selling water remaining in the Pool or
3 placed in the Pool after February 15, but on or before March 15
4 that is purchased by a contractor requesting such purchase by
5 April 1 or by the State on April 1 shall be equal to twenty-five
6 percent (25%) of the Delta water rate as of that date. The price
7 per acre-foot to be paid to the State for the purchase of water
8 from the Pool by a contractor placing a request for such purchase
9 between March 2 and April 1 shall be equal to twenty-five percent
10 (25%) of the Delta water rate as of the later date. Any water
11 placed in the Pool on or before March 15 that is not purchased by
12 a contractor or the State by April 1 may be withdrawn from the
13 Pool by the selling contractor.

14 (5) If there are more requests from contractors to purchase
15 water from the Pool than the amount in the Pool, the water in the
16 Pool shall be allocated among those contractors requesting such
17 water in proportion to their annual entitlements for that year up
18 to the amount of their requests. If requests to purchase water
19 from the Pool total less than the amount of water in the Pool,
20 the sale of Pool water shall be allocated among the contractors
21 selling such water in proportion to their respective amounts of
22 water in the Pool.

23 (6) Any water remaining in the Pool after April 1 that is
24 not withdrawn by the selling contractor shall be offered by the
25 State to contractors and noncontractors and sold to the highest
26 bidder: *Provided*, that if the highest bidder is a noncontractor,
27 all contractors shall be allowed fifteen days to exercise a right
28 of first refusal to purchase such water at the price offered by

1 the noncontractor. The price to be paid to the selling
2 contractor shall be the amount paid by the buyer exclusive of the
3 amount to be paid by the buyer to the State pursuant to
4 subdivision (d)(7) of this article.

5 (7) For any water delivered from the Pool to contractors,
6 the buyer shall pay the State the same for power resources
7 (including on-aqueduct, off-aqueduct, and any other power)
8 incurred in the transportation of such water as if such water
9 were entitlement water, as well as all incremental operation,
10 maintenance, and replacement costs, and any other incremental
11 costs, as determined by the State, which shall not include any
12 administrative or contract preparation charge. Incremental costs
13 shall mean those nonpower costs which would not be incurred if
14 such water were not scheduled for or delivered to the buyer.
15 Only those buyers not participating in the repayment of a reach
16 shall be required to pay any use of facilities charge for the
17 delivery of such water from or through the reach. Adjustments
18 from estimated to actual costs shall be computed by the State
19 pursuant to these provisions and shall be paid by the buyer or
20 credited to the buyer at the times and interest rates described
21 in Article 28(c).

22 (e) **Continuance of Article 12(e) Carry-over Provisions**

23 The provisions of this article are in addition to the
24 provisions of Article 12(e), and nothing in this article shall be
25 construed to modify or amend the provisions of Article 12(e).
26 Any contractor electing to sell project water during any year in
27 accordance with the provisions of subdivision (d) of this
28 article, shall not be precluded from using the provisions of

1 Article 12(e) for carrying over water from the last three months
2 of that year into the first three months of the succeeding year.

3 (f) **Bona Fide Exchanges Permitted**

4 Nothing in this article shall be deemed to prevent the
5 Agency from entering into bona fide exchanges of project water
6 for use outside the Agency's service area with other parties for
7 project water or nonproject water if the State consents to the
8 use of the project water outside the Agency's service area.

9 Also, nothing in this article shall be deemed to prevent the
10 Agency from continuing those exchange or sale arrangements
11 entered into prior to September 1, 1995, which had previously
12 received any required State approvals. A "bona fide exchange"
13 shall mean an exchange of water involving a contractor and
14 another party where the primary consideration for one party
15 furnishing water to another is the return of a substantially
16 similar amount of water, after giving due consideration to the
17 timing or other nonfinancial conditions of the return.

18 Reasonable payment for costs incurred in effectuating the
19 exchange and reasonable deductions from water delivered, based on
20 expected storage or transportation losses may be made. A "bona
21 fide exchange" shall not include a transfer of water from one
22 contractor to another party involving a significant payment
23 unrelated to costs incurred in effectuating the exchange. The
24 State, in consultation with the contractors, shall have authority
25 to determine whether transfers of water constitute "bona fide
26 exchanges" within the meaning of this paragraph and not disguised
27 sales.

1 (g) Other Transfers

2 Nothing in this article shall be deemed to modify or amend
3 the provisions of Article 15(a), or Article 41, except as
4 expressly provided for in subdivisions (c) and (d) of this
5 article.

6
7 28. All balances of wet weather and Article 12(d) water
8 otherwise available to any contractor executing the Monterey
9 Amendment shall be eliminated as of the effective date of such
10 amendment and no new balances for such water shall be
11 established.

12
13 29. Effective Dates and Phase-in.

14 (a) No Monterey Amendment to any contractor's water supply
15 contract shall take effect unless and until both of the following
16 have occurred (1) the Monterey Amendments to both the Kern County
17 Water Agency's and The Metropolitan Water District of Southern
18 California's contracts have been executed and no legal challenge
19 has been filed within sixty days of such execution or, if filed,
20 a final judgment of a court of competent jurisdiction has been
21 entered sustaining or validating said amendments; and (2) the
22 State has conveyed the property which constitutes the Kern Fan
23 Element of the Kern Water Bank to Kern County Water Agency
24 pursuant to the Kern Water Bank Contract provided for in Article
25 52 either on or before October 1, 1996 or, if the conveyance on
26 such date has been prevented by an interim court order, within
27 ninety days after such court order has become ineffective so long
28 as said ninety days expires not later than January 1, 2000. The

1 October 1, 1996 date and the January 1, 2000 date may be extended
2 by unanimous agreement of the State, Kern County Water Agency and
3 The Metropolitan Water District of Southern California.

4 (b) The State shall administer the water supply contracts
5 of any contractors that do not execute the Monterey Amendment so
6 that such contractors are not affected adversely or to the extent
7 feasible beneficially by the Monterey Amendments of other
8 contractors' water supply contracts.

9 (c) If a court of competent jurisdiction issues a final
10 judgment or order determining that any part of a contractor's
11 Monterey Amendment is invalid or unenforceable, all provisions of
12 that amendment shall be of no force or effect as to such
13 contractor, except as provided in subdivisions (e) and (f) of
14 this paragraph.

15 (d) If any part of the Monterey Amendment of the Kern
16 County Water Agency's or The Metropolitan Water District of
17 Southern California's contracts or if the conveyance of the Kern
18 Fan Element of the Kern Water Bank to the Kern County Water
19 Agency provided for in Article 52 is determined by a court of
20 competent jurisdiction in a final judgment or order to be invalid
21 or unenforceable, the Monterey Amendments of all contractors and
22 the Kern Water Bank Contract shall be of no force and effect
23 except as provided in subdivisions (e) and (f) of this paragraph.

24 (e) Notwithstanding subdivisions (c), (d) and (f) of this
25 paragraph, if any part of the Monterey Amendment of the Kern
26 County Water Agency's or The Metropolitan Water District of
27 Southern California's contract is determined by a court of
28 competent jurisdiction in a final judgment or order to be invalid

1 or unenforceable, and if Articles 52 and 53 (i) have been
2 implemented (i.e., the property which constitutes the Kern Fan
3 Element of the Kern Water Bank has been conveyed by the State and
4 the 45,000 acre-feet of annual entitlements have been
5 relinquished to the State), the implementation of the
6 relinquishment shall not be reversed unless the implementation of
7 the conveyance is also reversed, and conversely, implementation
8 of the conveyance shall not be reversed unless implementation of
9 the relinquishment is also reversed. Nothing in this subdivision
10 shall affect any party's right to seek additional damages,
11 compensation or any other remedy available at law or in equity.

12 (f) The total invalidity or unenforceability of one
13 contractor's Monterey Amendment as provided for in subdivision
14 (c) of this paragraph or of all contractor's Monterey Amendments
15 as provided for in subdivision (d) of this paragraph or of the
16 Kern Water Bank Contract as provided for in subdivision (d) of
17 this paragraph may be avoided only if such invalidity or
18 unenforceability is explicitly waived in writing signed by the
19 State, Kern County Water Agency and The Metropolitan Water
20
21
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28

1 District of Southern California. In cases arising under
2 subdivision (c) or (d), the affected contractor whose Monterey
3 Amendment has been determined to be partially invalid or
4 unenforceable must first request the waiver.

5
6 IN WITNESS WHEREOF, the parties hereto have executed this
7 Amendment on the date first above written.

8
9 Approved as to legal form
and sufficiency

STATE OF CALIFORNIA
DEPARTMENT OF WATER
RESOURCES

10
11 Susan N. Weber
12 Chief Counsel
13 Department of Water Resources

David J. [Signature]
Director

14 ATTEST:

SAN GORGONIO PASS WATER AGENCY

15
16 Stephen P. Stockton
17 Stephen P. Stockton, Board Secretary

Philip J. Lamm
Philip Lamm, President of the Board

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 14 TO WATER SUPPLY CONTRACT BETWEEN THE
STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS AMENDMENT to the Water Supply Contract is made this 3rd day
of May, 1996, pursuant to the provisions of the California
Water Resources Development Bond Act, the Central Valley Project Act, and other
applicable laws of the State of California, between the State of California, acting
by and through its Department of Water Resources, herein referred to as the
"State", and San Gorgonio Pass Water Agency, herein referred to as the "Agency".

RECITALS:

WHEREAS, the State and the Agency have entered into and subsequently
amended a water supply contract providing that the State will supply certain
quantities of water to the Agency, and providing that the Agency shall make certain
payments to the State, and setting forth the terms and conditions of such supply and
such payment; and

WHEREAS, the Agency desires to incorporate certain revisions to Table A of
the Water supply contract; and

WHEREAS, the State finds that such revisions are permitted under the
contract; and

WHEREAS, the State also finds that the revisions will not jeopardize the
financial integrity of the State Water Project bond holders;

NOW, THEREFORE, IT IS MUTUALLY AGREED that the following changes
are hereby made to the Agency's water supply contract with the State:

W. J. Vaneet

1. Table A entitled "ANNUAL ENTITLEMENTS, SAN GORGONIO PASS WATER AGENCY" of the Agency's water supply contract with the State, dated November 16, 1962, is amended to read as follows:

TABLE A
ANNUAL ENTITLEMENTS
SAN GORGONIO PASS WATER AGENCY

Year	Total Annual Amount in Acre-Feet
1 (1972)	1,000
2 (1973)	1,700
3 (1974)	2,400
4 (1975)	3,100
5 (1976)	3,800
6 (1977)	4,500
7 (1978)	5,200
8 (1979)	5,900
9 (1980)	6,800
10 (1981)	7,800
11 (1982)	8,800
12 (1983)	9,800
13 (1984)	10,800
14 (1985)	11,800
15 (1986)	12,900
16 (1987)	14,000
17 (1988)	15,100
18 (1989)	16,200
19 (1990)	17,300
20 (1991)	17,300
21 (1992)	17,300
22 (1993)	17,300
23 (1994)	17,300
24 (1995)	17,300
25 (1996)	0
26 (1997)	0
27 (1998)	2,000
28 (1999)	3,000
29 (2000)	4,000
30 (2001)	4,000
31 (2002)	5,000
32 (2003)	6,000
33 (2004)	6,500
34 (2005)	7,000
35 (2006)	7,500
36 (2007)	17,300

And each succeeding year thereafter, for the term of this contract as a maximum annual entitlement: 17,300

2. For 1996, the State shall revise the Agency's Delta Water Charge and Transportation capital cost component charge to reflect the reduction in the Agency's annual entitlement. For 1997 and each year thereafter, the amended annual entitlements shall be used in determining the Agency's Delta Water Charge, Transportation capital cost component charge and Water System Revenue Bond Surcharge.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the date first above written.

Approved as to legal form
and sufficiency

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

Susan N. Weber
Chief Counsel
Department of Water Resources

Robert Potter
Director

SAN GORGONIO PASS WATER AGENCY

ATTEST:

John P. Sutton
Name
GENERAL MANAGER
Title

Dwight J. Lamm
Name
Board President
Title

AMENDMENT NO. 15
WATER SUPPLY CONTRACT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

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AMENDMENT NUMBER 15
TO THE WATER SUPPLY CONTRACT BETWEEN
THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES AND
SAN GORGONIO PASS WATER AGENCY

THIS AMENDMENT to the Water Supply Contract, made this 27 day of March, 1997, pursuant to the provisions of the California Water Resources Development Bond Act, the State Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, herein referred to as the "State," and San Gorgonio Pass Water Agency, herein referred to as the "Agency;"

WHEREAS, the State and the Agency have entered into and subsequently amended the Water Supply Contract, herein referred to as the "Contract," providing that the State will supply certain quantities of water to the Agency, and providing that the Agency shall make certain payments to the State, and setting forth the terms and conditions of such supply and such payments;

WHEREAS, the State, the Agency, and the San Bernardino Valley Municipal Water District, herein referred to as the "District," desire to extend the State Water Project facility, Edmund G. Brown California Aqueduct, East Branch from Devil Canyon Powerplant through the District's service area to the Agency's service area near Little San Gorgonio

**AMENDMENT NO. 15
WATER SUPPLY CONTRACT**

Creek and South Noble Creek Spreading Grounds, herein referred to as the "East Branch Extension;"

WHEREAS, the District has constructed and placed into operation conveyance and pumping facilities within its service area without State participation. Those facilities are as follows: Phase I and II Foothill Pipeline, Santa Ana River Crossing (SARC) Pipeline, Greenspot Pump Station, Morton Canyon Pipeline, Greenspot Pipelines (Phase I, II and III), and Yucaipa Pipeline;

WHEREAS, the Agency's capacity rights in the District's existing conveyance facilities are 32 cubic feet per second in the Foothill pipeline, 5 cubic feet per second in the Greenspot Pump Station, and 16 cubic feet per second in the remaining pipeline facilities;

WHEREAS, the Agency has also participated in other District facilities which are not part of this agreement;

WHEREAS, the Agency desires to assign its capacity use rights in the District's pipeline facilities to the State, provided certain conditions are met as provided herein;

WHEREAS, the District, Agency, and the State have completed a feasibility report, entered into contracts entitled "California Aqueduct East Branch Extension to San Gorgonio Pass Participation Agreement" on February 20, 1996 [Preliminary Design] and "California Aqueduct East Branch Extension to San Gorgonio Pass Participant Agreement" on August 20, 1996 [Final Design and Construction] and, as a result thereof, the parties

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WATER SUPPLY CONTRACT**

desire the State to construct new conveyance and pumping facilities to complete the extension of the East Branch to the Agency's service area;

WHEREAS, such design and feasibility reports concluded that the facilities could be constructed at cost estimates as set out on Exhibits "B-1" and "B-2" of the Final Design and Construction Agreement;

WHEREAS, the District and the Agency desire to participate together in the new conveyance and pumping facilities of the East Branch Extension through the District's service area to Garden Air Creek, south of the San Bernardino-Riverside county line, and the Agency desires to participate in the new conveyance and pumping facilities of the East Branch Extension within its service area from Garden Air Creek, south of the San Bernardino-Riverside county line to the Little San Gorgonio Creek and South Noble Creek Spreading Grounds, as defined in the Final Design and Construction agreement;

WHEREAS, the State and the Agency desire to make certain changes and additions to the Contract, while otherwise continuing the Contract in full force and effect.

NOW THEREFORE, it is mutually agreed that the following changes and additions are hereby made to the Contract:

1. Article 1(hh) is amended to add item 11:
 11. The East Branch Extension Facilities
2. Article 24(b) is amended to change "Table B" to "Table B-1."

3. Article 24(h) is added to read:

h. Notwithstanding provisions of Article 24(a) through 24(d), capital costs associated with East Branch Extension Facilities as defined in Article 59(a) shall be collected under the East Branch Extension Transportation Charge [Article 59(b)].

4. Article 25(c) is amended to change "Table B" to "Table B-2."

5. Article 26(c) is amended to change "Table B" to "Table B-1" and "Table B-2."

6. Article 28(a) is amended to change "Table B" to "Table B-1" and "Table B-2."

7. Article 29(e) is amended to change "Table B" to "Table B-1" and "Table B-2."

8. Article 57 is intentionally left blank for future use.

9. Article 58 is intentionally left blank for future use.

10. Article 59 is added to read:

59. EAST BRANCH EXTENSION

a. East Branch Extension Facilities

"East Branch Extension Facilities" shall mean all SWP facilities on the Edmund G. Brown California Aqueduct, East Branch, beginning at the Devil Canyon Powerplant Afterbay and extending to the terminus at Noble Creek in the vicinity of Beaumont, Riverside County.

b. East Branch Extension Transportation Charge

The payments to be made by the Agency shall include an annual charge under the designation East Branch Extension Transportation Charge. The East Branch Extension Transportation Charge shall consist of a capital cost component. The capital cost component shall be sufficient to return to the State, an amount equal to

all capital costs allocated to the Agency and any financing costs allocated to the Agency which the State incurs for the East Branch Extension Facilities.

1. Financing of Allocated Capital Costs by Agency

A. The Agency may elect to pay a portion or all of the capital costs of the East Branch Extension Facilities allocated to the Agency by furnishing funds to the State either in advance of the State incurring the capital costs, or in advance of the State issuing long-term revenue bonds to finance such capital costs. The Agency may elect in writing to use this option as to any portion of the East Branch Extension Facilities not yet financed through long-term revenue bonds issued by the State.

B. Unless otherwise agreed to by the Agency and the State, interest earned on any funds advanced pursuant to this paragraph shall be credited to reduce payments due from the Agency under this Contract. Interest earned shall be calculated at the State's Surplus Money Investment Fund rate. If and to the extent the Agency elects to advance funds prior to the issuance by the State of short-term revenue bonds (including commercial paper notes), subparagraph (b)(2) of this article shall not apply to any portion of such funds advanced prior to the issuance by the State of short-term revenue bonds. If and to the extent the Agency elects to advance funds after the issuance by the State of short-term revenue bonds but before the issuance by the State of long-term revenue bonds, such advances for capital costs financed by the State with short-term revenue

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bonds shall include allocable financing costs for short-term revenue bonds including, but not limited to, allocable marketing expenses, line of credit fees, and interest charges calculated at the weighted average melded rate for the short-term revenue bonds.

2. State Revenue Bond Financing Costs

If the Agency does not advance all of the allocated capital costs of the East Branch Extension Facilities and the State issues revenue bonds or other debt instruments to finance all or a portion of such capital costs, the portion of allocated capital costs not advanced pursuant to subparagraph 1 shall be recovered from the Agency through a revenue bond charge each year that shall return to the State an amount equal to the Agency's allocated portion of the annual financing costs the State incurs in that year (or any prior year to the extent not previously recovered) for that portion of the East Branch Extension Facilities constructed in whole or in part with funds from revenue bonds.

Annual financing costs shall include, but not be limited to, the following items to the extent not provided for from revenue bond proceeds: bond marketing expenses, premiums for bond insurance or other credit enhancement, annual revenue bond principal and interest, and any additional requirements for bond debt service coverage and deposits to reserves. The State shall provide credits to the Agency for excess reserve funds, excess debt service coverage, interest, and other earnings of the State in connection with repayment of such revenue bond financing costs, when and as permitted by the bond resolution. When

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such credits are determined by the State to be available, such credits shall be provided to the Agency. Reserves, bond debt service coverage, interest, and other earnings may be used in the last year to retire the bonds.

3. State Non-Revenue Bond Financing Costs

The State may use any of its available funds other than revenue bonds to finance all or a portion of the capital costs of the East Branch Extension Facilities. Until revenue bonds or other debt instruments are issued by the State, the Agency shall pay interest at the State's Surplus Money Investment Fund rate on whatever funds are used for temporary financing.

4. East Branch Extension Minimum Operation, Maintenance, Power, and Replacement Costs

The Agency shall pay the minimum operation, maintenance, power, and replacement costs for the East Branch Extension Facilities as calculated and allocated according to Article 25. There shall be no separate minimum operation, maintenance, power, and replacement component of the East Branch Extension Transportation Charge.

5. East Branch Extension Variable Operation, Maintenance, Power, and Replacement Costs

The Agency shall pay the variable operation, maintenance, power, and replacement costs associated with deliveries of water through the East Branch Extension Facilities as calculated and allocated according to

**AMENDMENT NO. 15
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Article 26. There shall be no separate variable operation, maintenance, power, and replacement component of the East Branch Extension Transportation Charge.

11. Table A of the Contract is hereby amended by the following Table A:

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WATER SUPPLY CONTRACT

TABLE A
ANNUAL ENTITLEMENTS
(acre-feet)

Year	
1 (1972)	0
2 (1973)	0
3 (1974)	0
4 (1975)	0
5 (1976)	0
6 (1977)	0
7 (1978)	0
8 (1979)	0
9 (1980)	6,800
10 (1981)	7,800
11 (1982)	8,800
12 (1983)	9,800
13 (1984)	10,800
14 (1985)	11,800
15 (1986)	12,900
16 (1987)	14,000
17 (1988)	15,100
18 (1989)	16,200
19 (1990)	17,300
20 (1991)	17,300
21 (1992)	17,300
22 (1993)	17,300
23 (1994)	17,300
24 (1995)	17,300
25 (1996)	0
26 (1997)	0
27 (1998)	0
28 (1999)	2,000
29 (2000)	3,000
30 (2001)	4,000
31 (2002)	4,000
32 (2003)	5,000
33 (2004)	6,000
34 (2005)	6,500
35 (2006)	7,000
36 (2007)	7,500
37 (2008)	17,300
And each succeeding year thereafter, for the term of this contract as a maximum annual entitlement:	17,300

12. "Table B" is replaced by Tables B-1 and B-2 as follows:

TABLE B-1
PROPORTION OF CAPITAL COSTS OF PROJECT TRANSPORTATION FACILITIES
ALLOCATED TO
SAN GORGONIO PASS WATER AGENCY

AQUEDUCT REACH	TOTAL FOR PROJECT TRANSPORTATION FACILITIES			AGENCY PARTICIPATION				
	Total of Maximum Annual Entitlements of all Contractors Thousands of Acre/Feet per Year 1/2/4/	Total of Maximum Capacities in Cubic-Feet per Second 1/2/4/	Total Capital Cost Thousands of Dollars 2/	Maximum Annual Entitlement Thousands of Acre/Feet per Year 1/	Maximum Annual Entitlement to Total of Maximum Annual Entitlement	Maximum Capacity in Cubic-Feet Per Second 1/	Ratio Maximum Capacity to Total Capacity	Average of Ratios
CALIFORNIA AQUEDUCT								
DELTA THRU BETHANY RESERVOIR 3/	4,348,2020	8,424,64006		18.5455	0.00426510	31.19424	0.00370274	0.00398392
BETHANY RESERVOIR TO ORESTIMBA CREEK 3/	4,132,8950	8,123,69030		18.5430	0.00448669	31.19012	0.00383940	0.00415304
ORESTIMBA CREEK TO O NEILL FOREBAY 3/	4,105,8390	8,071,53349		18.4472	0.00449292	31.03244	0.00384468	0.00416880
O NEILL FOREBAY TO DOS AMIGOS PUMPING PLANT 3/	4,099,0950	8,060,43333		18.4169	0.00449292	30.98257	0.00384378	0.00416835
DOS AMIGOS PUMPING PLANT TO PANOCHE CREEK	4,092,0250	8,048,79659		18.3851	0.00449291	30.93023	0.00384284	0.00416737
PANOCHE CREEK TO FIVE POINTS	4,083,2250	8,034,31239		18.3456	0.00449292	30.86521	0.00384167	0.00416730
FIVE POINTS TO ARROYO PASAJERO	4,069,9700	8,012,49557		18.2860	0.00449291	30.76712	0.00383989	0.00416640
ARROYO PASAJERO TO KETTLEMAN CITY	4,065,7350	8,005,52505		18.2670	0.00449291	30.73584	0.00383933	0.00416612
KETTLEMAN CITY THRU MILHAM AVENUE	4,060,4000	7,996,74400		18.2430	0.00449291	30.69634	0.00383860	0.00416576
MILHAM AVENUE THRU AVENAL GAP	3,992,2500	7,798,18913		18.2426	0.00456950	30.69568	0.00393626	0.00425288
AVENAL GAP THRU TWISSELMAN ROAD	3,685,1000	7,025,27859		18.2106	0.00494168	30.64301	0.00436182	0.00465175
TWISSELMAN ROAD THRU LOST HILLS	3,631,6000	6,874,48639		18.1780	0.00500551	30.58936	0.00444969	0.00472760
LOST HILLS TO 7TH STANDARD ROAD	3,358,8000	6,069,93416		18.1430	0.00540163	30.53175	0.00503000	0.00521581
7TH STANDARD ROAD THRU ELK HILLS ROAD	3,228,6000	5,686,69118		18.1219	0.00561293	30.49702	0.00536288	0.00548790
ELK HILLS ROAD THRU TUPMAN ROAD	3,217,8000	5,663,96589		18.0820	0.00561937	30.43135	0.00537280	0.00549608
TUPMAN ROAD TO BUENA VISTA PUMPING PLANT	3,006,3000	5,127,16196		18.0635	0.00600855	30.40090	0.00592938	0.00596897
BUENA VISTA PUMPING PLANT THRU SANTIAGO CREEK	2,888,2000	4,812,20177		18.0268	0.00624153	30.34049	0.00630491	0.00627322
SANTIAGO CREEK THRU OLD RIVER ROAD	2,845,3000	4,691,43017		17.9931	0.00632380	30.28502	0.00645539	0.00638959
OLD RIVER ROAD TO WHEELER RIDGE PUMPING PLANT	2,780,8000	4,504,07343		17.9691	0.00646185	30.24552	0.00671515	0.00658850
WHEELER RIDGE PUMPING PLANT TO WIND GAP PUMPING PLANT	2,744,7000	4,401,18232		17.9458	0.00653835	30.20717	0.00686342	0.00670088
WIND GAP PUMPING PLANT TO A.D. EDMONDSTON PUMPING PLANT	2,673,9000	4,191,01625		17.9406	0.00670953	30.19861	0.00720556	0.00895754
A.D. EDMONSTON PUMPING PLANT TO CARLEY V. PORTER TUNNEL	2,582,5000	3,939,33144		17.9050	0.00693320	30.14002	0.00765105	0.00729213
CARLEY V. TUNNEL TO JUNCTION, WEST BRANCH CALIFORNIA AQUEDUCT	2,577,5000	3,930,21500		17.9050	0.00694665	30.14002	0.00766880	0.00730773
JUNCTION, WEST BRANCH CALIFORNIA AQUEDUCT THRU COTTONWOOD CHUTES	1,020,3000	1,617,25983		17.9043	0.01754807	30.13886	0.01863578	0.01909192
COTTONWOOD CHUTES TO FAIRMONT	1,019,5000	1,615,94309		17.8902	0.01754801	30.11566	0.01863658	0.01909230
FAIRMONT THRU 70TH STREET WEST	946,1000	1,499,21389		17.8235	0.01883892	30.00587	0.02001440	0.01942666
70TH STREET WEST TO PALMDALE	895,4000	1,428,23031		17.7557	0.01982991	29.89428	0.02093099	0.02038045
PALMDALE TO LITTLEROCK CREEK	874,9000	1,357,27504		17.6922	0.02022197	29.78976	0.02131990	0.02077093
LITTLEROCK CREEK TO PEARBLOSSOM PUMPING PLANT	860,0000	1,375,97931		17.6558	0.02053000	29.72985	0.02160632	0.02106816
PEARBLOSSOM PUMPING PLANT TO WEST FORK MOJAVE RIVER	848,4000	1,359,77122		17.6414	0.02079373	29.70615	0.02184643	0.02132008
WEST FORK MOJAVE RIVER TO SILVERWOOD LAKE	728,3120	1,180,92002		17.4272	0.02392821	29.35359	0.02485654	0.02439238
CEDAR SPRINGS DAM AND SILVERWOOD LAKE 5/ 6/ 7/	1,070,2975	1,872,64000		25.6883	0.02400111	2.11300	0.02908866	0.02843498
SILVERWOOD LAKE TO SOUTH PORTAL, SAN BERNARDINO TUNNEL	715,0000	1,203,34297		17.3000	0.02419580	31.54288	0.02621271	0.02520426
SOUTH PORTAL, SAN BERNARDINO TUNNEL THRU DEVIL CANYON POWERPLANT	715,0000	1,203,34297		17.3000	0.02419580	31.54288	0.02621271	0.02520426
EAST BRANCH EXTENSION PHASE I								
DEVIL CANYON POWERPLANT AFTERBAY TO JUNCTION					Facilities owned by SBVMWD and shared by SGPWA.			
FOOTHILL PIPELINE NEAR CONE CAMP ROAD					Costs will be allocated and charged pursuant to a three-party O&M agreement signed prior to completion of Phase I construction.			
JUNCTION, FOOTHILL PIPELINE NEAR CONE CAMP ROAD TO CRAFTON HILLS PUMP STATION								
CRAFTON HILLS PUMP STATION TO GARDEN AIR CREEK, SOUTH OF SAN BERNARDINO-RIVERSIDE COUNTY LINE	39.2380	72.00000		17.3000	0.44089913	32.00000	0.44444444	0.44267179
GARDEN AIR CREEK TO TERMINUS AT NOBLE CREEK	17.3000	32.00000		17.3000	1.00000000	32.00000	1.00000000	1.00000000
EAST BRANCH EXTENSION PHASE II								
DEVIL CANYON POWERPLANT AFTERBAY TO JUNCTION					Facilities owned by SBVMWD and shared by SGPWA.			
FOOTHILL PIPELINE NEAR CONE CAMP ROAD								
JUNCTION, FOOTHILL PIPELINE NEAR CONE CAMP ROAD TO MENTONE PUMP STATION					Cost allocation to be determined at time of completion of Phase II.			
MENTONE PUMP STATION TO CRAFTON HILLS PUMP STATION								
CRAFTON HILLS PUMP STATION TO GARDEN AIR CREEK SOUTH OF SAN BERNARDINO-RIVERSIDE COUNTY LINE	39.2380	88.00000		17.3000	0.44089913	48.00000	0.54545455	0.49317684
GARDEN AIR CREEK TO TERMINUS AT NOBLE CREEK	17.3000	32.00000		17.3000	1.00000000	32.00000	1.00000000	1.00000000

- 1/ As increased by an allowance to compensate for losses as provided in Article 24(b)(2).
- 2/ Based on maximum values after the end of the project development period.
- 3/ Costs allocated to water transportation.
- 4/ State capacity only.
- 5/ Reservoir capacity in thousands of acre-feet.
- 6/ Maximum Annual Entitlements represented as capacity in cubic-feet per second for conveyance through the reservoir, excluding reservoir losses.
- 7/ Average of Ratios is summation of ratio of Maximum Annual Entitlement and ratio for Maximum Capacity weighted by 0.11929152 and 0.8807048 respectively for Cedar Springs Dam and Silverwood Lake.

TABLE B-2
PROPORTION OF MINIMUM COSTS OF PROJECT TRANSPORTATION FACILITIES
ALLOCATED TO
SAN GORGONIO PASS WATER AGENCY

AQUEDUCT REACH	TOTAL FOR PROJECT TRANSPORTATION FACILITIES			AGENCY PARTICIPATION				
	Total of Maximum Annual Entitlements of all Contractors Thousands of Acre/Feet per Year 1/2/4/	Total of Maximum Capacities in Cubic-Feet per Second 1/2/4/	Minimum Annual Operating Cost Thousands of Dollars 2/	Maximum Annual Entitlement Thousands of Acre/Feet per Year 1/	Maximum Annual Entitlement to Total of Maximum Annual Entitlement	Maximum Capacity in Cubic-Feet Per Second 1/	Ratio Maximum Capacity to Total Capacity	Average of Ratios
CALIFORNIA AQUEDUCT								
DELTA THRU BETHANY RESERVOIR 3/	4,348.2020	8424.64006		18.5455	0.00426510	31.19424	0.00370274	0.00398392
BETHANY RESERVOIR TO ORESTIMBA CREEK 3/	4,132.8950	8123.69030		18.5430	0.00448669	31.19012	0.00383940	0.00416304
ORESTIMBA CREEK TO O NEILL FOREBAY 3/	4,105.8390	8071.53349		18.4472	0.00449292	31.03244	0.00384468	0.00416880
O NEILL FOREBAY TO DOS AMIGOS PUMPING PLANT 3/	4,099.0950	8060.43333		18.4169	0.00449292	30.98257	0.00384378	0.00416835
DOS AMIGOS PUMPING PLANT TO PANOCHÉ CREEK	4,092.0250	8048.79659		18.3851	0.00449291	30.93023	0.00384284	0.00416787
PANOCHÉ CREEK TO FIVE POINTS	4,083.2250	8034.31239		18.3456	0.00449292	30.86521	0.00384167	0.00416730
FIVE POINTS TO ARROYO PASAJERO	4,069.9700	8012.49557		18.2860	0.00449291	30.76712	0.00383989	0.00416640
ARROYO PASAJERO TO KETTLEMAN CITY	4,065.7350	8005.52505		18.2670	0.00449291	30.73584	0.00383933	0.00416612
KETTLEMAN CITY THRU MILHAM AVENUE	4,060.4000	8184.74400		18.2430	0.00449291	30.69634	0.00375043	0.00412167
MILHAM AVENUE THRU AVENAL GAP	3,992.2500	7986.18913		18.2426	0.00456950	30.69568	0.00384360	0.00420655
AVENAL GAP THRU TWISSELMAN ROAD	3,685.1000	7213.27859		18.2106	0.00494168	30.64301	0.00424814	0.00459491
TWISSELMAN ROAD THRU LOST HILLS	3,631.6000	7062.48639		18.1760	0.00500551	30.58936	0.00433125	0.00466838
LOST HILLS TO 7TH STANDARD ROAD	3,358.8000	6257.93416		18.1430	0.00540163	30.53175	0.00487889	0.00514026
7TH STANDARD ROAD THRU ELK HILLS ROAD	3,228.6000	5874.69118		18.1219	0.00561293	30.49702	0.00519126	0.00540209
ELK HILLS ROAD THRU TUPMAN ROAD	3,217.8000	5851.96589		18.0820	0.00561937	30.43135	0.00520019	0.00540978
TUPMAN ROAD TO BUENA VISTA PUMPING PLANT	3,006.3000	5315.16196		18.0635	0.00600855	30.40090	0.00571966	0.00586410
BUENA VISTA PUMPING PLANT THRU SANTIAGO CREEK	2,888.2000	5000.20177		18.0268	0.00624153	30.34049	0.00606785	0.00615469
SANTIAGO CREEK THRU OLD RIVER ROAD	2,845.3000	4879.43017		17.9931	0.00632380	30.28502	0.00620667	0.00626523
OLD RIVER ROAD TO WHEELER RIDGE PUMPING PLANT	2,780.8000	4692.07343		17.9691	0.00646185	30.24552	0.00644609	0.00645397
WHEELER RIDGE PUMPING PLANT TO WIND GAP PUMPING PLANT	2,744.7000	4589.18232		17.9458	0.00653835	30.20717	0.00658226	0.00656030
WIND GAP PUMPING PLANT TO A.D. EDMONDSTON PUMPING PLANT	2,673.9000	4379.01625		17.9406	0.00670953	30.19861	0.00689621	0.00680287
A.D. EDMONDSTON PUMPING PLANT TO CARLEY V. PORTER TUNNEL	2,582.5000	4127.33144		17.9050	0.00693320	30.14002	0.00730254	0.00711787
CARLEY V. TUNNEL TO JUNCTION, WEST BRANCH CALIFORNIA AQUEDUCT	2,577.5000	4118.21500		17.9050	0.00694665	30.14002	0.00731871	0.00713268
JUNCTION, WEST BRANCH CALIFORNIA AQUEDUCT THRU COTTONWOOD CHUTES	1,020.3000	1617.25983		17.9043	0.01754807	30.13886	0.01863576	0.01809192
COTTONWOOD CHUTES TO FAIRMONT	1,019.5000	1615.94309		17.8902	0.01754801	30.11566	0.01863658	0.01809230
FAIRMONT THRU 70TH STREET WEST	946.1000	1499.21389		17.8235	0.01883892	30.00587	0.02001440	0.01942666
70TH STREET WEST TO PALMDALE	895.4000	1428.23031		17.7557	0.01982991	29.89428	0.02093099	0.02038045
PALMDALE TO LITTLEROCK CREEK	874.9000	1397.27500		17.6922	0.02022197	29.78976	0.02131990	0.02077093
LITTLEROCK CREEK TO PEARBLOSSOM PUMPING PLANT	860.0000	1375.97931		17.6558	0.02053000	29.72965	0.02160632	0.02106816
PEARBLOSSOM PUMPING PLANT TO WEST FORK MOJAVE RIVER	848.4000	1359.77122		17.6414	0.02079373	29.70615	0.02184643	0.02132008
WEST FORK MOJAVE RIVER TO SILVERWOOD LAKE	728.3120	1180.92002		17.4272	0.02392821	29.35359	0.02485654	0.02439238
CEDAR SPRINGS DAM AND SILVERWOOD LAKE 5/ 6/ 7/	1,070.2975	1872.64000		25.6883	0.02400111	2.11300	0.02908866	0.02843498
SILVERWOOD LAKE TO SOUTH PORTAL SAN BERNARDINO TUNNEL	715.0000	2011.34297		17.3000	0.02419580	31.54288	0.01568250	0.01993915
SOUTH PORTAL, SAN BERNARDINO TUNNEL THRU DEVIL CANYON POWERPLANT	715.0000	1203.34297		17.3000	0.02419580	31.54288	0.02621271	0.02520426

EAST BRANCH EXTENSION PHASE I

DEVIL CANYON POWERPLANT AFTERBAY TO JUNCTION FOOTHILL PIPELINE NEAR CONE CAMP ROAD	Facilities owned by SBVMWD and shared by SGPWA.							
JUNCTION, FOOTHILL PIPELINE NEAR CONE CAMP ROAD TO CRAFTON HILLS PUMP STATION	Costs will be allocated and charged pursuant to a three-party O&M agreement signed prior to completion of Phase I construction.							
CRAFTON HILLS PUMP STATION TO GARDEN AIR CREEK								
SOUTH OF SAN BERNARDINO-RIVERSIDE COUNTY LINE	39.2380	72.00000		17.3000	0.44089913	32.00000	0.44444444	0.44267179
GARDEN AIR CREEK TO TERMINUS AT NOBLE CREEK	17.3000	32.00000		17.3000	1.00000000	32.00000	1.00000000	1.00000000

EAST BRANCH EXTENSION PHASE II

DEVIL CANYON POWERPLANT AFTERBAY TO JUNCTION FOOTHILL PIPELINE NEAR CONE CAMP ROAD	Facilities owned by SBVMWD and shared by SGPWA.							
JUNCTION, FOOTHILL PIPELINE NEAR CONE CAMP ROAD TO MENTONE PUMP STATION	Cost allocation to be determined at time of completion of Phase II.							
MENTONE PUMP STATION TO CRAFTON HILLS PUMP STATION								
CRAFTON HILLS PUMP STATION TO GARDEN AIR CREEK								
SOUTH OF SAN BERNARDINO-RIVERSIDE COUNTY LINE	39.2380	88.00000		17.3000	0.44089913	48.00000	0.54545455	0.49317684
GARDEN AIR CREEK TO TERMINUS AT NOBLE CREEK	17.3000	32.00000		17.3000	1.00000000	32.00000	1.00000000	1.00000000

1/ As increased by an allowance to compensate for losses as provided in Article 24(b)(2).

2/ Based on maximum values after the end of the project development period.

3/ Costs allocated to water transportation.

4/ State capacity only.

5/ Reservoir capacity in thousands of acre-feet.

6/ Maximum Annual Entitlements represented as capacity in cubic-feet per second for conveyance through the reservoir, excluding reservoir losses.

7/ Average of Ratios is summation of ratio of Maximum Annual Entitlement and ratio for Maximum Capacity weighted by 0.11929152 and 0.8807048 respectively for Cedar Springs Dam and Silverwood Lake.

13. Table H is amended to read:

TABLE H

**PROJECT TRANSPORTATION FACILITIES
SAN GORGONIO PASS WATER AGENCY**

1. The California Aqueduct extending to a turnout at the Devil Canyon Powerplant Afterbay, to the extent such aqueduct is determined by the State to be required for water transportation.

2. An East Branch Extension Aqueduct, beginning on the East Branch Aqueduct at the Devil Canyon Powerplant Afterbay and extending to a terminus at Noble Creek in the vicinity of Beaumont, Riverside County.

14. Table I is amended to add the East Branch Extension reaches:

TABLE I
AQUEDUCT REACHES
SAN GORGONIO PASS WATER AGENCY

<u>Aqueduct Reach</u>	<u>Major Features of Reach</u>
EAST BRANCH EXTENSION PHASE I	
Devil Canyon Powerplant Afterbay to Junction, Foothill Pipeline near Cone Camp Road	Foothill Pipeline
Junction, Foothill Pipeline near Cone Camp Road to Crafton Hills Pump Station	Foothill Pipeline SARC Pipeline Greenspot Pump Station Annex Morton Canyon Pipeline Greenspot Pipelines
Crafton Hills Pump Station to Garden Air Creek, south of San Bernardino-Riverside County Line	Crafton Hills Pump Station Crafton Hills Pipeline Bryant Pipeline
Garden Air Creek to Terminus at Noble Creek	Singleton Pipeline Cherry Valley Pump Station Noble Creek Pipeline
EAST BRANCH EXTENSION PHASE II	
Devil Canyon Powerplant Afterbay to Junction, Foothill Pipeline near Cone Camp Road	Foothill Pipeline
Junction, Foothill Pipeline near Cone Camp Road to Mentone Pump Station	South leg of Mentone Connector Pipeline Mentone Reservoir
Mentone Pump Station to Crafton Hills Pump Station	Mentone Pump Station East leg of Mentone Connector Pipeline

**AMENDMENT NO. 15
WATER SUPPLY CONTRACT**

Aqueduct Reach

Major Features of Reach

EAST BRANCH EXTENSION PHASE II (Continued)

Crafton Hills Pump Station to
Garden Air Creek, south of
San Bernardino-Riverside
County Line

Crafton Hills Pump Station
Crafton Hills Pipeline
Bryant Pipeline

Garden Air Creek to
Terminus at Noble Creek


Singleton Pipeline
Cherry Valley Pump Station
Noble Creek Pipeline

AMENDMENT NO. 15
WATER SUPPLY CONTRACT


IN WITNESS WHEREOF, the parties hereto execute this Contract amendment on the date first above written.

Approved as to legal form
and sufficiency:

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES



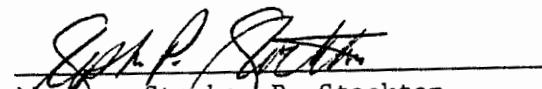
Susan M. Weber
Chief Counsel
Department of Water Resources



David N. Kennedy
Director

Attest:


SAN GORGONIO PASS WATER AGENCY



Name : Stephen P. Stockton



Title : General Manager/Chief Engineer



Name : Philip J. Lamm

Title: President, Board of Directors

State of California
The Resources Agency
DEPARTMENT OF WATER RESOURCES

AMENDMENT NO. 16 TO THE WATER SUPPLY CONTRACT
BETWEEN
THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
AND
SAN GORGONIO PASS WATER AGENCY

This Amendment is made this 28th day of May, 2003,

pursuant to the provisions of the California Water Resources Development Bond Act, the Central Valley Project Act, and other applicable laws of the State of California, between the State of California, acting by and through its Department of Water Resources, hereinafter referred to as the "State," and San Gorgonio Pass Water Agency, hereinafter referred to as the "Agency."

RECITALS

- A. The State and the Agency entered into and subsequently amended a water supply contract (the "contract") providing that the State shall supply certain quantities of water to the Agency and providing that the Agency shall make certain payments to the State, and setting forth the terms and conditions of such supply and such payments.
- B. On December 1, 1994, the State and representatives of certain State Water Project contractors executed a document entitled "Monterey Agreement – Statement of Principles – By The State Water Contractors And The State Of

California Department Of Water Resources For Potential Amendments To The State Water Supply Contracts" (the "Monterey Agreement").

- C. The State, the Central Coast Water Authority ("CCWA") and those contractors intending to be subject to the Monterey Agreement subsequently negotiated an amendment to their contracts to implement provisions of the Monterey Agreement, and such amendment was named the "Monterey Amendment."
- D. In October 1995, an environmental impact report ("EIR") for the Monterey Amendment was completed and certified by CCWA as the lead agency, and thereafter the Agency and the State executed the Monterey Amendment.
- E. The EIR certified by the CCWA was challenged by several parties (the "Plaintiffs") in the Sacramento County Superior Court and thereafter in the Third District Court of Appeal, resulting in a decision in Planning and Conservation League, et al. v. Department of Water Resources, 83 Cal.App.4th 892 (2000), which case is hereinafter referred to as "PCL v. DWR."
- F. In its decision, the Court of Appeal held that (i) the Department of Water Resources ("DWR"), not CCWA, had the statutory duty to serve as lead agency, (ii) the trial court erred by finding CCWA's EIR sufficient despite its failure to discuss implementation of Article 18, subdivision (b) of the State Water Project contracts, as a no-project alternative, (iii) said errors mandate preparation of a new EIR under the direction of DWR, and (iv) the trial court erroneously dismissed the challenge to DWR's transfer of title to certain lands to Kern County

Water Agency (the "Validation Cause of Action") and execution of amended State Water Project contracts for failure to name and serve indispensable parties. The Court of Appeal remanded the case to the trial court, ordering it to take the following five actions: (1) vacate the trial court's grant of the motion for summary adjudication of the Validation Cause of Action; (2) issue a writ of mandate vacating the certification of the EIR; (3) determine the amount of attorney fees to be awarded Plaintiffs; (4) consider such orders it deems appropriate under Public Resources Code Section 21168.9(a) consistent with the views expressed in the Appellate Court's opinion; and (5) retain jurisdiction over the action until DWR, as lead agency, certifies an environmental impact report in accordance with CEQA standards and procedures, and the Superior Court determines that such environmental impact report meets the substantive requirements of CEQA.

G. The State, the contractors, and the Plaintiffs in PCL v. DWR reached an agreement to settle PCL v. DWR, as documented by that certain Settlement Agreement dated MAY 5 2003, 2003 (the "Settlement Agreement"), and in such Settlement Agreement have agreed that the contracts should be amended, for clarification purposes, to delete terms such as "annual entitlement" and "maximum annual entitlement" so that the public, and particularly land use planning agencies, will better understand the contracts.

H. Pursuant to the Settlement Agreement, the State and the Agency desire to so amend the Agency's contract, with the understanding and intent that the amendments herein with respect to subsections (k), (l), and (m) of Article 1,

subsection (b) of Article 6, and subsection (a) of Article 16, and to Table A of the Agency's contract are solely for clarification purposes and that such amendments are not intended to and do not in any way change the rights, obligations or limitations on liability of the State or the Agency established by or set forth in the contract.

- I. Pursuant to the Settlement Agreement, the State, the contractors and the Plaintiffs in PCL v. DWR also agreed that the contracts should be amended to include a new Article 58 addressing the determination of dependable annual supply of State Water Project water to be made available by existing Project facilities, and the State and Agency desire to so amend the Agency's contract.

NOW THEREFORE, IT IS MUTUALLY AGREED, as follows:

1. Article 1(l) is amended to read:

(l) Annual Table A Amount

"Annual Table A Amount" shall mean the amount of project water set forth in Table A of this contract that the State, pursuant to the obligations of this contract and applicable law, makes available for delivery to the Agency at the delivery structures provided for the Agency. The term Annual Table A Amount shall not be interpreted to mean that in each year the State will be able to make that quantity of project water available to the Agency. The Annual Table A Amounts and the terms of this contract reflect an expectation that under certain conditions the Agency will receive its full Annual Table A Amount; but that under other

conditions only a lesser amount, allocated in accordance with this contract, may be made available to the Agency. This recognition that full Annual Table A Amounts will not be deliverable under all conditions does not change the obligations of the State under this contract, including but not limited to, the obligations to make all reasonable efforts to complete the project facilities, to perfect and protect water rights, and to allocate among contractors the supply available in any year, as set forth in Articles 6(b), 6(c), 16(b) and 18, in the manner and subject to the terms and conditions of those articles and this contract. Where the term "annual entitlement" appears elsewhere in this contract, it shall mean "Annual Table A Amount." The State agrees that in future amendments to this and other contractor's contracts, in lieu of the term "annual entitlement," the term "Annual Table A Amount" will be used and will have the same meaning as "annual entitlement" wherever that term is used.

2. Article 1(m) is amended to read:

(m) Maximum Annual Table A Amount

"Maximum annual entitlement" shall mean the maximum annual amounts set forth in Table A of this contract, and where the term "maximum annual entitlement" appears elsewhere in this contract it shall mean "Maximum Annual Table A Amounts."

3. Article 1(k) is amended to read:

(k) Minimum Project Yield

"Minimum project yield" shall mean the dependable annual supply of project water to be made available assuming completion of the initial project conservation facilities and additional project conservation facilities. The project's capability of providing the minimum project yield shall be determined by the State on the basis of coordinated operations studies of initial project conservation facilities and additional project conservation facilities, which studies shall be based upon factors including but not limited to: (1) the estimated relative proportion of deliveries for agricultural use to deliveries for municipal use assuming Maximum Annual Table A Amounts for all contractors and the characteristic distributions of demands for these two uses throughout the year; and (2) agreements now in effect or as hereafter amended or supplemented between the State and the United States and others regarding the division of utilization of waters of the Delta or streams tributary thereto.

4. Article 6(b) is amended to read:

(b) Agency's Annual Table A Amounts

Commencing with the year of initial water delivery to the Agency, the State each year shall make available for delivery to the Agency the amounts of project water

designated in Table A of this contract, which amounts shall be subject to change as provided for in Article 7(a) and are referred to in this contract as the Agency's Annual Table A Amounts.

5. Article 16(a) is amended to read:

(a) Limit on Total of all Maximum Annual Table A Amounts

The Agency's Maximum Annual Table A Amount hereunder, together with the maximum Table A amounts of all other contractors, shall aggregate no more than 4,185,000 acre-feet of project water.

6. Article 57 is intentionally left blank for future use.

7. Article 58 is added to read:

58. Determination of Dependable Annual Supply of Project Water to be Made Available by Existing Project Facilities.

In order to provide current information regarding the delivery capability of existing project conservation facilities, commencing in 2003 and every two years thereafter the State shall prepare and mail a report to all contractors, and all California city, county, and regional planning departments and agencies within the contractors' project service areas. This report will set forth, under a range of hydrologic conditions, estimates of overall delivery capability of the existing project facilities and of supply availability to each contractor in accordance with other provisions of the contractors' contracts. The range of hydrologic conditions shall include the delivery capability in the driest year of record, the average over

the historic extended dry cycle and the average over the long-term. The biennial report will also include, for each of the ten years immediately preceding the report, the total amount of project water delivered to all contractors and the amount of project water delivered to each contractor.


8. Add the following language at the bottom of Table A:

In any year, the amounts designated in this Table A shall not be interpreted to mean that the State is able to deliver those amounts in all years. Article 58 describes the State's process for providing current information for project delivery capability.

9. Except for Article 58, the changes made by this amendment are solely for clarification purposes, and are not intended to nor do they in any way change the rights, obligations or limitations on liability of the State or the Agency established by or set forth in the contract, and this amendment shall be interpreted in accordance with this intent.
10. At the time of execution of this Agreement and thereafter, the effectiveness of this Amendment is dependent upon the effectiveness of the Agency's Monterey Amendment (all provisions therein) and the Kern Fan Element Transaction.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the
date first above written.

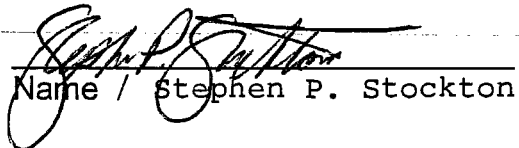
Approved as to legal form
and sufficiency:


Chief Counsel
Department of Water Resources

STATE OF CALIFORNIA
DEPARTMENT OF WATER
RESOURCES


Director

SAN GORGONIO PASS WATER AGENCY


Name / Stephen P. Stockton

Title/ General Manager/Chief Engineer

APPENDIX E

RESOLUTION NO. 2015-05

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN GORGONIO PASS WATER AGENCY
TO ADOPT FACILITY CAPACITY FEES FOR
FACILITIES AND WATER**

WHEREAS, the San Gorgonio Pass Water Agency (SGPWA) is a public agency formed and existing pursuant to Article 101 of the California Water Code Appendix (SGPWA Act) in 1961; and

WHEREAS, SGPWA entered into a contract with the California Department of Water Resources (DWR) in 1962 for a Table A amount of water capacity in the California State Water Project (SWP) which is currently 17,300 acre feet per year (AFY) to bring supplemental water to the SGPWA service area; and

WHEREAS, there is a need to meet future increasing demands for SGPWA supplemental water to the SGPWA service area which will require additional water facilities to be constructed to distribute water and to acquire additional water rights to meet future increasing demands; and

WHEREAS, the Board of Directors finds and determines that the present existing water importation, production, transportation, delivery facilities and water supplies are inadequate to meet anticipated demand; and

WHEREAS, Section 101 – 27.1(a) of the SGPWA Act authorizes SGPWA to impose a facility capacity fee, which is in the nature of a connection fee, for the right to make a new retail connection to the water distribution system of any retail water distributor that is located within the boundaries of the SGPWA and that obtains all or any portion of its water supplies from SGPWA; and

WHEREAS, Section 101- 27.1(c) also provides the facility capacity fee referred to in subdivision (a) shall be adopted, established, and imposed only following a public hearing and in accordance with the requirements set forth in Chapter 5 (commencing with Section 66000 of Division 1 of Title 7 of the Government Code as it now exists or may hereafter be amended; and

WHEREAS, the Facility Capacity Fee as set forth in the SGPWA Act, Sections 101 – 27.1 (a) through (i) will assist SGPWA to fund (1) the purchase of capacity in existing pipeline systems owned by other public agencies; (2) and additional basin recharge project for underground water storage in the Beaumont groundwater basin, including land purchases associated with such basin activity; and (3) the purchase of new water and/or water rights and entitlements to meet future water demand; and

WHEREAS, pursuant to Section 101 – 27.1 of the SGPWA Act, SGPWA has prepared a Capacity Fee Study (Study) to support the need for additional water facilities and new water and/or water rights in that the existing facilities are not adequate to meet the future increasing water needs in the SGPWA service area; and

WHEREAS, the Study meets the requirements of Section 101 – 27.1 and Government Code Section 66013 to ensure that the Facility Capacity Fee does not exceed the estimated reasonable cost of providing the service for which the fee is imposed and provides a clear and concise document that will serve as the basis for the proposed fee levels; and

WHEREAS, SGPWA has provided all of the notices prior to and conducted a public hearing on July 27, 2015 required by Section 101 – 27.1 (c) of the Agency Act; and

WHEREAS, SGPWA after close of the hearing considered the Study, and proposed Findings.

NOW THEREFORE BE IT HEREBY RESOLVED

1. The matters set forth in the recitals to this Resolution are true and correct statements and are made findings and determinations of the Board of Directors.
2. That the Findings as set forth on Attachment 1 concerning the Study are hereby adopted.
3. The Board of Directors finds that the Facility Capacity Fees as defined in the Study and the Findings are for the purpose of obtaining funds for capital projects necessary to maintain service within SGPWA as set forth in this Resolution and, therefore, the establishment of such fees is not subject to the California Environmental Quality Act.
4. That the Study is hereby approved.
5. That the Facility Capacity Fees as set forth in the Study and on Attachment 2 hereof are hereby adopted and shall take effect immediately.
6. The General Manager is authorized to contract with the counties in which it is located and with the cities within the SGPWA for the collection of the Facility Capacity Fee along with building permit fees or other fees related to the improvement of property, or may contract for collection of the Facility Capacity Fees by the water retail distributors (SGPWA Act 101 – 27.1 (f)).
7. The Facility Capacity Fee component shall be automatically adjusted without further action of the Board effective on July 1st of each year, beginning July 1, 2016, by a percentage equal to the change in Construction Cost Index for Los Angeles as published by Engineering New Record for the preceding twelve months as set forth in the Study.
8. The Facility Fee component of the facility capacity fee shall be reviewed periodically as determined by the General Manager to determine if changes are needed and reasonable in unit prices, facility requirements, and water demands and demographics in order to ensure that Facility Fee cost allocations are reasonable and that collections over time will fund the required facilities.
9. The Water Capacity Fee component shall be reviewed annually in the month of July, commencing July 1, 2016 to adjust the Water Capacity Fee by a reasonable percentage based on the cost of actual water purchases, an updated water rights appraisal or comparisons of recent

purchases of additional water rights by statewide municipalities and special districts over the preceding twelve months.

10. The General Manager is further authorized to take any and all other actions to implement and carry out this resolution.

11. All resolutions or administrative actions by the Board of Directors, or parts thereof that are inconsistent with any provision of this Resolution are hereby superseded only by this Resolution to the extent of such inconsistency.

12. If any section, subsection, clause, sentence, or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares it would have passed this Resolution and each section, sentence, clause or phrase thereof, irrespective of the fact that all or more sections, subsections, clauses, sentences, or phrase are held invalid.

13. The Resolution shall take effect immediately.

AYES:

NOES:

DATE: July 27, 2015

SAN GORGONIO PASS WATER AGENCY

By _____
Secretary of the Board of Directors

APPENDIX F

STATE CLEARINGHOUSE

2003 AUG 12 PM 4:46

STATE CLEARINGHOUSE

1. Project Title: Annexation of 1,200 Acres to Beaumont Cherry Valley Water District
2. Lead Agency: Beaumont Cherry Valley Water District
3a. Street Address: 260 Magnolia Avenue
3c. County: Riverside County
4. Contact Person: Charles J. Buncher, General Manager
5b. City: Beaumont, California 92227
6c. Phone: 951/245-0981

Project Location: The Beaumont Cherry Valley Water District (District) serves the City of Beaumont and the community of Cherry Valley located in the north-west part of Riverside County. The District is located in between the cities of California and Yucca to the west and the City of Perris to the east. The District's present service area covers approximately 7 square miles, virtually all of which is in Riverside County. The District's ultimate service planning area encompasses an area of approximately 40 square miles. The annexation area is within the corporate limits of the City of Beaumont and bounded by Highland Springs Avenue on the east, Magnolia Avenue on the north, Cherry Avenue on the west, and 8th Street on the south. Interstate 10 (I-10) is located south of the project area and travels parallel to 8th Street and continues easterly, intersecting with Highland Springs Avenue and through to the City of Perris.

4. County: Riverside County
4b. Assessor's Parcel No.: N/A
5a. Cross Street: Highland Springs, Brookside Ave., Cherry Ave., 8th St
6. Within 2 miles: a. State Hwy # 1-10
b. Railways: N/A
4c. City/Community: Beaumont
5c. Section: N/A, Twp: N/A, Range: N/A
5b. For Rural, Nearest Community: N/A
6b. Airports: N/A
6d. Waterways: Perris Creek

7. Document Type
CEQA: 01. ☐ NOP 05. ☐ Supplemental Statement EIR - N/A 06. ☐ NOA OTHER: 13. ☐ Joint Document
02. ☐ Early Cons 07. ☐ NOI 14. ☐ Final Document
03. ☐ Neg Dec 08. ☐ NCC 15. ☐ Other
04. ☐ Draft EIR 09. ☐ NOD 12. ☐ EA

8. Local Action Type
01. ☐ General Plan Update 05. ☐ Annexation 09. ☐ Rezone 12. ☐ Waste Mgmt Plan
02. ☐ New Element 06. ☐ Specific Plan 10. ☐ Land Use Change 13. ☐ Cancel Ag Preserve
03. ☐ General Plan Amendment 07. ☐ Community Plan 11. ☐ Use Permit 14. ☐ Other
04. ☐ Master Plan 08. ☐ Redevelopment

9. Development Type
01. ☐ Residential: Units: _____ Acres: _____ 07. ☐ Mining: Mineral: _____
02. ☐ Office: Sq. ft.: _____ Acres: _____ Employees: _____ 08. ☐ Power: Type: _____ Watt: _____
03. ☐ Shopping/Commercial: Sq. ft.: _____ Acres: _____ Employees: _____ 09. ☐ Waste Treatment: Type: _____
04. ☐ Industrial: Sq. ft.: _____ Acres: _____ Employees: _____ 10. ☐ DCS Related
05. ☐ Water Facilities: MOD: _____ 11. ☐ Other: Application to water district
06. ☐ Transportation: Type: _____

10. Total Acres: Approximately 1,200 acres 11. Total Jobs Created: N/A

12. Project Issues Discussed in Document
01. ☐ Architectural/Visual 09. ☐ Geologic/Seismic 17. ☐ Social 25. ☐ Wetland/Riparian
02. ☐ Agricultural Land 10. ☐ Jobs/Housing Balance 18. ☐ Soil Erosion 26. ☐ Wildlife
03. ☐ Air Quality 11. ☐ Minerals 19. ☐ Solid Waste 27. ☐ Growth Inducing
04. ☐ Archaeological/Historical 12. ☐ Noise 20. ☐ Toxic/Hazardous 28. ☐ Incompatible Land Use
05. ☐ Coastal Zone 13. ☐ Public Services 21. ☐ Traffic/Circulation 29. ☐ Cumulative Effects
06. ☐ Economic 14. ☐ Schools 22. ☐ Vegetation 30. ☐ Other
07. ☐ Fire Hazard 15. ☐ Seismic Systems 23. ☐ Water Quality
08. ☐ Flooding/Drainage 16. ☐ Sewer Capacity 24. ☐ Water Supply

13. Funding (approx.): Federal \$: N/A State \$: _____ Total \$: _____

14. Present Land Use and Zoning: Vacant Agricultural and Debrah Specific Plan

15. Project Description: The proposed project consists of actions necessary to annex approximately 1,200 acres to the Beaumont Cherry Valley Water District (District). The approximately 1,200 acres proposed for annexation are within the District's current Sphere of Influence (SOI). The annexation area is comprised of relatively level terrain throughout the entire area.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 8-8-2003

SCH COMPLIANCE 9-8-2003

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2002081084
Please forward late comments directly to the Lead Agency

AQMD/APCD 33
(Resources: 8, 9)

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	State/Consumer Svcs
<input type="checkbox"/> Boating & Waterways	General Services
<input type="checkbox"/> Coastal Comm	Cal EPA
<input type="checkbox"/> Colorado Rvr Bd	ARB - Airport Projects
<input checked="" type="checkbox"/> Conservation	ARB - Transportation Projects
<input checked="" type="checkbox"/> Fish & Game # 6	ARB - Major Industrial Projects
<input type="checkbox"/> Delta Protection Comm	Integrated Waste Mgmt Bd
<input type="checkbox"/> Forestry & Fire Prot	SWRCB: Clean Wtr Prog
<input type="checkbox"/> Historic Preservation	SWRCB: Wtr Quality
<input checked="" type="checkbox"/> Parks & Rec	SWRCB: Wtr Rights
<input type="checkbox"/> Reclamation Board	<input checked="" type="checkbox"/> Reg. WQCB # 7
<input type="checkbox"/> Bay Cons & Dev. Comm	<input checked="" type="checkbox"/> Toxic Sub Ctrl-CTC
<input checked="" type="checkbox"/> DWR	Yth/Adlt Corrections
<input type="checkbox"/> OES (Emergency Svcs)	Corrections
<input type="checkbox"/> Bus Transp Hous	Independent Comm
<input type="checkbox"/> Aeronautics	Energy Commission
<input checked="" type="checkbox"/> CHP	<input checked="" type="checkbox"/> NAHC
<input checked="" type="checkbox"/> Caltrans # 8	Public Utilities Comm
<input type="checkbox"/> Trans Planning	Santa Monica Mtns
<input type="checkbox"/> Housing & Com Dev	State Lands Comm
<input checked="" type="checkbox"/> Food & Agriculture	Tahoe Rgl Plan Agency
<input checked="" type="checkbox"/> Health Services	Other: _____

Statement 5014351

Notice of Completion and Environmental Document Transmittal Form

Mail to: State Clearinghouse, 1400 Trinity Street, Sacramento, CA 95814 -- 916/445-0613

See NOTE below

SCH # 2002081084

1. Project Title: Acquisition of 1,200 Acres to Reamont Cherry Valley Water District
2. Lead Agency: Reamont Cherry Valley Water District
3. Contact Person: Charles J. Butler, General Manager
- 3a. Street Address: 240 Mendota Avenue
- 3b. City: Bismarck, California 92721
- 3c. County: Riverside County
- 3d. Phone: 909-441-9181

Project Location: The Reamont Cherry Valley Water District (District) serves the City of Reamont and the community of Cherry Valley located in the north-west part of Riverside County. The District is located in between the cities of Calimesa and Yucaipa to the west and the City of Hemet to the east. The District's current service area covers approximately 7 square miles, virtually all of which is in Riverside County. The District's ultimate service plan area encompasses an area of approximately 40 square miles. The acquisition area is within the ultimate limits of the City of Reamont and bounded by Highland Springs Avenue on the east, Riverside Avenue on the north, Cherry Avenue on the west, and 1st Street on the south. Interstate 10 (I-10) is located south of the project area and travels parallel to 6th Street and continues eastward, intersecting with Highland Springs Avenue and through the City of Hemet.

4. County: Riverside County
- 4a. City/Community: Reamont
- 4b. Assessor's Parcel No.: N/A
- 4c. Section: N/A Twp: N/A Range: N/A
- 4d. Cross Streets: Highland Springs, Broadway Ave., Cherry Ave., 6th St.
- 4e. Post Rural, Nearest Community: N/A
- 4f. Within 2 miles: 6a. State Hwy # 1-10
- 4g. Airports: N/A
- 4h. Railways: N/A
- 4i. Waterways: Cotton Creek

7. Document Type
- CEQA: 01. ☐ NOP
02. ☐ Early Cons
03. ☐ Neg Dec
04. ☐ Draft EIR
05. ☐ Supplement/Subsequent EIR
06. ☐ EIR
07. ☐ NCC
08. ☐ NOD
09. ☐ NEPA
10. ☐ NEPA
11. ☐ NEPA
12. ☐ NEPA
13. ☐ Joint Document
14. ☐ Final Document
15. ☐ Other

8. Local Action Type
01. ☐ General Plan Update
02. ☐ New Element
03. ☐ General Plan Amendment
04. ☐ Master Plan
05. ☐ Annexation
06. ☐ Specific Plan
07. ☐ Community Plan
08. ☐ Redevelopment
09. ☐ Rezone
10. ☐ Land Use Planning Subproject
11. ☐ Use Permit
12. ☐ Waste Mgmt Plan
13. ☐ Cancel Ag Preserve
14. ☐ Other

9. Development Type
01. ☐ Residential
02. ☐ Office
03. ☐ Shopping/Commercial
04. ☐ Industrial
05. ☐ Water Facilities
06. ☐ Transportation
07. ☐ Mining
08. ☐ Power
09. ☐ Waste Treatment
10. ☐ OCS Related
11. ☐ Other
12. ☐ Mineral
13. ☐ Other
14. ☐ Other
15. ☐ Other

10. Total Acres: Approximately 1,200 acres
11. Total Jobs Created: None

12. Project Issues Discussed in Document
01. ☐ Aesthetics/Visual
02. ☐ Agricultural Land
03. ☐ Air Quality
04. ☐ Archaeological/Historical
05. ☐ Coastal Zone
06. ☐ Economic
07. ☐ Fire Hazard
08. ☐ Flooding/Drainage
09. ☐ Geologic/Seismic
10. ☐ Job/Housing Balance
11. ☐ Minerals
12. ☐ Noise
13. ☐ Public Services
14. ☐ Schools
15. ☐ Septic Systems
16. ☐ Sewer Capacity
17. ☐ Social
18. ☐ Soil Erosion
19. ☐ Solid Waste
20. ☐ Toxic/Hazardous
21. ☐ Traffic/Circulation
22. ☐ Vegetation
23. ☐ Water Quality
24. ☐ Water Supply
25. ☐ Wetland/Riparian
26. ☐ Wildlife
27. ☐ Growth Including
28. ☐ Incompatible Land Use
29. ☐ Cumulative Effects
30. ☐ Other

13. Funding (approx.): Federal \$ N/A State \$ Total \$

14. Present Land Use and Zoning: Vacant Agricultural and Design Specific Plan

15. Project Description: The proposed project consists of actions necessary to annex approximately 1,200 acres to the Reamont Cherry Valley Water District (District). The approximate 1,200-acre proposed for annexation are within the District's current Sphere of Influence (SOI). The annexation area is comprised of relatively level terrain throughout the entire area.

Scanned

State Clearinghouse Contact: (916) 445-0613

State Review Began: 8/8/2003

SCH COMPLIANCE 9/8/2003

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2002081084
Please forward late comments directly to the Lead Agency

AQMD/APCD 33
(Resources: 8, 9)

Project Sent to the following State Agencies

- | | |
|--|--|
| <input checked="" type="checkbox"/> Resources | State/Consumer Svcs |
| <input type="checkbox"/> Boating & Waterways | General Services |
| <input type="checkbox"/> Coastal Comm | Cal EPA |
| <input type="checkbox"/> Colorado Rvr Bd | ARB - Airport Projects |
| <input checked="" type="checkbox"/> Conservation | ARB - Transportation Projects |
| <input checked="" type="checkbox"/> Fish & Game # 6 | ARB - Major Industrial Projects |
| <input type="checkbox"/> Delta Protection Comm | Integrated Waste Mgmt Bd |
| <input type="checkbox"/> Forestry & Fire Prot | SWRCB: Clean Wtr Prog |
| <input type="checkbox"/> Historic Preservation | SWRCB: Wtr Quality |
| <input checked="" type="checkbox"/> Parks & Rec | <input checked="" type="checkbox"/> SWRCB: Wtr Rights |
| <input type="checkbox"/> Reclamation Board | <input checked="" type="checkbox"/> Reg. WQCB # 7 |
| <input type="checkbox"/> Bay Cons & Dev Comm | <input checked="" type="checkbox"/> Toxic Sub Ctrl-CTC |
| <input checked="" type="checkbox"/> DWR | Yth/Adlt Corrections |
| <input type="checkbox"/> OES (Emergency Svcs) | Corrections |
| <input type="checkbox"/> Bus Transp Hous | Independent Comm |
| <input type="checkbox"/> Aeronautics | Energy Commission |
| <input checked="" type="checkbox"/> CHP | <input checked="" type="checkbox"/> NAHC |
| <input checked="" type="checkbox"/> Caltrans # 8 | Public Utilities Comm |
| <input type="checkbox"/> Trans Planning | Santa Monica Mms |
| <input type="checkbox"/> Housing & Com Dev | State Lands Comm |
| <input checked="" type="checkbox"/> Food & Agriculture | Tahoe Rgl Plan Agency |
| <input checked="" type="checkbox"/> Health Services | Other: |

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996.

OWNER OF RECORD: BEAUMONT-CHERRY VALLEY WATER DISTRICT

BEAUMONT-CHERRY VALLEY WATER DISTRICT
PO BOX 2037
BEAUMONT, CA 92223-2258

STATEMENT NO: S014351

SOURCE: LITTLE SAN GORGONIO CREEK
TRIBUTARY TO: SAN TIMOTEO
COUNTY: SAN BERNARDINO
DIVERSION

TELEPHONE NUMBER:

(909) 845-9581

YEAR OF FIRST USE: 1907

PARCEL NO:

WITHIN: SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ SECTION 2, T2S, R1W, SB&M.

A. Water is used under: Riparian claim _____; Pre 1914 right X _____; Other (explain) _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT	OCT.	NOV.	DEC	TOTAL ANNUAL
1993	600	600	600	600	600	600	500	400	300	300	400	400	5900
1994	600	600	700	700	600	600	500	400	300	300	400	400	6100
1995	700	700	700	800	600	600	600	400	300	300	400	400	6500

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation _____ acres; Stockwatering _____; Domestic 20,000± population
Other (specify) 142 irrigation services

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)
None

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: June 26, 1996, at Beaumont, California

SIGNATURE: Jo Ellen Seick

PRINTED NAME: Jo Ellen Seick
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: Beaumont-Cherry Valley Water District

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA 95814
(916) 657-1985
FAX: 657-1485

Mailing Address

DIVISION OF WATER RIGHTS

P.O. BOX 2000, Sacramento, CA 95812-2000



In Reply Refer
to: 331:WT:266.0

JUNE 29 1995

Beaumont-Cherry Valley Water District
c/o Mr. C. J. Butcher, General Manager
P.O. Box 2037
Beaumont, CA 92223

Stm
14351

Dear Mr. Butcher:

APPLICATION TO APPROPRIATE WATER AND STATEMENT OF WATER DIVERSION AND USE
NUMBERS 14351 AND 14352--LITTLE SAN GORGONIO CREEK (LITTLE EDGAR CREEK) IN
RIVERSIDE AND SAN BERNARDINO COUNTY

It is our understanding that the Beaumont-Cherry Valley Water District (BCVWD) claims to hold pre-1914 appropriative rights and riparian rights for its diversion of water from Little San Gorgonio Creek. Our June 14, 1994 letter contained several questions and comments concerning pre-1914 rights to which you replied on August 1, 1994. Among other things, your reply indicated that additional groundwater recharge ponds were constructed in 1948. This infers that a new groundwater recharge/storage project using surface water was initiated after December 19, 1914 and, therefore, may not be covered by a pre-1914 right. If this is the case, an appropriative water right application for underground storage is required. Your currently filed application is for direct diversion only, therefore, it would need to be modified, or replaced with a new application, to include underground storage.

You also indicated that land exchanges and agreements made in 1912 transferred water right entitlements for diversion from Little San Gorgonio Creek to BCVWD. To the extent that those transfers involved riparian rights, the enclosed copy of the map submitted with your water right application has been highlighted in green to show the approximate area that we believe would be contiguous to Little San Gorgonio Creek. The contour lines for the Noble Creek watershed and other unnamed streams in the area indicate that each watercourse has its own distinct riparian boundary. It therefore appears that any riparian rights that the BCVWD may have acquired are somewhat limited, and a majority of BCVWD's service area is served under claimed pre-1914 rights based on continuous use of water from the stream system since 1894. The District has filed two Statements of Water Diversion and Use to document claims of right for these diversions. While we have expressed uncertainties concerning the apparent changes from direct diversion to storage and increased diversions under these rights, the quantification and determination of the validity of riparian and pre-1914 rights in California is under the jurisdiction of the court system, not with the State Water Resources Control Board (SWRCB). Consequently, your Statements of Water Diversion and Use will be processed, but you should be aware that these documents are only claims of rights, not a verification of such rights.

Beaumont-Cherry Valley Water District
c/o Mr. C. J. Butcher

-2-

• JUNE 29 1995

Your application to appropriate water from Little San Geronio Creek is being returned for possible modifications for underground storage or to be replaced by a new application for underground storage. In either case, please include form "Supplement 1 to WR1" as part of any refiling.

If you have any questions, Whalen Toy, the staff engineer for this project, may be contacted at (916) 657-2039.

Sincerely,

ORIGINAL SIGNED BY:

Roger Johnson
Assistant Division Chief
Division of Water Rights

Enclosures

bcc: Om Gulati
Wynne Rowlands

WToy:wt/pminer:5-24,30,6-6,19-95:wt:5-25,26-95,6-5,8-95:la:5-25,6-6,8,26-95
o:\wt\bechvawd.app

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSOHN BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA 95814
(916) 657-1370
FAX: 657-1485

Mailing Address

DIVISION OF WATER RIGHTS

P.O. BOX 2000, Sacramento, CA 95812-2000



In Reply Refer
to: 332:WR:S14351
and S14352

JUNE 08 1995

Beaumont-Cherry Valley Water District
P.O. Box 2037
Beaumont, CA 92223

Ladies and Gentlemen:

STATEMENTS OF WATER DIVERSION AND USE, STATEMENT NUMBERS 14351 AND 14352

Your statements of water diversion and use have been received and assigned the above numbers. You should refer to these numbers in any future correspondence to this office regarding the statements.

Copies of the statements are enclosed for your records.

Please notify us of any change in address or change in ownership.

The law requires that supplemental statements be filed at three-year intervals. The forms are automatically sent to you by the State Water Resources Control Board at the close of the period.

Thank you for your cooperation. If you have any questions or concerns, please telephone Wynne Rowlands of this office at (916) 657-1875.

Sincerely,

ORIGINAL SIGNED BY:

O. P. Gulati, Chief
Application Unit #2

Enclosures

WR 40e.pl (5/94)

WRowlands:pminer:5-30-95

o:forms:40:14351-52

SURNAME
DWR 540 REV. 1/86

Rowlands 5/30

R. J. Green 6/8
FOR OPG

Beaumont-Cherry Valley Water District
c/o Mr. C. J. Butcher

-2-

JUNE 29 1995

Your application to appropriate water from Little San Geronio Creek is being returned for possible modifications for underground storage or to be replaced by a new application for underground storage. In either case, please include form "Supplement 1 to WR1" as part of any refiling.

If you have any questions, Whalen Toy, the staff engineer for this project, may be contacted at (916) 657-2039.

Sincerely,

ORIGINAL SIGNED

BY ROGER JOHNSON

Roger Johnson
Assistant Division Chief
Division of Water Rights

Enclosures

bcc: Om Gulati
Wynne Rowlands

WToy:wt/pminer:5-24,30,6-6,19-95:wt:5-25,26-95,6-5,8-95:la:5-25,6-6,8,26-95
o:\wt\bechvawd.app

S-14351

STATEMENT # S1-1350

APPLICATION & HEARING SECTION

INITIAL STATEMENT OF WATER DIVERSION AND USE

ROUTE SHEET FOR LOG AND CHECK

APPLICANT Beaumont - Cherry Valley W.D. Date Rec'd 1-28-94Initials Date1. STAFF ENGINEER:X Complete log book.X Review for acceptance (W.C. 5103).Appl. SE NE S, 2 T, 25 R, 1W Map SBX Assign Statement No. S 14351X Plot P.O.D. and S number in Blue ink on spot map.X Map number, name and series PP 60Forest Falls 7.5X CA coordinates: Zone 5N 193 500 E 2 318 500X Stream Code 8-002-09-04-0X Complete ~~40e~~ or 40e PL.WR 5-24-95RM 5-30-95WR 5/30RJB 6/8JB JUNEWR 6-8-95JUL 13 19952. SECRETARY: Type ~~40e~~ or 40e PL.3. STAFF ENGINEER: Review, surname letter, and attach enclosures.4. SENIOR: Sign letter.5. SECRETARY: Mail letter with copy of STATEMENT and map.6. STAFF ENGINEER: Complete log book, attach this route slip to appl.7. AWRIS: Enter into data base.8. FILE ROOM: File.

WK
1-31-94
S11351

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
STATEMENT OF WATER DIVERSION AND USE

(This is not a Water Right)
This statement should be typewritten or legibly written in ink.

- A. Name of person diverting water Beaumont-Cherry Valley Water District (BCVWD)
Address 560 Magnolia Avenue, Post Office Box 2037
Beaumont CA 92223 Telephone: (909) 845-9581
- B. Water is used under: Riparian claim; Pre 1914 right; X Other (explain)
- C. Name of body of water at point of diversion Little San Geronio Creek
Tributary to San Timotee/Santa Ana River
- D. Place of diversion SE 1/4 NE 1/4 Section 2, Township 2 S, Range 1 W, S3 B&M,
San Bernardino
See Enclosed County, and locate it on a print from a U.S.G.S. quad sheet or make a sketch on the section grid on the reverse side with regard to section lines and prominent local landmarks. Name of works Upper and Middle Little San Geronio Creek Diversion Works
- E. Do you own the land at the point of diversion? YES ☒ NO ☐
10.1 Percolation Ponds = 24 ponds, ±4.5 acres
- F. Capacity of diversion works Varies cubic feet per second Capacity of storage reservoir ±45 gallons per minute ±45 gallons per minute
Type of diversion facility: Gravity XX, Pump
Method of measurement: Weir , Flume , Electric Meter , Water Meter , Estimate XX
- G. State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1993	600	600	600	600	600	600	500	400	300	300	400	400	5900

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

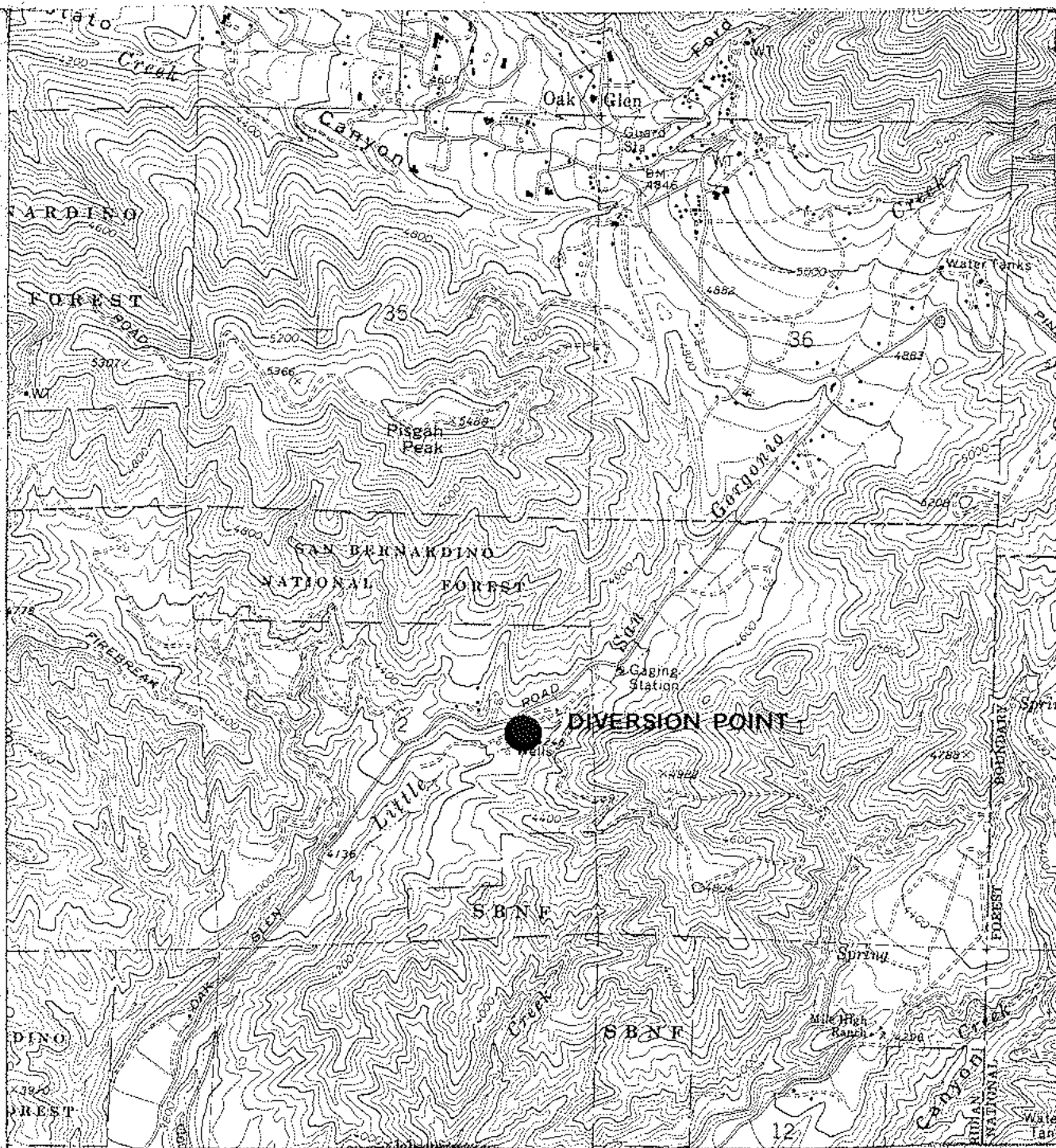
- H. Annual water use in recent years: Maximum Minimum gallons acre-feet
- I. Purpose of use (what water is being used for) Percolation of surface water to supplement groundwater used to provide water service for a population of approximately 18,000.
- J. General description or location of place of use (use sketch of section grid on reverse if you desire) Map enclosed
- K. Year of first use as nearly as known 1907
- L. Name of person filing statement C. J. Butcher
Position: General Manager Organization: BCVWD
Address: Post Office Box 2037, Beaumont CA 92223 Telephone: 909 845 9581

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief

Dated: January 25, 19 94, at Beaumont, California

Signature: C. J. Butcher

See Instructions on Reverse Side



APPLICANT Beaumont-Cherry Valley W.D.

DIVERSION WITHIN S.E. 1/4, N.E. 1/4 OF
SECTION 2, T. 25, R. 1W., SB. B&M
COUNTY OF San Bernardino
U.S.G.S. Quad. Forest Falls... Map Code PP-60
Scale 1:24,000. Contour Interval 40'

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

APPLICATION 0
PERMIT STATEMENT S1-1351
LICENSE

DATE:

DRAWN BY:

INITIAL STUDY/NEGATIVE DECLARATION

**Annexation of 1,200-Acres to
Beaumont Cherry Valley Water District**

LEAD AGENCY:

Beaumont Cherry Valley Water District

560 Magnolia Avenue
Beaumont, CA 92223

*Contact: Mr. Charles J. Butcher, General Manager
909/845-9581*

JULY 2003

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Only relevant pages of this NID appear
pages 34/35/44/45

groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Less Than Significant Impact. According to the Beaumont Cherry Valley Water District Tentative Tract No. 30332, Pardee Construction Plan of Services, dated March 4, 2002, the Beaumont Cherry Valley Water District currently extracts water from two groundwater sources to meet demand, Edgar Canyon and the Beaumont Basin. Table 1, below, shows the total amount of water that has been extracted over the previous five years from Edgar Canyon and the Beaumont Basin. The Beaumont Basin is a very large groundwater source containing as much as 1.1 million acre-feet of groundwater. This source can be used to make up for short term deficits in the amount of imported water supply if necessary. Recently passed legislation, Senate Bill No. 221 "Kuehl Bill", specifies that legislative bodies of a city, county, or public water system provide written verification that sufficient water supply is available prior to completion of a project or subdivision. According to the bill, a subdivision is defined as "a proposed residential development of more than 500 dwelling units for a public water system with 5,000 service connections or more", which applies to the Beaumont Cherry Valley Water District. According to the City of Beaumont General Plan dated May 1993, the Land Use Element indicates the annexation area, Growth Management Area No. 30, as having a Maximum Equivalent Dwelling Unit (EDU) of 4,800 EDU. Each EDU may represent a unit of commercial, industrial, recreation or other use equal to the same water, wastewater, and traffic capacity as required for an equivalent standard dwelling unit. The Plan of Services prepared for the proposed annexation anticipates a maximum of 4,700 future potential EDU for the annexation area. The District's Urban Water Management Plan anticipates a like amount. To increase current water supplies that currently consist of all groundwater extractions, the Beaumont Cherry Valley Water District is developing a project that will capture stormwater flows in Little San Geronio and Noble Creeks and deliver them via pipeline to percolation basins for groundwater recharge. The project site will consist of debris basins, pipelines, and percolation ponds. The project will also be qualified to receive State Project Water from San Geronio Pass Water Agency for groundwater recharge. The storm capture project will also provide the District with enough water to supply 6,700 EDU. These additional 6,700 EDU's will provide more than 2,100 ac. ft of recycled irrigation water to supply golf courses and green belt water demand that is currently met by potable water. The potable water saved by converting to recycled water will provide water for an additional 3,500 EDU.

The current irrigation demand within the District's Sphere of Influence is approximately 4,000 ac.ft. comprised from three golf courses, numerous green belt areas including schools and parks. The average annual wastewater collected per EDU is 0.32 ac ft.

Table 1
Groundwater Extracted from Edgar Canyon
and the Beaumont Basin

Year	Groundwater Production (ac-ft/yr)
2001	7,134
2000	6,308
1999	5,887
1998	4,874

1997	5,369
------	-------

Source: Beaumont Cherry Valley Water District Tentative Tract No. 30322, Pardee
Construction Plan of Services, March 4, 2002.

Mitigation Measures: No mitigation measures are required.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

Less Than Significant Impact. The annexation site has several existing watercourses, drainage improvements and storm overflow areas. Located on the eastern portion of the site parallel to Highland Springs Avenue is the Highland Springs Channel. The Highland Springs Channel is a concrete trapezoidal channel with varying width and depth that runs between 8th Street and 16th Street. Along the northern portion of the site parallel to Brookside Avenue is the Marshall Creek Channel. This channel flows south along Bellflower Avenue and continues along Brookside Avenue, crosses Cherry Avenue and flows south until it ends at 14th Street. On the southern portion of the site is the Cherry Avenue-8th Street Channel. Approximately 1.4-square miles of drainage area is tributary to this channel that flows south from the site to its outlet at 6th Street. Project approval would result in the annexation of approximately 1,200-acres of land into the Beaumont Cherry Valley Water District. This in itself would not alter the existing drainage pattern of the area or result in the alteration of a water course.

Mitigation Measures: No mitigation measures are required.

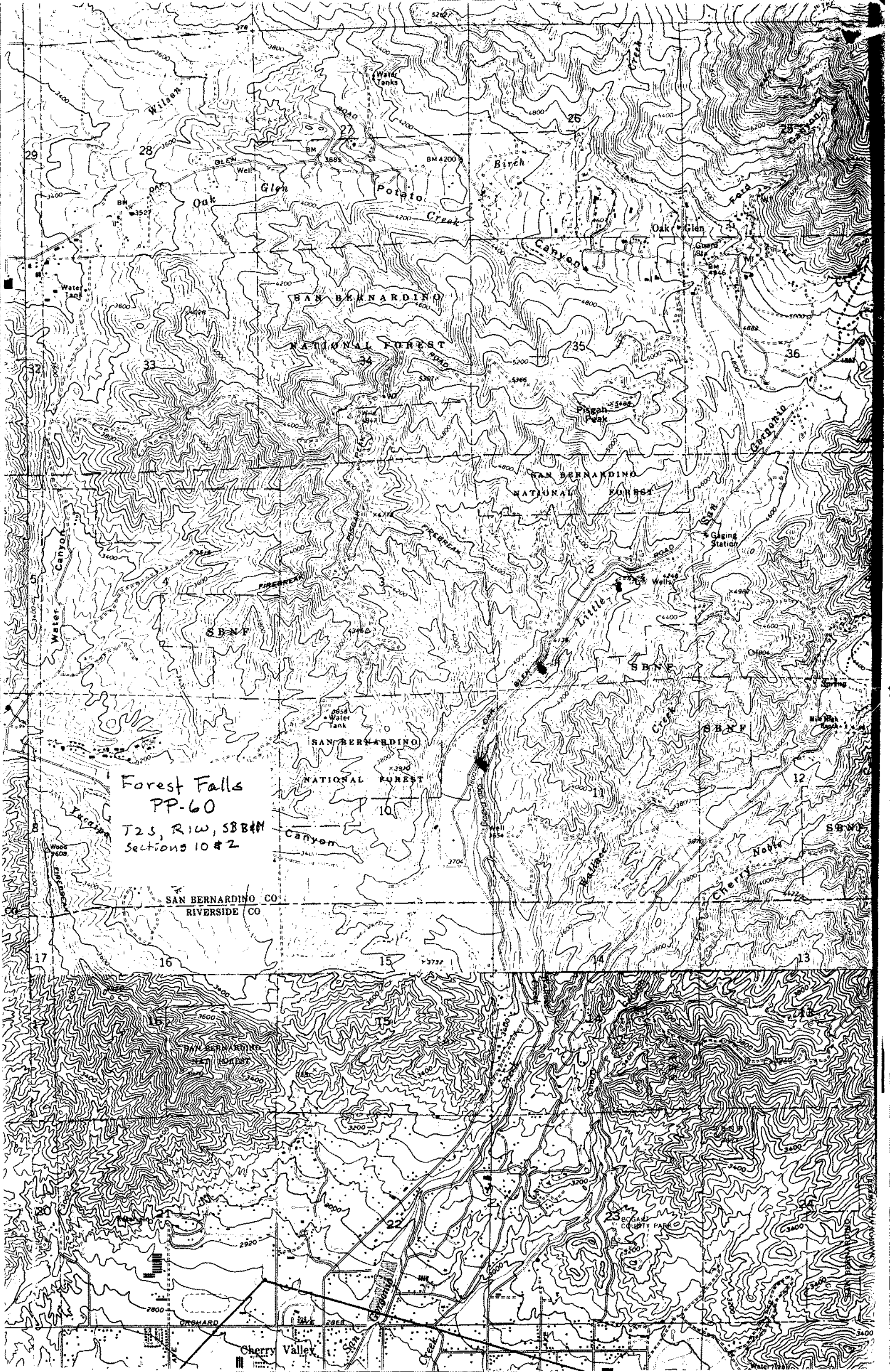
- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Less Than Significant Impact. Refer to Response 4.8c, above.

Mitigation Measures: No mitigation measures are required.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Less Than Significant Impact. Annexation of approximately 1,200-acres of land into the Beaumont Cherry Valley Water District would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. Previous and current projects in the annexation area have been addressed in separate CEQA documentation. Those projects dealt with hydrology and water quality issues. Construction of future developments may result in minor changes in the amount of runoff due to an increase in the amount of impermeable surface area within the annexation area. Surface runoff velocities, volumes, and peak flow rates would have a minor increase due to an increase in impervious surfaces. As previously discussed above, the City is required to prepare a Master Drainage Plan for the City which will result in a comprehensive method to handle surface runoff within the City. Therefore, subsequent development proposals within



Forest Falls
PP-60

T2S, R1W, SBBM
Sections 10 & 2

SAN BERNARDINO CO
RIVERSIDE CO

Cherry Valley

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996.

OWNER OF RECORD: BEAUMONT-CHERRY VALLEY WATER DISTRICT

BEAUMONT-CHERRY VALLEY WATER DISTRICT
PO BOX 2037
BEAUMONT, CA 92223-2258

STATEMENT NO: S014352

SOURCE: LITTLE SAN GORGONIO CREEK
TRIBUTARY TO: SANTA ANA RIVER
COUNTY: SAN BERNARDINO
DIVERSION

TELEPHONE NUMBER:

(909) 845-9581

YEAR OF FIRST USE: 1894

PARCEL NO:

WITHIN: NW¼ OF SE¼ SECTION 22, T2S, R1W, SB&M.

A. Water is used under: Riparian claim _____; Pre 1914 right X _____; Other (explain) _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT	OCT.	NOV.	DEC	TOTAL ANNUAL
1993	200	200	200	200									800
1994	200	200	300	200									900
1995	200	200	300	200									900

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation _____ acres; Stockwatering _____; Domestic 20,000± population
Other (specify) 142 irrigation services

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)
none

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: June 26, 19 96, at Beaumont, California

SIGNATURE: Jo Ellen Seick

PRINTED NAME: Jo Ellen Seick
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: Beaumont-Cherry Valley Water District

See back of page for General Information. If there is insufficient space for your answers,
please number them in the space provided on the back of this form.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California, riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on their riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available, including the following:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockpounds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA 95814
(916) 657-1875
FAX: 657-1485

Mailing Address

DIVISION OF WATER RIGHTS

P.O. BOX 2000, Sacramento, CA 95812-2000



In Reply Refer
to: 332:WR:S14352

MAY 30 1995

C. J. Butcher, General Manager
Beaumont-Cherry Valley Water District
P.O. Box 2037
Beaumont, CA 92223-2258

Dear Mr. Butcher:

STATEMENT OF WATER DIVERSION AND USE NUMBER 14352

Pursuant to our telephone conversation on May 23, 1995, the form WR-40 describing the Beaumont-Cherry Valley Water District's diversion of water within Section 22, T2S, R1W, SBB&M has been amended to show "year of first use" (item K) as 1894.

Thank you for your cooperation.

Sincerely,

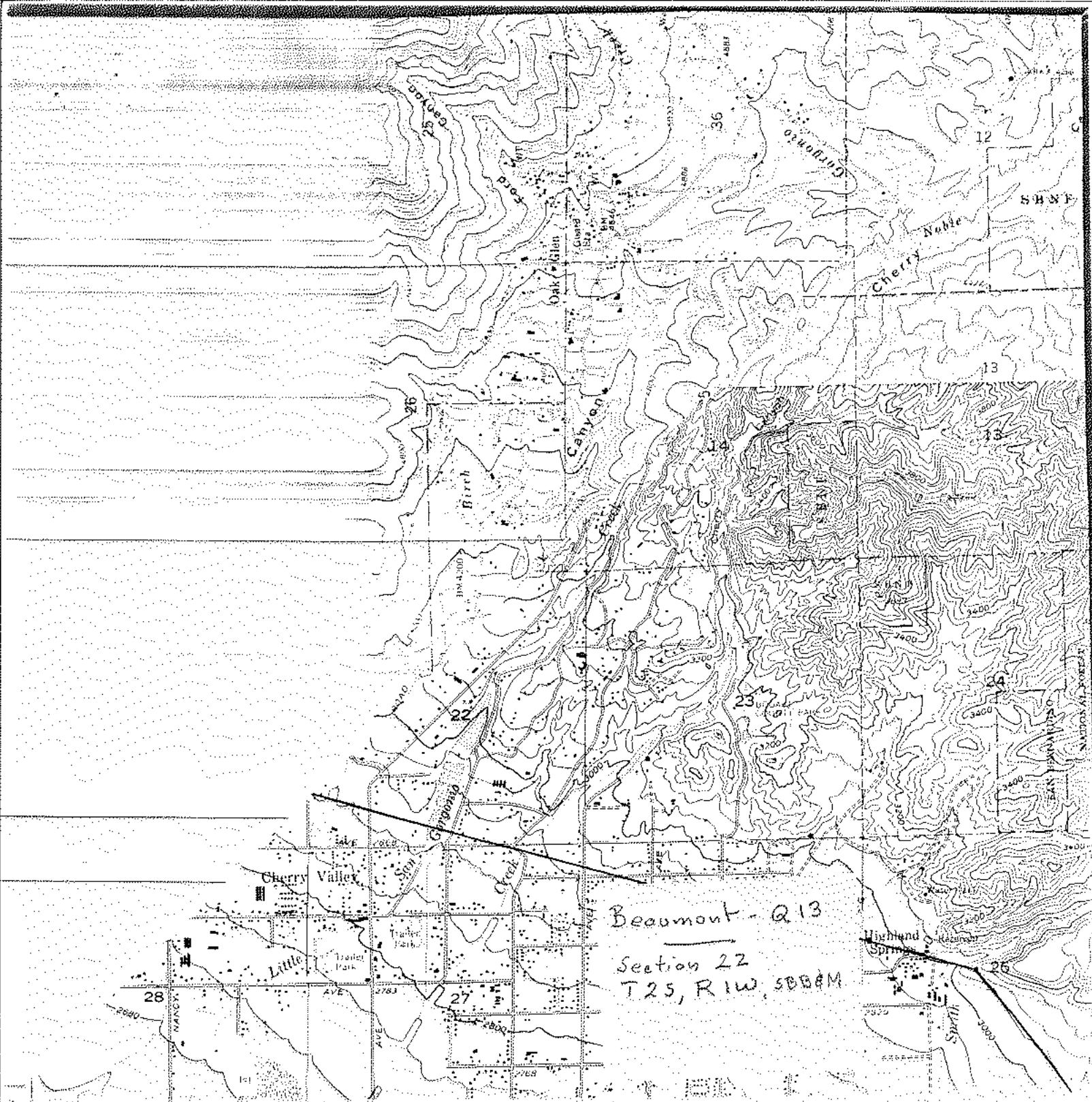
ORIGINAL SIGNED BY:

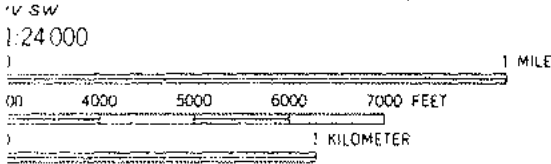
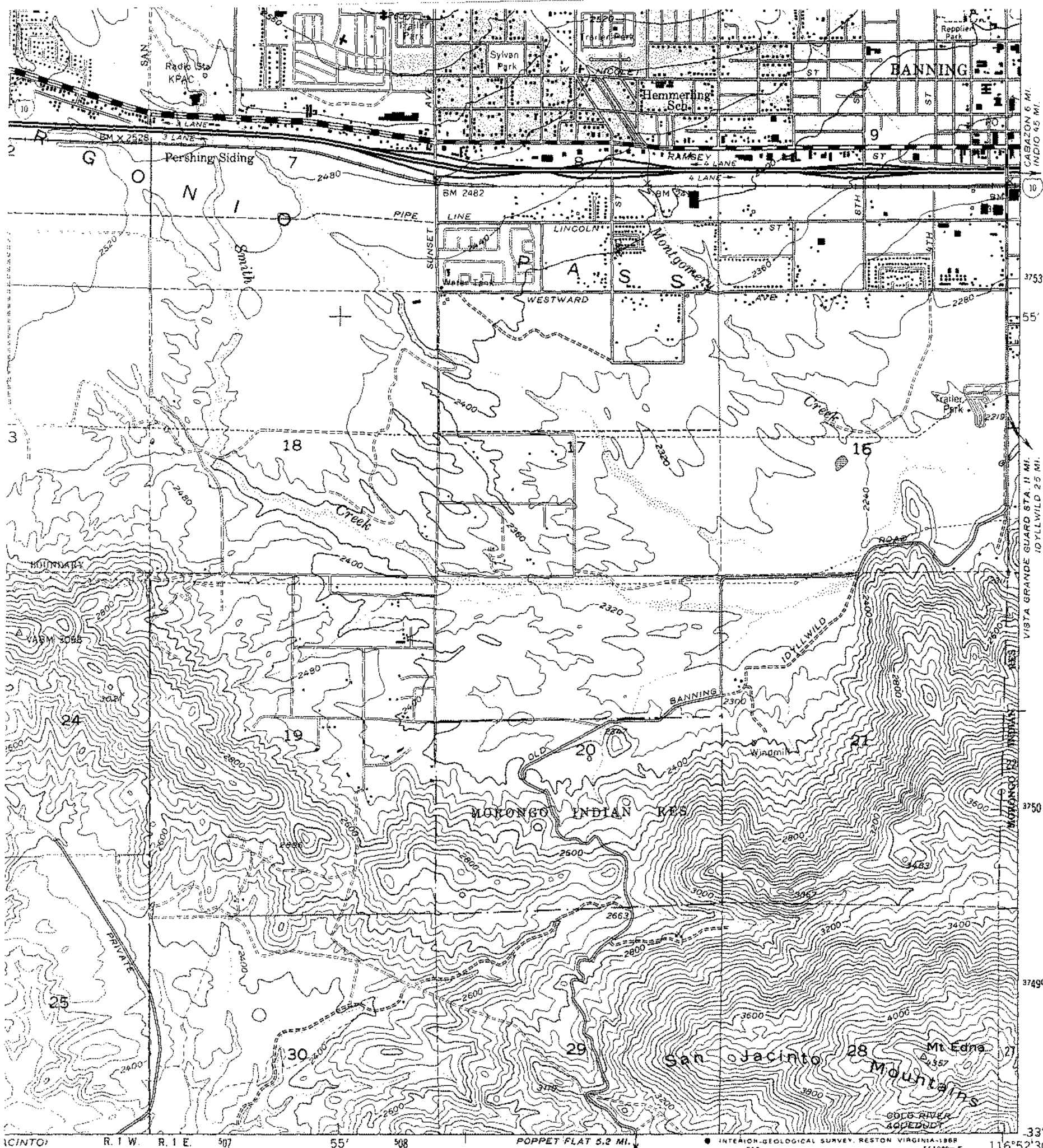
Wynne Rowlands
Associate Land and
Water Use Analyst
Application Unit #2

bcc: Whalen Toy

WRoylands:pminer;5-26-95
o:\wr\s14352

Rowlands 5/14





VERTICAL DATUM OF 1929
NATIONAL MAP ACCURACY STANDARDS
FEDERAL GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092
AND SYMBOLS IS AVAILABLE ON REQUEST



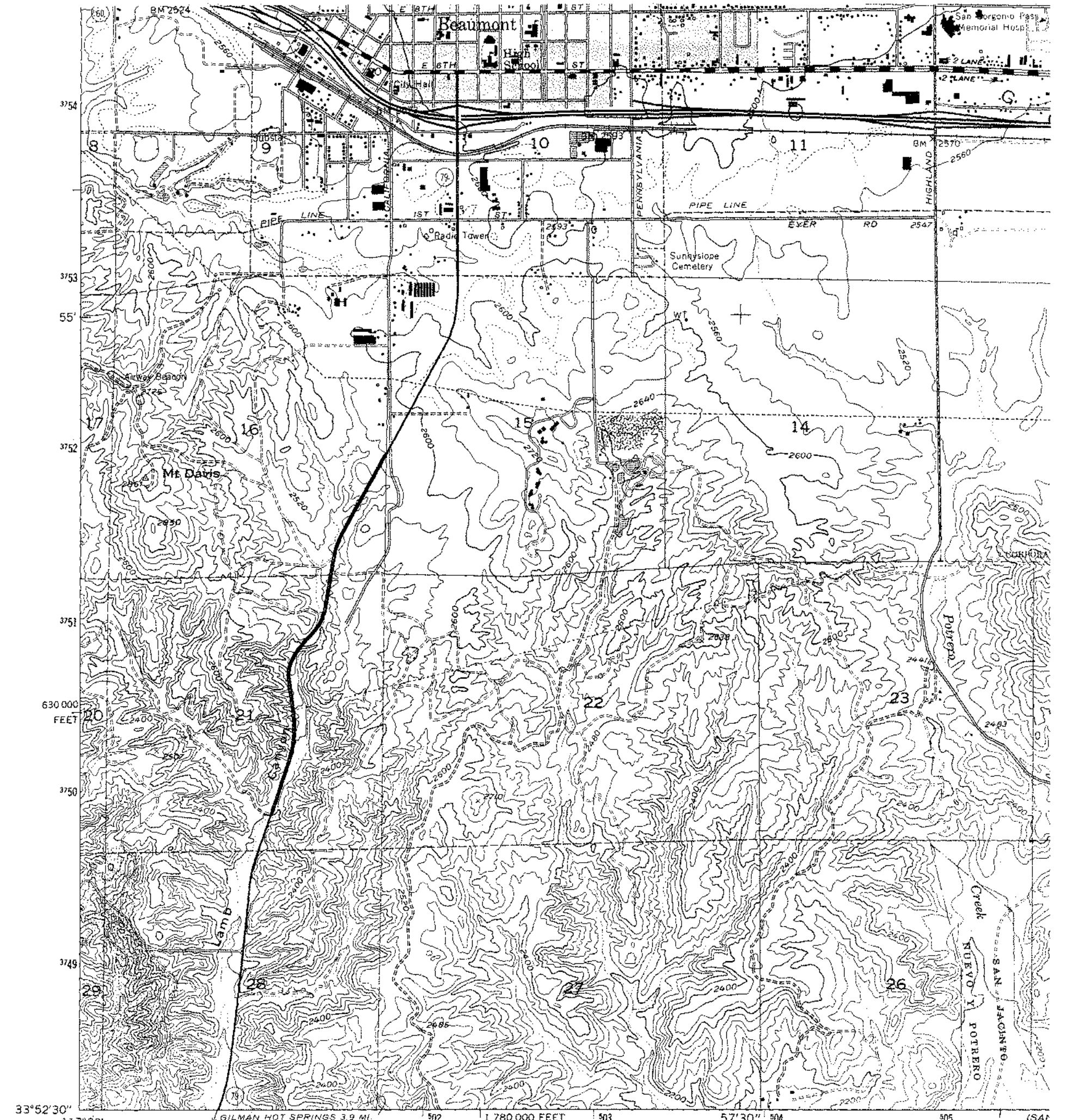
ROAD CLASSIFICATION	
Primary highway, all weather, hard surface	Light-duty road, all weather, improved surface
Secondary highway, all weather, hard surface	Unimproved road, fair or dry weather
Interstate Route	U. S. Route
State Route	

RIVERSIDE BLUEPRINT
4205 Main Street
Riverside, CA 92501
(951) 520-0500

BEAUMONT, CALIF.
NW/4 BANNING 15' QUADRANGLE
33116-H8-TF-024

1953
PHOTOREVISED 1988
DMA 2651 IV NW-SERIES V895

(LAKE FULMORE)
2651 IV SE



33°52'30" 117°00' 1 780 000 FEET 502 503 57°30" 504 505 (SAR 24) SCAL

Mapped, edited, and published by the Geological Survey

Control by USGS, NOS/NOAA, and Metropolitan Water District of Southern California

Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1949. Field check 1953

Polyconic projection. 1927 North American Datum
10,000-foot grid based on California coordinate system, zone 6
1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

To place on the predicted North American Datum 1983
move the projection lines 1 meters north and
82 meters east as shown by dashed corner ticks

Dashed land lines indicate approximate locations

Red tint indicates area in which only landmark buildings are shown
There may be private inholdings within the boundaries of
the National or State reservations shown on this map

LAKEVIEW 2551 SE

UTM GRID AND 1988 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

Revisions shown in purple and woodland compiled from aerial photographs taken 1985 and other source data
This information not field checked. Map edited 1988

Purple tint indicates extension of urban areas

CONTOUR 1
DASHED LINES REPRESENT
NATIONAL GEODETIC

THIS MAP COMPLIES WITH N/
FOR SALE BY U. S. GEOLOGICAL SURVEY, DEN
A FOLDER DESCRIBING TOPOGRAPHIC M

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA 95814
(916) 657-1370
FAX: 657-1485

Mailing Address

DIVISION OF WATER RIGHTS

P.O. BOX 2000, Sacramento, CA 95812-2000



In Reply Refer
to: 332:WR:S14351
and S14352

Beaumont-Cherry Valley Water District
P.O. Box 2037
Beaumont, CA 92223

Ladies and Gentlemen:

STATEMENTS OF WATER DIVERSION AND USE, STATEMENT NUMBERS 14351 AND 14352

Your statements of water diversion and use have been received and assigned the above numbers. You should refer to these numbers in any future correspondence to this office regarding the statements.

Copies of the statements are enclosed for your records.

Please notify us of any change in address or change in ownership.

The law requires that supplemental statements be filed at three-year intervals. The forms are automatically sent to you by the State Water Resources Control Board at the close of the period.

Thank you for your cooperation. If you have any questions or concerns, please telephone Wynne Rowlands of this office at (916) 657-1875.

Sincerely,

O. P. Gulati, Chief
Application Unit #2

Enclosures

WR 40e.pl (5/94)

WRowlands:pminer:5-30-95

o: forms: 40: 14351, 52

SURNAME

DWR 540 REV. 1/85

Rowlands 5/30 R.J. Olsen
FOR DFG 6/8

84 39102

APPLICATION & HEARING SECTION

INITIAL STATEMENT OF WATER DIVERSION AND USE

ROUTE SHEET FOR LOG AND CHECK

APPLICANT Beaumont - Cherry Valley W.D.

Date Rec'd 1-28-94

Initials

Date

1. STAFF ENGINEER:

X Complete log book.

X Review for acceptance (W.C. 5103).

— Appl. ^{NWSE} S, 22 T, 2 S R, 1W Map SB

X Assign Statement No. S 14352

X Plot P.O.D. and S number in Blue ink on spot map.

X Map number, name and series Q-13

Beaumont 7.5'

X CA coordinates: Zone 6

N 660900 E 1781750

X Stream Code 8-002-09-04-0

X Complete ~~40e~~ or 40e PL. (14351)

2. SECRETARY: Type ~~40e~~ or 40e PL.

3. STAFF ENGINEER: Review, surname letter, and attach enclosures.

4. SENIOR: Sign letter.

5. SECRETARY: Mail letter with copy of STATEMENT and map.

6. STAFF ENGINEER: Complete log book, attach this route slip to appl.

7. AWRIS: Enter into data base.

8. FILE ROOM: File.

WR 5-24-95

✓ ✓

WR 5/30

RJB 6/8

66 JUNE 08 1995

WR 6-8-95

Ken JUL 13 1995

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
STATEMENT OF WATER DIVERSION AND USE

(This is not a Water Right)

This statement should be typewritten or legibly written in ink.

- A. Name of person diverting water Beaumont-Cherry Valley Water District (BCVWD)
Address 560 Magnolia Avenue, Post Office Box 2037,
Beaumont CA 92223 Telephone: (909) 845-9581
- B. Water is used under: Riparian claim; Pre 1914 right; XX Other (explain)
- C. Name of body of water at point of diversion Little San Geronio Creek
Tributary to Santa Ana River
- D. Place of diversion NW 1/4 SE 1/4 Section 22, Township 2S, Range 1W, SB B&M,
Riverside County, and locate it on a print from a U.S.G.S. quad sheet or make a
See enclosed sketch on the section grid on the reverse side with regard to section lines and prominent local
landmarks. Name of works Lower Little San Geronio Creek Diversion Works
- E. Do you own the land at the point of diversion? YES ☒ NO ☐
- F. Capacity of diversion works Varies cubic feet per second
gallons per minute Capacity of storage reservoir gallons
acre-feet
Type of diversion facility: Gravity XX, Pump
Method of measurement: Weir , Flume , Electric Meter , Water Meter , Estimate XX
- G. State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1993	200	200	200	200									800

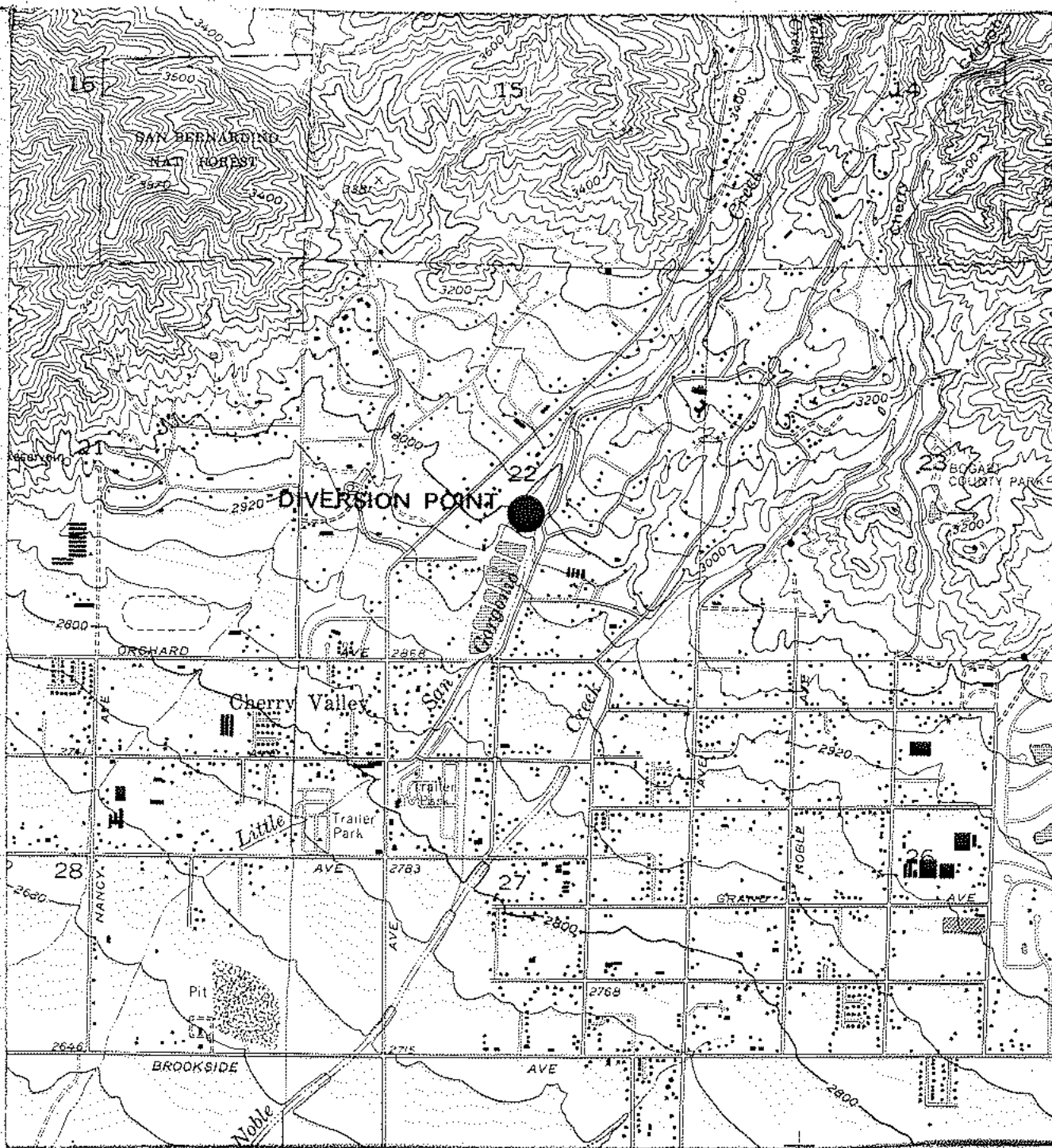
If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

- H. Annual water use in recent years: Maximum Minimum gallons
acre-feet
- I. Purpose of use (what water is being used for) Percolation of surface water to supplement
groundwater used to provide water service for a population of approximately 18,000.
- J. General description or location of place of use (use sketch of section grid on reverse if you
desire) Map enclosed
- K. Year of first use as nearly as known 1950 1894
- L. Name of person filing statement C. J. Butcher
Position: General Manager Organization: BCVWD
Address: Post Office Box 2037, Beaumont CA 92223 Telephone: 909 845 9581
- I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief
- Dated: January 25, 19 94, at Beaumont, California

Signature: C. J. Butcher

See Instructions on Reverse Side

See letter
of 5/30/95
WR



S14352

APPLICANT Beaumont-Cherry Valley WD

DIVERSION WITHIN NW 1/4 SE 1/4 OF
SECTION 22, T. 2S, R. 1W, SB. B5M
COUNTY OF Riverside
U.S.G.S. Quad. Beaumont Map Code Q.13
Scale 1:24,000 Contour Interval 40'

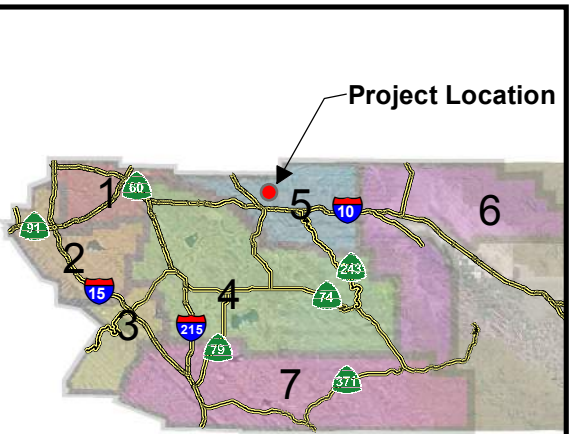
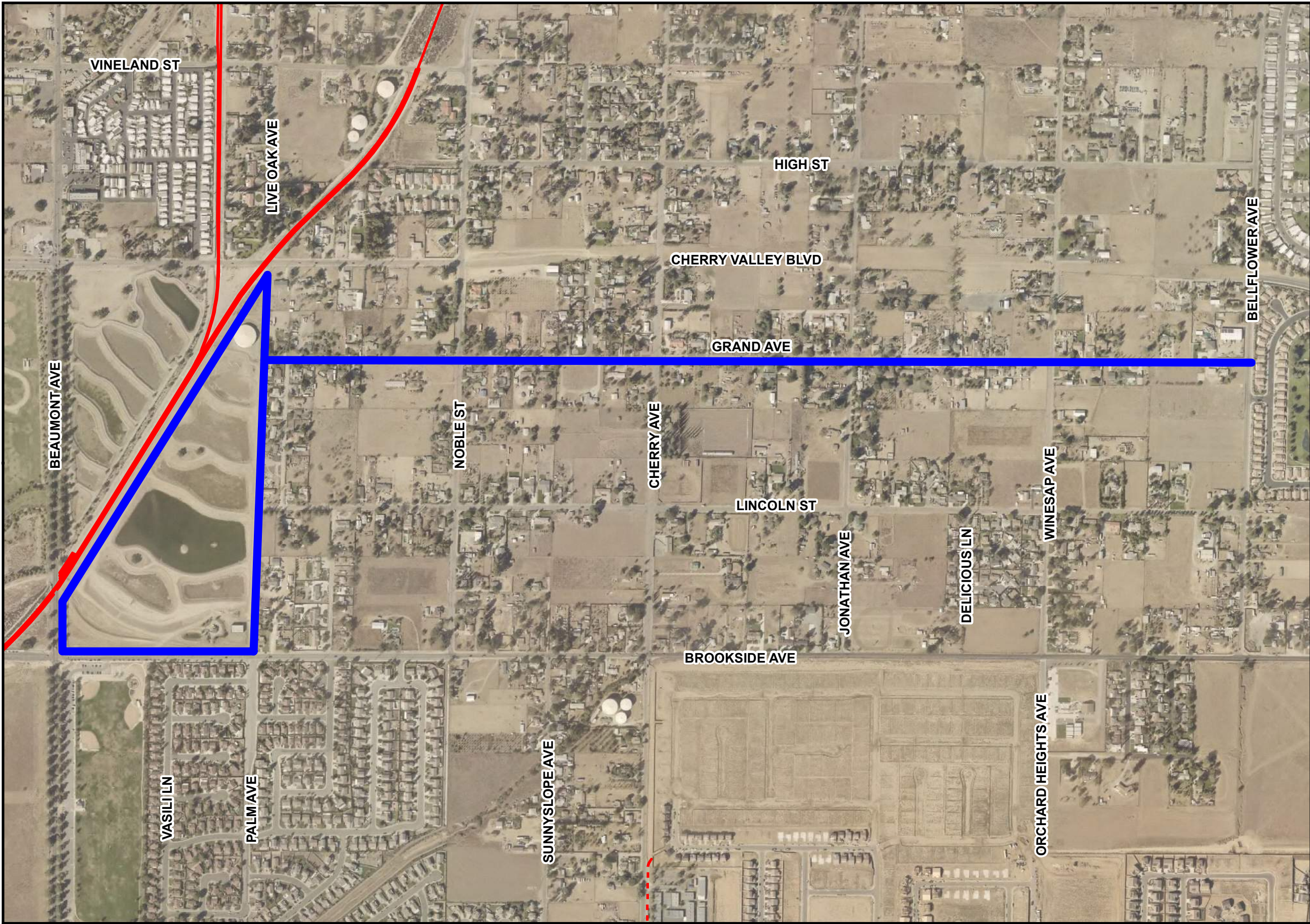
STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

APPLICATION O
PERMIT STATEMENT S14352
LICENSE

DATE:

DRAWN BY:

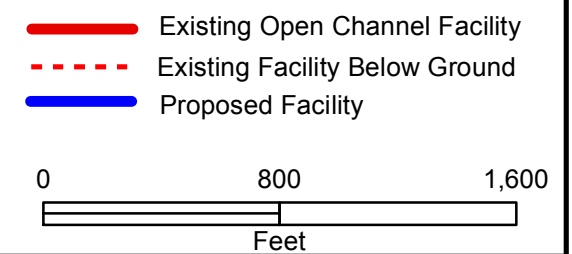
APPENDIX G



Description:

District is leading this project in partnership with Beaumont Cherry Valley Water District (BCVWD) to design and construct an underground storm drain that will collect stormwater flows and deliver that water to BCVWD's existing recharge ponds. The project is partially funded by the District, BCVWD, and state grant money, and will be located along Grand Avenue, westerly from Winesap Avenue to the existing recharge ponds east of Beaumont High School.

Legend:



APPENDIX H

1 **MEMORANDUM OF UNDERSTANDING REGARDING RECYCLED WATER**
2 *by and between*
3 **Beaumont Cherry Valley Water District**
4 *and*
5 **City of Beaumont**
6

7 This is Memorandum of Understanding Regarding Recycled Water (MOU) is by and between the
8 Beaumont Cherry Valley Water District, hereinafter called "DISTRICT," and the City of Beaumont,
9 hereinafter called "CITY." The parties to this MOU may be referred to individually as "Party" or
10 collectively as the "Parties."
11
12

13 **I. PURPOSE & SCOPE**
14

15 The purpose of this MOU is to identify the general terms, roles, and responsibilities of each Party as they
16 relate to the delivery of recycled water from the CITY to the DISTRICT, in anticipation of the Parties'
17 timely negotiation of a final recycled water contract (Recycled Water Contract), on terms and conditions
18 substantially as set forth herein.
19

20 In particular, this MOU is intended to provide the terms upon which recycled water produced by the
21 CITY's wastewater treatment plant (WWTP) may be captured and reused within the DISTRICT's service
22 area and for the benefit of the CITY and its residents, with the following purposes:
23

- 24 • To ensure that, to the maximum extent possible, effluent generated by the CITY's WWTP is
25 captured and reused within the CITY and/or the DISTRICT's service area;
26
- 27 • To supplement the DISTRICT's water supply in order to address long-term water supply needs
28 and sustainability within the CITY's corporate limit and the DISTRICT's service area;
29
- 30 • To reduce imported water supply purchases for customers served by the DISTRICT; and
31
- 32 • To increase the sustainability and viability of development within the CITY and the DISTRICT
33 service area.
34

35 **II. BACKGROUND**
36

- 37 • CITY and DISTRICT were participants in the Beaumont Basin Groundwater Adjudication which
38 was filed in Riverside County Superior Court in February 2003. The Judgment entered in the
39 Adjudication in 2004 (Adjudication) acknowledges the use of recycled water within the
40 Beaumont Basin and contains provisions regarding the delivery of recycled water to overlying
41 parties. The DISTRICT applied to the Beaumont Basin Watermaster (Watermaster) for a storage
42 account in the Beaumont Basin and the Watermaster granted DISTRICT an 80,000-acre-foot
43 storage account therein. The storage account entitles the DISTRICT to store imported water and
44 recycled water, with appropriate permits, in the storage account, to increase water supply

reliability. This MOU and any final Recycled Water Contract or related agreements between the Parties shall comply with the terms of the Adjudication.

- In the mid-2000s, the DISTRICT purchased approximately 80 acres on the east side of Beaumont Avenue between Brookside Avenue and Cherry Valley Boulevard to recharge imported water and captured stormwater. With regulatory agency approval, recycled water might also be recharged at this site and other DISTRICT- and/or CITY-owned sites. The DISTRICT estimates the recharge capacity of its 80-acre site in the range of 25,000 to 30,000 acre-feet per year (AFY).
- DISTRICT has constructed a backbone non-potable water transmission, distribution and storage system which serves approximately 300 landscape connections with an estimated (2018) annual demand of approximately 1,880 acre-feet of water. The CITY accounted for over 36% of the non-potable water demand over the last three years. Non-potable water is defined as screened or untreated State Project Water, non-potable groundwater, recycled water, or a blend of each. Potable groundwater can be used to supplement the non-potable water if necessary. The existing non-potable water system consists of more than 45 miles of transmission mains and a 2 million gallon, above ground reservoir. The system is fully operational and is currently conveying non-potable water to serve the existing landscape connections.
- DISTRICT prepared Urban Water Management Plans (UWMPs) in 2000, 2005, 2013, and 2015, that anticipated the delivery of recycled water from the CITY. Since 2001, substantial development has occurred within the DISTRICT, primarily within the CITY, that has resulted in over 12,000 new water connections. These connections have resulted in a significant increase in the production of WWTP effluent that could be used to generate Title 22 recycled water. A lag in availability of recycled water resulted in less groundwater in the DISTRICT's groundwater storage account than anticipated in the previous UWMPs.
- DISTRICT's service area population is projected to continue to grow. At build-out the population is estimated to be 112,300, of which at least 90,600 are expected to be in the CITY. Recycled water generated by the CITY's WWTP is expected to supply a significant portion of the growth in the CITY, and in the DISTRICT.
- CITY owns and operates its WWTP with a current, permitted treatment capacity of 4 million gallons per day (mgd) with a current flow of about 3.2 mgd. The plant provides tertiary treatment of wastewater generated within the CITY and discharges effluent to Cooper's Creek, a tributary of San Timoteo Creek and the Santa Ana River under discharge permit R8-2015-0026, NPDES No. CA 0105376, from the California Regional Water Quality Control Board, Santa Ana Region (Regional Board). This discharge permit allows the discharge of tertiary treated and disinfected wastewater to Cooper's Creek (001) overlying the San Timoteo Management Zone and to an "unnamed" tributary of Marshall Creek (007) overlying the Beaumont Management Zone. The permit also allows the discharge of tertiary treated and recycled water delivered to Tukwet Canyon Golf Course (R-001), Oak Valley Golf Course (R-002) and BCVWD (R-003). The DISTRICT has existing adjacent pipelines to supply non-potable water to Tukwet Canyon Golf Course and Oak Valley Golf Course.
- The U. S. Fish and Wildlife Service, through the California Department of Fish and Wildlife, has determined that the WWTP discharge to Cooper's Creek has helped maintain habitat for

threatened and possibly endangered species and has further determined that 1.8 mgd of tertiary treated effluent shall continue to be discharged to Cooper's Creek.

- CITY is underway with the reconstruction of its WWTP to increase the operating capacity to 6 mgd and construct desalting and brine disposal facilities in accordance with RWQCB Order R8-2015-0026, NPDES No. CA 0105376.
- DISTRICT desires to use recycled water produced by CITY's WWTP to augment its water resource supply to meet current and future demands, and finds that use of recycled water from the CITY's WWTP would be beneficial to both the CITY and DISTRICT. CITY would benefit by complying with the maximum benefit commitments of its discharge permit, by effectively reducing the cost of water to its residents, and through the sale of its excess recycled water supply; DISTRICT would benefit by securing a reliable, lower cost supplemental source of water while at the same time reducing its need for imported water.
- DISTRICT has developed a cross connection control and testing plan which has been approved by the California State Water Resources Control Board (SWRCB) Division of Drinking Water (CDDW) and has prepared draft rules and regulations for the use of recycled water which are awaiting DISTRICT review and approval.
- DISTRICT is in the process of finalizing a Non-Potable Water Master Plan which envisions the receipt and pumping of Title 22 quality recycled water from the CITY's WWTP.
- DISTRICT, along with the Cities of Banning and Redlands and Yucaipa Valley Water District, is considering the development of a water resource management plan for the San Timoteo Groundwater Basin to optimize the management of the San Timoteo Basin, including use of the Basin for seasonal storage of surplus recycled water with its subsequent extraction in summer when demands exceed the normal recycled water supply.

III. CITY ROLE AND RESPONSIBILITIES

The CITY shall have the following basic responsibilities under the proposed Recycled Water Contract:

1. To provide Title 22 recycled water to DISTRICT.
 - a. CITY to provide recycled water quality reports to DISTRICT upon request.
 - b. Recycled water provided by CITY to DISTRICT shall meet or exceed standards and specifications established by regional, state, federal and other agencies having jurisdiction over the CITY's wastewater operation(s) and recycled water production.
2. To design and construct system improvements necessary to produce and supply Title 22 water pursuant to applicable regulatory and jurisdictional requirements and a contract between the CITY and DISTRICT.
 - a. CITY to be fully responsible for all costs associated with the design and construction of improvements to produce and deliver recycled water up to the delivery point.

- b. Delivery point of recycled water to be a location mutually agreed to by CITY and DISTRICT.
3. To install a meter at the delivery point, to measure the quantity and rate of flow of recycled water delivered by the CITY to the DISTRICT.
4. To provide recycled water (to the extent it is available) up to the total flow treated by the WWTP, after deducting habitat maintenance flow requirements and treatment losses, to meet DISTRICT's requested amount of recycled water. CITY and DISTRICT shall cooperate to develop systems and programs for subsurface seasonal storage and seasonal usage to maximize the capture and use of recycled water in winter when non-potable water demands are minimal. Such programs could include seasonal storage in the San Timoteo Groundwater Basin by the CITY with subsequent extraction in summer by the DISTRICT and/or development of seasonal users (schools, parks, golf courses, etc.).
5. CITY and DISTRICT will meet cooperatively, at least annually, to develop a plan identifying potential annual recycled water demands, storage, and extraction requirements to maximize recycled water capture and reuse.
6. The maximum recycled water delivery flow rate shall be as mutually agreed to between CITY and DISTRICT; the maximum delivery flow rate may increase over time as demands and wastewater flows increase. CITY will not provide storage at the WWTP site for more than 24 hours.
7. To provide a maximum baseline volume of 1 million gallons of recycled water per day based upon 2019 WWTP effluent discharge at a minimum flow rate of 500 gpm and a maximum flow rate of 3,500 gpm. Final maximum capacity to be subject to the ability of the WWTP to deliver said flows pursuant to a technical review and analysis conducted by the CITY.
- a. Maximum daily volume shall not be banked on the CITY's WWTP site other than for daily deliveries, unless or until additional storage is built on the CITY's WWTP site and specifically allowed by CITY for that purpose.
- b. Ultimate maximum flow rates delivered from the WWTP could be as much as 5,250 gpm (or as otherwise required and agreed between the Parties to meet ultimate DISTRICT and CITY demands), and connection facilities between the CITY's WWTP and DISTRICT Booster Station Site have been sized accordingly.
8. To negotiate in good faith a purchase agreement with DISTRICT to sell recycled water. CITY to invoice DISTRICT for the monthly volumetric usage based upon the metered flow and recycled water delivery point at an agreed-upon Wholesale Recycled Water Rate.
9. The Wholesale Recycled Water Rate shall include the additional costs incurred by the CITY to provide recycled water to DISTRICT at the delivery point, which may include transfer pumping to on-site equalization storage, on-site equalization storage, and pipeline(s) from the on-site equalization storage to the delivery point. The Wholesale Recycled Water Rate may include a fixed cost and a variable cost component. The fixed costs may include the amortized capital cost of additional or future WWTP facilities necessary to achieve recycled water treatment above

CITY treatment requirements in order to fully utilize recycled water, and the facilities to pump, store, convey, and meter recycled water to the delivery point. The fixed cost may also be based on anticipated annual recycled water delivery, paid as a fixed monthly charge. The variable cost may include those additional costs in excess of those required by the City to meet applicable regulatory and jurisdictional requirements and may include , operation and maintenance, labor and benefits, power, chemicals, and maintenance materials necessary to pump, store, convey, and meter recycled water to the delivery point paid monthly based on the metered volume of recycled water delivered by the CITY to the DISTRICT (“NET COST”). The Wholesale Recycled Water Rate could also include a recharge component for water stored by the CITY under the DISTRICT’s storage account and a recovered component for water extracted from seasonal storage by the DISTRICT. The unit for measurement of the volumetric rate shall be mutually agreed upon. CITY shall comply with legal requirements for rate setting and rate increases in establishing the Wholesale Recycled Water Rate to be charged the DISTRICT, and may amend the Wholesale Recycled Water Rate at or around the time it reviews and establishes its wastewater service rates.

10. If additional on-site equalization storage, conveyance piping, and pumping facilities are required to meet increased DISTRICT demands, CITY shall endeavor to construct them in a timely fashion; with corresponding adjustments allowed to the fixed portion of the CITY’s Wholesale Recycled Water Rate.
11. If CITY and DISTRICT mutually agree that it would be beneficial to provide additional treatment to maximize recycled water use in the DISTRICT, CITY and DISTRICT will share in the cost of the fixed and variable cost components of the additional facilities in a future, to be determined, cost sharing arrangement.
12. CITY shall be responsible for its legal requirements for rate setting and rate changes. In the event the City is unable to establish a cost based rate, City shall have no obligation to deliver Recycled Water.

IV. DISTRICT ROLE AND RESPONSIBILITIES

The DISTRICT shall have the following basic responsibilities under the proposed Recycled Water Contract:

1. To design and construct system improvements downstream of the delivery point necessary to accept and distribute Title 22 recycled water pursuant to an agreement between the CITY and DISTRICT.
 - a. DISTRICT shall be responsible for all costs associated with the design and construction of improvements to accept and distribute recycled water downstream of the delivery point.
 - b. Delivery point of recycled water shall be a location mutually agreed to by CITY and DISTRICT.
2. To install a meter, or meters, at the recycled water delivery point to measure the quantity of water delivered to the DISTRICT.

- 231 3. To make payments to CITY for recycled water at the Wholesale Recycled Water Rate
232 established by the CITY, as set forth in Section III, above.
233
- 234 4. DISTRICT agrees CITY shall not be obligated to and will not provide storage at the WWTP site
235 for more than 24 hours.
236
- 237 5. DISTRICT shall provide a credit toward projected water demand for proposed developments
238 with said credit to contemplate the net estimated volume of recycled water produced and
239 recycled within the development.
- 240 a. Estimated volume of recycled water produced and recycled will consider the following:
- 241 i. Projected/actual volume of water to be consumed within the development;
242 ii. Projected/actual volume of wastewater to be discharged to the sanitary sewer
243 system within the development;
244 iii. Projected/actual wastewater volume lost pursuant to treatment and plant
245 operations; and
246 iv. Any other projected/actual recycled water losses – i.e. seasonal storage, new
247 regulations.
248
- 249 b. Residential water consumption shall be calculated on a per-meter basis with the per
250 meter flow calculation being based on actual meter data collected by the DISTRICT for
251 residential developments with similar characteristics to those of the proposed
252 residential development. Said characteristics to include, but not be limited to, lot size,
253 lot density, and lot coverage.
254
- 255 c. Non-residential water consumption shall be calculated on a per-meter basis with the
256 meter flow calculation being based upon projected water consumption for the
257 proposed development. Said consumption calculations shall be based either on water
258 consumption data provided by the developer, industry standards for water
259 consumption for each of the proposed uses within the development, actual water use
260 metered by the DISTRICT for similar uses, or a combination thereof.
261
- 262 6. DISTRICT shall establish a Non-potable Water Rate(s) for customers who utilize non-potable
263 water for irrigation and other approved uses, and shall comply with legal requirements for rate
264 setting and rate increases.
- 265 a. DISTRICT has installed or shall cause to be installed separate meters for each non-
266 potable water connection.
267
- 268 b. DISTRICT shall adopt and enforce rules and regulations for non-potable water use, and
269 be responsible for on-site inspections, cross connection testing, and other reporting
270 requirements.
271
- 272 7. DISTRICT shall negotiate a Recycled Water Contract with CITY for recycled water, and shall
273 promptly pay CITY the invoiced amounts pursuant to that agreement.
274
- 275 8. If CITY and DISTRICT mutually agree that it would be beneficial to provide additional treatment
276 and/or facilities to maximize recycled water use in the DISTRICT, they will share in the cost of

the fixed and variable cost components of the additional facilities in a future, to be determined, cost sharing arrangement.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. CITY reserves the right to enter into short term wholesale contracts for the sale of its unused recycled water not otherwise committed to DISTRICT pursuant to the Recycled Water Contract, which shall include consideration of the following terms:
 - a. Prior to any sale, the CITY and DISTRICT shall endeavor to develop seasonal storage programs to maximize the capture and reuse of recycled water.
 - b. DISTRICT shall have first right of refusal to the water offered for sale by CITY through third-party contracts.
2. CITY and DISTRICT shall negotiate and execute a final Recycled Water Contract within twelve (12) months of the effective date of this MOU, and/or upon completion of any CITY and DISTRICT rate studies.
3. This MOU may be terminated at any time by mutual written agreement of the Parties, or by either Party upon ninety (90) days' written notice to the other Party.

VI. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective upon the date both the CITY and DISTRICT have indicated their approval by the signatures of DISTRICT and CITY authorized officials, below. It shall be in force from its effective date to and until the latter of 18 months following the effective date of this MOU or the full completion and acceptance of the City's ongoing WWTP and brine line construction projects, after which time it shall terminate, unless extended by mutual written agreement of the parties; or upon termination in accordance with Section V.3 hereinabove.

DISTRICT and CITY indicate agreement with this MOU on the dates and by their signatures set forth below.

Signatures and Dates

BEAUMONT CHERRY VALLEY WATER DISTRICT

CITY OF BEAUMONT

John Covington, President

Julio Martinez III, Mayor

Date _____

Date _____

7 FINAL DRAFT (6-6-19)

MOU between DISTRICT and CITY – Recycled Water Agreement

APPENDIX I

RESOLUTION 2014-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF BEAUMONT-CHERRY VALLEY WATER DISTRICT PRECLUDING THE APPROVAL OF A REQUEST FOR THE ISSUANCE OF ANY WILL SERVE LETTER UNDER THE CIRCUMSTANCES STATED HEREIN SUBJECT TO THE EXCEPTIONS STATED HEREIN

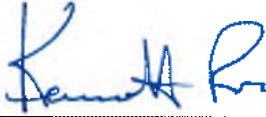
WHEREAS, This Board has discussed and desires to adopt a policy which will suspend the issuance of will serve letters which will add demand to the District's water supplies not previously considered and approved by this Board during conditions specified herein.

WHEREAS, This policy is intended to avoid requiring conservation by presently served ratepayers in order to protect available supplies while simultaneously creating new demand on those supplies and to preserve the rights of persons who have relied on the issuance of a will serve letter by annexing to the District or paying fees or constructing infrastructure in consideration of the issuance of a will serve letter.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Beaumont-Cherry Valley Water District declares the following:

1. Subject to the exceptions stated in Paragraph 2 below, this Board shall not issue a will serve letter when:
 - (a) A condition of drought exists in the State of California as declared by the Governor of the State of California,
 - (b) There is in effect mandatory conservation measures applicable to the District's ratepayers imposed directly by the State of California, or imposed by implementation of District conservation measures in accordance with the District's Urban Water Management Plan and
 - (c) The quantity of the District's ready to deliver water supplies is less than a projected demand of five years based on the District's then current annual demand.
2. The following applications shall be excepted from the prohibition of the issuance of will serve letters stated in Paragraph 1 of this Resolution:
 - (a) An application for residential or commercial water use reasonably estimated to constitute an annual demand equal to or less than 2 (two) EDU's;
 - (b) An application for service to property as to which a will serve letter previously has been issued and the recipient of that letter or his or her successor in interest has relied on the letter in paying fees to the District, annexing the subject property to the District or constructing District infrastructure in order to provide service to the subject property.
3. The District Secretary shall certify the adoption of this Resolution.

ADOPTED AND APPROVED this 8th day of October, 2014

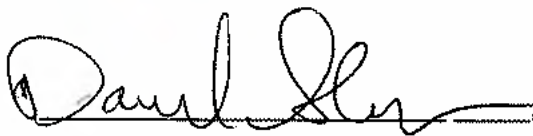


Chairman

I, Daniel Slawson, Secretary of the Beaumont-Cherry Valley Water District Board of Directors, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Beaumont-Cherry Valley Water District Board of Directors, held on the 8th day of October, 2013, by the following vote:

AYES: 3	BOARDMEMBERS: Ross, Guldseth, Ball
NOES: 1	BOARDMEMBERS: Slawson
ABSENT: 1	BOARDMEMBERS: Woll (vacant seat)
ABSTAINED: 0	BOARDMEMBERS:

ATTEST:



Secretary

APPENDIX J

ORIGINAL COPY

1 JOSEPH S. AKLUFI (Bar No. 68619)
2 AKLUFI AND WYSOCKI
3 3403 Tenth Street, Suite 610
4 Riverside, California 92501
5 (909) 682-5480 Office
6 (909) 682-2619 Fax

NO FILING FEE REQUIRED PER
GOVERNMENT CODE, SEC. 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB - 4 2004

5 Attorneys for Plaintiff, SAN TIMOTEO
6 WATERSHED MANAGEMENT AUTHORITY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE, RIVERSIDE COURT

11 SAN TIMOTEO WATERSHED
12 MANAGEMENT AUTHORITY, a public
13 agency,

13 Plaintiff,

14 vs.

CASE NO. RIC 389197

STIPULATION FOR ENTRY OF
JUDGMENT ADJUDICATING
GROUNDWATER RIGHTS IN THE
BEAUMONT BASIN

15 CITY OF BANNING, a municipal
16 corporation; BEAUMONT-CHERRY VALLEY
17 WATER DISTRICT, an irrigation
18 district; YUCAIPA VALLEY WATER
19 DISTRICT, a county water district;
20 PLANTATION ON THE LAKE LLC, a
21 California limited liability
22 company; SHARONDALE MESA OWNERS
23 ASSOCIATION, an unincorporated
24 association; SOUTH MESA MUTUAL
25 WATER COMPANY, a mutual water
26 company; CALIFORNIA OAK VALLEY
27 GOLF AND RESORT LLC, a California
28 limited liability company; OAK
VALLEY PARTNERS LP, a Texas limited
partnership; SOUTHERN CALIFORNIA
SECTION OF THE PROFESSIONAL GOLFERS
ASSOCIATION OF AMERICA, a
California corporation; SUNNY-CAL
EGG AND POULTRY COMPANY, a
California corporation; MANHEIM,
MANHEIM & BERMAN, a California
General Partnership; WALTER M.
BECKMAN, individually and as
Trustee of the BECKMAN FAMILY TRUST
dated December 11, 1990; THE ROMAN
CATHOLIC BISHOP of San Bernardino,

AKLUFI AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

1 a California corporation; MERLIN)
2 PROPERTIES, LLC; LEONARD M.)
3 STEARNS and DOROTHY D. STEARNS,)
4 individually and as Trustees of the)
5 LEONARD M. STEARNS FAMILY TRUST OF)
6 1991; and DOES 1 through 500,)
7 inclusive,)
8 Defendants.)

9
10
11 I. STIPULATING PARTIES IDENTIFIED

12 The following parties, and each of them, agree to the terms
13 of this Stipulation:

14 Plaintiff:

15 SAN TIMOTEO WATERSHED MANAGEMENT AUTHORITY

16 Overlying Defendants:

- 17 1. SHARONDALE MESA OWNERS ASSOCIATION, an unincorporated
18 association
19 2. CALIFORNIA OAK VALLEY GOLF AND RESORT LLC, a California
20 limited liability company
21 3. OAK VALLEY PARTNERS LP, a Texas limited partnership
22 4. SOUTHERN CALIFORNIA SECTION OF THE PROFESSIONAL GOLFERS
23 ASSOCIATION OF AMERICA, a California corporation
24 5. SUNNY-CAL EGG AND POULTRY COMPANY, a California
25 corporation
26 6. MANHEIM, MANHEIM & BERMAN, a California general
27 partnership
28 7. WALTER M. BECKMAN, individually, and as Trustee of the
BECKMAN FAMILY TRUST dated December 11, 1990
8. THE ROMAN CATHOLIC BISHOP of San Bernardino, a
California corporation
9. MERLIN PROPERTIES, LLC
10. LEONARD M. STEARNS and DOROTHY D. STEARNS, individually
and as Trustees of the LEONARD M. STEARNS FAMILY TRUST
OF 1991
11. PLANTATION ON THE LAKE LLC, a California limited
liability company

12 Appropriating Defendants:

- 13 1. CITY OF BANNING, a municipal corporation
14 2. BEAUMONT-CHERRY VALLEY WATER DISTRICT, an irrigation
15 district
16 3. SOUTH MESA MUTUAL WATER COMPANY, a mutual water company
17 4. YUCAIPA VALLEY WATER DISTRICT, a county water district

18 ///

II. RECITALS

WHEREAS, plaintiff is a joint powers public agency, formed in 2001 for the purpose, among others, of preparing and implementing a Water Resources Management Plan for the San Timoteo Watershed and the waters tributary thereto, including the Beaumont Basin, in order to conserve local water supplies, improve surface and subsurface water quality and quantity, and to protect and enhance groundwater storage, for the benefit of the public;

WHEREAS, the Beaumont Basin, also known as the Beaumont Storage Unit, is the common source of water supply for appropriative water uses within the communities of Banning, Beaumont, Cherry Valley and Calimesa, and for various overlying uses including, but not limited to, golf courses and related facilities and agricultural production, including egg production and related agricultural irrigation uses;

WHEREAS, the maximum quantity of water which can be produced from the Beaumont Basin, at safe yield, is currently estimated to be 8650 acre feet per year, and the total groundwater production from the Beaumont Basin has exceeded and continues to exceed its safe yield;

WHEREAS, much of the land area within and adjacent to the Beaumont Basin is proposed to be intensively developed with residential, commercial and industrial uses, which will place additional demands on local water resources;

WHEREAS, it is estimated that the Beaumont Basin has the capability of storing more than 200,000 acre feet of water for overlying and appropriative use by water users within and

1 adjacent to the Beaumont Basin;

2 WHEREAS, the plaintiff proposes to invest substantial public
3 funds to construct facilities that will enable the storage of
4 water within the Beaumont Basin, in addition to the storage that
5 occurs naturally;

6 WHEREAS, the Overlying and Appropriating Defendants wish to
7 secure the provision and availability of a reliable, affordable,
8 long-term water supply for the area within plaintiff's
9 jurisdiction, making reasonable and beneficial use of the native
10 groundwater in the Beaumont Basin, and other local water
11 resources, promoting the importation of water into the area, and
12 storage of such water, and local surface waters, in the Beaumont
13 Basin;

14 WHEREAS, the Overlying Defendants believe that it is in
15 their best interest to enter into this Stipulation and be subject
16 to the attached Judgment, rather than continue to litigate the
17 safe yield of the Beaumont Basin, the quantity of their overlying
18 rights, both historical and unexercised, the rights they may have
19 to use the storage volume existing beneath their respective
20 lands, and other issues;

21 WHEREAS, in order to protect existing overlying and
22 appropriative uses and to justify and protect the public
23 investment necessary to utilize the available groundwater storage
24 capacity in the Beaumont Basin, it is necessary to adjudicate the
25 Beaumont Basin and to define the respective water rights of the
26 overlying and appropriative producers of groundwater.

27 NOW, THEREFORE, the undersigned parties, and each of them,
28 hereby agree to the following Stipulated Terms.

III. STIPULATED TERMS

1. Form of Judgment: Judgment may be filed and entered in the form attached hereto as Exhibit "1" and made a part hereof.

2. Fees and Costs: Each party shall bear its own costs, attorneys fees and litigation expenses arising out of this adjudication.

3. Waiver: Notice of entry of judgment, the right to trial, stay of execution and appeal, is hereby waived, except as expressly set forth in the Judgment.

4. Binding Effect: This Stipulation and all obligations herein, shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

5. Construction and Interpretation: No adverse construction or interpretation of this Stipulation shall be made under the Civil Code simply because the parties drafted or participated in the drafting of this Stipulation. The terms of the Judgment shall be interpreted to further the purposes of this Stipulation.

6. Jurisdiction and Venue: The Superior Court of California in and for the County of Riverside shall have jurisdiction of this matter. In the event of any litigation arising out of this Stipulation, venue shall conclusively be deemed to lie in the County of Riverside.

7. Advice of Counsel: The undersigned each have had the opportunity to consult with or have consulted with their own legal counsel regarding this Stipulation and all matters set forth herein, or have knowingly waived the right to do so.

8. Authority: Each person executing this Stipulation on behalf of any of the undersigned has been fully empowered to execute this Stipulation and that all necessary action for the execution of this Stipulation has been taken.

IT IS SO STIPULATED:

SAN TIMOTEO WATERSHED MANAGEMENT
AUTHORITY

Dated: 1/6/04

By [Signature]
President, Board of Directors

CITY OF BANNING

Dated: 12/23/03

By [Signature]
Mayor

BEAUMONT-CHERRY VALLEY WATER
DISTRICT

Dated: _____

By _____
President, Board of Directors

YUCAIPA VALLEY WATER DISTRICT

Dated: _____

By _____
President, Board of Directors

PLANTATION ON THE LAKE LLC

Dated: _____

By _____
President, Board of Directors

SHARONDALE MESA OWNERS
ASSOCIATION

Dated: _____

By _____
President, Board of Directors

1 8. Authority: Each person executing this Stipulation on
2 behalf of any of the undersigned has been fully empowered to
3 execute this Stipulation and that all necessary action for the
4 execution of this Stipulation has been taken.

5 IT IS SO STIPULATED:

6 SAN TIMOTEO WATERSHED MANAGEMENT
7 AUTHORITY

8 Dated: _____ By _____
9 President, Board of Directors

10 CITY OF BANNING

11 Dated: _____ By _____
12 Mayor

13 BEAUMONT-CHERRY VALLEY WATER
14 DISTRICT

15 Dated: July 3, 2003 By [Signature]
16 President, Board of Directors

17 YUCAIPA VALLEY WATER DISTRICT

18 Dated: _____ By _____
19 President, Board of Directors

20 PLANTATION ON THE LAKE LLC

21 Dated: _____ By _____
22 President, Board of Directors

23 SHARONDALE MESA OWNERS
24 ASSOCIATION

25 Dated: _____ By _____
26 President, Board of Directors

AKLUF AND WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

AKLUF1 A WY SOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CA 92501
(909) 682-5480

8. Authority: Each person executing this Stipulation on behalf of any of the undersigned has been fully empowered to execute this Stipulation and that all necessary action for the execution of this Stipulation has been taken.

IT IS SO STIPULATED:

SAN TIMOTEO WATERSHED MANAGEMENT
AUTHORITY

Dated: _____ By _____
President, Board of Directors

CITY OF BANNING

Dated: _____ By _____
Mayor

BEAUMONT-CHERRY VALLEY WATER
DISTRICT

Dated: _____ By _____
President, Board of Directors

YUCAIPA VALLEY WATER DISTRICT

Dated: 10/1/03 By 
President, Board of Directors

PLANTATION ON THE LAKE LLC

Dated: _____ By _____
President, Board of Directors

SHARONDALE MESA OWNERS
ASSOCIATION

Dated: _____ By _____
President, Board of Directors

8. Authority: Each person executing this Stipulation on behalf of any of the undersigned has been fully empowered to execute this Stipulation and that all necessary action for the execution of this Stipulation has been taken.

IT IS SO STIPULATED:

SAN TIMOTEO WATERSHED MANAGEMENT
AUTHORITY

Dated: _____ By _____
President, Board of Directors

CITY OF BANNING

Dated: _____ By _____
Mayor

BEAUMONT-CHERRY VALLEY WATER
DISTRICT

Dated: _____ By _____
President, Board of Directors

YUCAIPA VALLEY WATER DISTRICT

Dated: _____ By _____
President, Board of Directors

PLANTATION ON THE LAKE LLC

Dated: 7/30/03 By [Signature]
President, Board of Directors
Manager of Meadows Management
Company LLC, Manager
SHARONDALE MESA OWNERS
ASSOCIATION

Dated: _____ By _____
President, Board of Directors

1 8. Authority: Each person executing this Stipulation on
2 behalf of any of the undersigned has been fully empowered to
3 execute this Stipulation and that all necessary action for the
4 execution of this Stipulation has been taken.

5 IT IS SO STIPULATED:

6 SAN TIMOTEO WATERSHED MANAGEMENT
7 AUTHORITY

8 Dated: _____ By _____
9 President, Board of Directors

10 CITY OF BANNING

11 Dated: _____ By _____
12 Mayor

13 BEAUMONT-CHERRY VALLEY WATER
14 DISTRICT

15 Dated: _____ By _____
16 President, Board of Directors

17 YUCAIPA VALLEY WATER DISTRICT

18 Dated: _____ By _____
19 President, Board of Directors

20 PLANTATION ON THE LAKE LLC

21 Dated: _____ By _____
22 President, Board of Directors

23 SHARONDALE MESA OWNERS
24 ASSOCIATION

25 Dated: June 27, 2003 By Lena Jo Alexander
26 President, Board of Directors
27
28

AKLUF AND WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CA 92501
(909) 682-5480

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SOUTH MESA MUTUAL WATER COMPANY

Dated: 6-27-03

By *Dawn Martin*
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____

By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

AKLUF AND WYSOCKI
3403 TENTH ST, SUITE 510
RIVERSIDE, CA 92501
(909) 682-5480

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____

By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: 7-31-2003

By [Signature]
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____

By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC


Dated: _____

By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By 
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 254-8800

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____ By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____ By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____ By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: July 8, 2003 By Thomas C. Gustafson
President, Board of Directors
CHIEF Executive Officer

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____ By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____ By _____

3403 TENTH STREET, SUITE 610
RIVERSIDE, CA 92501
(909) 5480

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SOUTH MESA MUTUAL WATER COMPANY

Dated: _____ By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____ By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____ By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____ By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____ By Michael Markson
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____ By Debbie Berman

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Dated: 7-23-03

Walter M. Beckman
WALTER M. BECKMAN

Dated: 7-23-03

Walter M. Beckman
WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

Dated: _____

CECIL MERLE MURRAY

MERLIN PROPERTIES, LLC

Dated: _____

By _____

Dated: _____

LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

Dated: _____

DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

Dated: _____

JUDGE OF THE SUPERIOR COURT

AKLUF AND WYSOCKI
3403 TENTH / T, SUITE 610
RIVERSIDE, C. ORNIA 92501
(909) 682-5480

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Dated: _____
WALTER M. BECKMAN

Dated: _____
WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

THE ROMAN CATHOLIC BISHOP of
San Bernardino, a California
corporation

Dated: 9/18/03 By Mary E. M. Fyfe

MERLIN PROPERTIES, LLC

Dated: _____ By _____

Dated: _____
LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

Dated: _____
DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 Dated: _____

WALTER M. BECKMAN

3 Dated: _____

WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

THE ROMAN CATHOLIC BISHOP of
San Bernardino, a California
corporation

8 Dated: _____

By _____

MERLIN PROPERTIES, LLC

12 Dated: JULY 31, 2003

By Paul L. Rubino

14 Dated: _____

LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

17 Dated: _____

DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 Dated: _____
2 WALTER M. BECKMAN

3 Dated: _____
4 WALTER M. BECKMAN, Trustee of the
5 BECKMAN FAMILY TRUST dated
6 December 11, 1990

7 Dated: _____
8 CECIL MERLE MURRAY

9 MERLIN PROPERTIES, LLC

10 Dated: _____ By _____

11
12 Dated: 7-23-03
13 *Leonard M. Stearns*
14 LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

15 Dated: 7-23-03
16 *Dorothy D. Stearns*
17 DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

18
19 APPROVAL AND ORDER

20 The foregoing Stipulation is hereby approved and is so
21 ordered.

FEB - 4 2004

22 Dated: _____

23 GARY TRANBARGER

24
25 JUDGE OF THE SUPERIOR COURT

ORIGINAL COPY

JOSEPH S. AKLUF (Bar No. 68619)
AKLUF AND WYSOCKI
3403 Tenth Street, Suite 610
Riverside, California 92501
(909) 682-5480 Office
(909) 682-2619 Fax

NO FILING FEE REQUIRED PER
GOVERNMENT CODE, SEC. 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB - 4 2004

Attorneys for Plaintiff, SAN TIMOTEO
WATERSHED MANAGEMENT AUTHORITY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE, RIVERSIDE COURT

SAN TIMOTEO WATERSHED
MANAGEMENT AUTHORITY, a public
agency,

Plaintiff,

vs.

CITY OF BANNING, a municipal
corporation; BEAUMONT-CHERRY VALLEY)
WATER DISTRICT, an irrigation
district; YUCAIPA VALLEY WATER
DISTRICT, a county water district;
PLANTATION ON THE LAKE LLC, a
California limited liability
company; SHARONDALE MESA OWNERS
ASSOCIATION, an unincorporated
association; SOUTH MESA MUTUAL
WATER COMPANY, a mutual water
company; CALIFORNIA OAK VALLEY
GOLF AND RESORT LLC, a California
limited liability company; OAK
VALLEY PARTNERS LP, a Texas limited
partnership; SOUTHERN CALIFORNIA
SECTION OF THE PROFESSIONAL GOLFERS)
ASSOCIATION OF AMERICA, a
California corporation; SUNNY-CAL)
EGG AND POULTRY COMPANY, a)
California corporation; MANHEIM,)
MANHEIM & BERMAN, a California)
General Partnership; WALTER M.)
BECKMAN, individually and as)
Trustee of the BECKMAN FAMILY TRUST)
dated December 11, 1990; THE ROMAN)
CATHOLIC BISHOP of San Bernardino,)

CASE NO. RIC 389197

JUDGMENT PURSUANT TO
STIPULATION ADJUDICATING
GROUNDWATER RIGHTS IN THE
BEAUMONT BASIN

LAW OFFICES
AKLUF / WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

1 a California corporation; MERLIN)
2 PROPERTIES, LLC; LEONARD M.)
3 STEARNS and DOROTHY D. STEARNS,)
4 individually and as Trustees of the)
5 LEONARD M. STEARNS FAMILY TRUST OF)
6 1991; and DOES 1 through 500,)
7 inclusive,)
8 Defendants.)
9

10 I. INTRODUCTION

11 1. Pleadings, Parties and Jurisdiction

12 The complaint herein was filed on February 20, 2003, seeking
13 an adjudication of water rights, injunctive relief and the
14 imposition of a physical solution. The defaults of certain
15 defendants have been entered, and certain other defendants
16 dismissed. Other than defendants who have been dismissed or
17 whose defaults have been entered, all defendants have appeared
18 herein. This Court has jurisdiction of the subject matter of
19 this action and of the parties herein.

20 2. Stipulation for Judgment

21 Stipulation for Entry of Judgment has been filed by and on
22 behalf of all defendants who have appeared herein.

23 3. Definitions

24 As used in this Judgment, these terms shall have the
25 following meanings:

26 A. Appropriator or Appropriator Parties: the pumpers
27 identified in Exhibit "C" attached hereto.

28 B. Appropriator's Production Right: consists of an
Appropriator's share of Operating Yield, plus (1) any water
acquired by an Appropriator from an Overlying Producer or
other Appropriator pursuant to this Judgment, (2) any water

1 withdrawn from the Appropriator's storage account, (3) and
2 New Yield created by the Appropriator.

3 C. Appropriative Water: the amount of Safe Yield
4 remaining after satisfaction of Overlying Water Rights.

5 D. Appropriative Water Right: each Appropriator's
6 share of Appropriative Water, such share expressed as a
7 percentage as shown on Exhibit "C".

8 E. Beaumont Basin or Beaumont Storage Unit: the area
9 situated within the boundaries shown on Exhibit "A" attached
10 hereto.

11 F. Conjunctive Use: the storage of water in a
12 Groundwater Basin for use at a later time.

13 G. Groundwater: water beneath the surface of the
14 ground within the zone below the water table in which soil
15 is saturated with water.

16 H. Groundwater Basin: an area underlain by one or
17 more permeable formations capable of furnishing a
18 substantial water supply.

19 I. Groundwater Storage Agreement: a standard form of
20 written agreement between the Watermaster and any Person
21 requesting the storage of Supplemental Water.

22 J. Groundwater Storage Capacity: the space available
23 in a Groundwater Basin that is not utilized for storage or
24 regulation of Safe Yield and is reasonably available for
25 Stored Water and Conjunctive Use.

26 K. Minimal Producer: any Producer who pumps 10 or
27 fewer acre feet of Groundwater from the Beaumont Basin per
28 year.

1 L. New Yield: increases in yield in quantities
2 greater than historical amounts from sources of supply
3 including, but not limited to, capture of available storm
4 flow, by means of projects constructed after February 20,
5 2003, as determined by the Watermaster.

6 M. Operating Yield: the maximum quantity of water
7 which can be produced annually by the Appropriators from the
8 Beaumont Basin, which quantity consists of Appropriative
9 Water plus Temporary Surplus.

10 N. Overdraft: a condition wherein the total annual
11 production from a Groundwater Basin exceeds the Safe Yield
12 thereof.

13 O. Overlying Parties: the Persons listed on Exhibit
14 "B", who are owners of land which overlies the Beaumont
15 Basin and have exercised Overlying Water Rights to pump
16 therefrom. Overlying Parties include successors in interest
17 and assignees.

18 P. Overlying Water Rights: the quantities decreed to
19 Overlying Parties in Column 4 of Exhibit "B" to this
20 Judgment.

21 Q. Overproduction: by an Appropriator, measured by
22 an amount equal to the Appropriator's actual annual
23 production minus the Appropriator's Production Right. By a
24 new overlying producer, an amount equal to what the
25 overlying producer pumped during the year.

26 R. Party (Parties): any Person(s) named in this
27 action, or who has intervened, or has become subject to this
28 Judgment either through stipulation, trial or otherwise

1 S. Person: any individual, partnership, association,
2 corporation, governmental entity or agency, or other
3 organization.

4 T. Physical Solution: the physical solution set
5 forth in Part V of this Judgment.

6 U. Produce, Producing, Production, Pump or Pumping:
7 the extraction of groundwater.

8 V. Producer or Pumper: any Person who extracts
9 groundwater.

10 W. Recycled Water: has the meaning provided in Water
11 Code Section 13050(n) and includes other nonpotable water
12 for purposes of this Judgment.

13 X. Safe Yield: the maximum quantity of water which
14 can be produced annually from a Groundwater Basin under a
15 given set of conditions without causing a gradual lowering
16 of the groundwater level leading eventually to depletion of
17 the supply in storage. The Safe Yield of the Beaumont Basin
18 is 8650 acre feet per year in each of the ten (10) years
19 following entry of this Judgment.

20 Y. San Timoteo Watershed Management Authority: a
21 joint powers public agency whose members are the Beaumont-
22 Cherry Valley Water District, the City of Beaumont, the
23 South Mesa Mutual Water Company and the Yucaipa Valley Water
24 District.

25 Z. Stored Water: Supplemental Water stored in the
26 Beaumont Basin pursuant to a Groundwater Storage Agreement
27 with the Watermaster.

28 AA. Supplemental Water: water imported into the

1 Beaumont Basin from outside the Beaumont Basin including,
2 without limitation, water diverted from creeks upstream and
3 tributary to Beaumont Basin and water which is recycled and
4 useable within the Beaumont Basin.

5 BB. Temporary Surplus: the amount of groundwater that
6 can be pumped annually in excess of Safe Yield from a
7 Groundwater Basin necessary to create enough additional
8 storage capacity to prevent the waste of water.

9 CC. Watermaster: the Person appointed by the Court to
10 administer and enforce the Physical Solution.

11 4. List of Exhibits

12 The following exhibits are attached to this Judgment and
13 made a part hereof:

- 14 Exhibit "A" -- "Location Map of Beaumont Basin"
15 Exhibit "B" -- "Overlying Owners and Their Water
Rights"
16 Exhibit "C" -- "Appropriators and Their Water Rights"
17 Exhibit "D" -- "Legal Description of Lands of the
Overlying Parties"
18 Exhibit "E" -- "Location of Overlying Producer Parcels
and Boundary of the Beaumont Basin"

19 II. INJUNCTIONS

20 1. Injunction Against Unauthorized Production of
21 Beaumont Basin Water

22 Each party herein is enjoined, as follows:

23 A. Overlying Parties: Each defendant who is an
24 Overlying Party, and its officers, agents, employees,
25 successors and assigns, is hereby enjoined and restrained
26 from producing groundwater from the Beaumont Basin in any
27 five-year period hereafter in excess of five times the share
28 of the Safe Yield assigned to the Overlying Parties as set

1 forth in Column 4 of Exhibit "B", as more fully described in
2 the Physical Solution.

3 B. Appropriator Parties: Each defendant who is an
4 Appropriator Party, and its officers, agents, employees,
5 successors and assigns, is hereby enjoined and restrained
6 from producing groundwater from the Beaumont Basin in any
7 year hereafter in excess of such party's Appropriator's
8 Production Right, except as additional annual Production may
9 be authorized by the provisions of the Physical Solution.

10 2. Injunction Against Unauthorized Storage or Withdrawal of
11 Stored Water

12 Each and every Party, and its officers, agents, employees,
13 successors and assigns, is hereby enjoined and restrained from
14 storing Supplemental Water in the Beaumont Basin for withdrawal,
15 or causing withdrawal of water stored by that Party, except
16 pursuant to the terms of a written Groundwater Storage Agreement
17 with the Watermaster and in accordance with Watermaster Rules and
18 Regulations. Any Supplemental Water stored in the Beaumont
19 Basin, except pursuant to a Groundwater Storage Agreement, shall
20 be deemed abandoned and not classified as Stored Water.

21 III. DECLARATION AND ADJUSTMENT OF RIGHTS

22 1. Overlying Rights

23 The Overlying Parties are currently exercising Overlying
24 Water Rights in the Beaumont Basin. As shown on Exhibit "B", the
25 aggregate Projected Maximum Production of water from the Beaumont
26 Basin pursuant to Overlying Water Rights is 8610 acre feet and
27 the Overlying Water Rights are individually decreed, in Column 4
28 of Exhibit "B", for each Overlying Party. The Overlying Parties

1 shall continue to have the right to exercise their respective
2 Overlying Water Right as set forth in Column 4 of Exhibit "B"
3 except to the extent their respective properties receive water
4 service from an Appropriator Party, as contemplated by Paragraph
5 III.3 of this Judgment.

6 2. Appropriator's Share of Operating Yield

7 Each Appropriator Party's share of Operating Yield is shown
8 on Exhibit "C". Notwithstanding any other provision of this
9 Judgment, each Appropriator Party may use its Appropriator's
10 Production Right anywhere within its service area.

11 3. Adjustment of Rights

12 A. The Overlying Parties shall have the right to
13 exercise their respective Overlying Water Rights except as
14 provided in this Paragraph 3.

15 B. To the extent any Overlying Party requests, and
16 uses its Exhibit "B", Column 4 water to obtain water service
17 from an Appropriator Party, an equivalent volume of potable
18 groundwater shall be earmarked by the Appropriator Party
19 which will serve the Overlying Party, up to the volume of
20 the Overlying Water Right as reflected in Column 4 of
21 Exhibit "B" attached hereto, for the purpose of serving the
22 Overlying Party. The intent of this provision is to ensure
23 that the Overlying Party is given credit towards satisfying
24 the water availability assessment provisions of Government
25 Code, Section 66473.7 et seq. and Water Code, Section 10910
26 et seq. or other similar provisions of law, equal to the
27 amount of groundwater earmarked hereunder.

28 C. When an Overlying Party receives water service as

provided for in subparagraph III.3.B the Overlying Party shall forebear the use of that volume of the Overlying Water Right earmarked by the Appropriator Party. The Appropriator Party providing such service shall have the right to produce the volume of water foregone by the Overlying Party, in addition to other rights otherwise allocated to the Appropriator Party.

D. Should the volume of the Overlying Water Right equal or exceed the volume of potable groundwater earmarked as provided in subparagraph 3.B, the Appropriator Party which will serve the Overlying Party shall (i) impose potable water charges and assessments upon the Overlying Party and its successors in interest at the rates charged to the then-existing regular customers of the Appropriator Party, and (ii) not collect from such Overlying Party any development charge that may be related to the importation of water into the Beaumont Basin. The Appropriator Party which will serve the Overlying Party pursuant to Subparagraph III.3.B shall also consider, and negotiate in good faith regarding, the provision of a meaningful credit for any pipelines, pump stations, wells or other facilities that may exist on the property to be served.

E. In the event an Overlying Party receives Recycled Water from an Appropriator Party to serve an overlying use served with groundwater, the Overlying Water Right of the Overlying Party shall not be diminished by the receipt and use of such Recycled Water. Recycled Water provided by an Appropriator Party to an Overlying Party shall satisfy the

criteria set forth in the California Water Code including, without limitation, the criteria set forth in Water Code Sections 13550 and 13551. The Appropriator Party which will serve the Recycled Water shall have the right to use that portion of the Overlying Water Right of the Overlying Party offset by the provision of Recycled Water service pursuant to the terms of this subparagraph; provided, however, that such right of use by the Appropriator Party shall no longer be valid if the Recycled Water, provided by the Appropriator Party to the Overlying Party, does not satisfy the requirements of Sections 13550 and 13551 and the Overlying Party ceases taking delivery of such Recycled Water.

F. Nothing in this Judgment is intended to impair or adversely affect the ability of an Overlying Party to enter into annexation or development agreements with any Appropriator Party.

G. Oak Valley Partners LP ("Oak Valley") is developing its property pursuant to Specific Plans 216 and 216A adopted by the County of Riverside ("County") in May 1990, and Specific Plan 318 adopted by the County in August, 2001, (Specific Plans 216, 216A and 318 are collectively referred to as the "Specific Plans"). The future water supply needs at build-out of the Specific Plans will greatly exceed Oak Valley's Projected Maximum Production, as reflected in Exhibit "B" to the Judgment, and may be as much as 12,811 acre feet per year. Oak Valley has annexed the portion of its property now within the City of Beaumont into the Beaumont-Cherry Valley Water District ("BCVWD"), and is in

1 the process of annexing the remainder portion of its property
2 into the Yucaipa Valley Water District ("YVWD"), in order to
3 obtain retail water service for the development of the Oak
4 Valley property pursuant to the Specific Plans (for purposes
5 of this subparagraph BCVWD and YVWD are collectively referred
6 to as the "Water Districts", and individually as a "Water
7 District"). YVWD covenants to use its best efforts to
8 finalize the annexation of the Oak Valley property within the
9 Calimesa City limits. Oak Valley, for itself and its
10 successors and assigns, hereby agrees, by this stipulation
11 and upon final annexation of its property by YVWD, to forbear
12 from claiming any future, unexercised, overlying rights in
13 excess of the Projected Maximum Production of Exhibit "B" of
14 1806 acre feet per year. As consideration for the
15 forbearance, the Water Districts agree to amend their
16 respective Urban Water Management Plans ("UWMP") in 2005 as
17 follows: BCVWD agrees that 2,400 acre feet per year of
18 projected water demand shall be included for the portion of
19 Oak Valley to be served by BCVWD in its UWMP, and YVWD agrees
20 to include 8,000 acre feet per year of projected water demand
21 as a projected demand for the portion of Oak Valley to be
22 served by YVWD in its UWMP by 2025. The Water Districts
23 agree to use their best judgment to accurately revise this
24 estimate to reflect the projected water demands for the UWMP
25 prepared in 2010. Furthermore, the Water Districts further
26 agree that, in providing water availability assessments prior
27 to 2010, as required by Water Code §10910 and water supply
28 verifications as required by Government Code §§66455.3 and

66473.7, or any similar statute, and in maintaining their respective UWMP, each shall consider the foregoing respective projected water demand figures for Oak Valley as proposed water demands. The intent of the foregoing requirements is to ensure that Oak Valley is credited for the forbearance of its overlying water rights and is fully accounted for in each Water District's UWMP and overall water planning. The Water Districts' actions in performance of the foregoing planning obligations shall not create any right or entitlement to, or priority or allocation in, any particular water supply source, capacity or facility, or any right to receive water service other than by satisfying the applicable Water District's reasonable requirements relating to application for service. Nothing in this subparagraph G is intended to affect or impair the provision of earmarked water to Overlying Parties who request and obtain water service from Appropriator Parties, as set forth in subparagraph III.3.B, above.

H. Persons who would otherwise qualify as Overlying Producers based on an interest in land lying within the City of Banning's service area shall not have the rights described in this Paragraph III.3.

4. Exemption for Minimal Producers

Unless otherwise ordered by the Court, Minimal Producers are exempt from the provisions of this Judgment.

IV. CONTINUING JURISDICTION

Full jurisdiction, power and authority is retained and reserved to the Court for purposes of enabling the Court, upon

1 application of any Party, by a motion noticed for at least a 30-
2 day period (or consistent with the review procedures of Paragraph
3 VII.6 herein, if applicable), to make such further or
4 supplemental order or directions as may be necessary or
5 appropriate for interim operation of the Beaumont Basin before
6 the Physical Solution is fully operative, or for interpretation,
7 or enforcement or carrying out of this Judgment, and to modify,
8 amend or amplify any of the provisions of this Judgment or to add
9 to the provisions hereof consistent with the rights herein
10 decreed; except that the Court's jurisdiction does not extend to
11 the redetermination of (a) Safe Yield during the first ten years
12 of operation of the Physical Solution, and (b) the fraction of
13 the share of Appropriative Water of each Appropriator.

14 V. THE PHYSICAL SOLUTION

15 1. Purpose and Objective

16 In accordance with the mandate of Section 2 of Article X of
17 the California Constitution, the Court hereby adopts, and orders
18 the parties to comply with, a Physical Solution. The purpose of
19 the Physical Solution is to establish a legal and practical means
20 for making the maximum reasonable beneficial use of the waters of
21 Beaumont Basin, to facilitate conjunctive utilization of surface,
22 ground and Supplemental Waters, and to satisfy the requirements
23 of water users having rights in, or who are dependent upon, the
24 Beaumont Basin. Such Physical Solution requires the definition
25 of the individual rights of all Parties within the Beaumont Basin
26 in a manner which will fairly allocate the native water supplies
27 and which will provide for equitable sharing of costs of
28 Supplemental Water.

1 2. Need for Flexibility

2 The Physical Solution must provide maximum flexibility and
3 adaptability in order that the Watermaster and the Court may be
4 free to use existing and future technological, social,
5 institutional and economic options. To that end, the Court's
6 retained jurisdiction shall be utilized, where appropriate, to
7 supplement the discretion granted herein to the Watermaster.

8 3. Production and Storage in Accordance With Judgment

9 This Judgment, and the Physical Solution decreed herein,
10 address all Production and Storage within the Beaumont Basin.
11 Because the Beaumont Basin is at or near a condition of
12 Overdraft, any Production outside the framework of this Judgment
13 and Physical Solution will potentially damage the Beaumont Basin,
14 injure the rights of all Parties, result in the waste of water
15 and interfere with the Physical Solution. The Watermaster shall
16 bring an action or a motion to enjoin any Production that is not
17 in accordance with the terms of this Judgment.

18 4. General Pattern of Operation

19 One fundamental premise of the adjudication is that all
20 Producers shall be allowed to pump sufficient water from the
21 Beaumont Basin to meet their respective requirements. Another
22 fundamental premise of the adjudication is that Overlying Parties
23 who pump no more than the amount of their Overlying Water Right
24 as shown on Column 4 of Exhibit "B" hereto, shall not be charged
25 for the replenishment of the Beaumont Basin. To the extent that
26 pumping exceeds five (5) times the share of the Safe Yield
27 assigned to an Overlying Party (Column 4 of Exhibit "B") in any
28 five (5) consecutive years, or the share of Operating Yield

Right of each Appropriator Party, each such Party shall provide funds to enable the Watermaster to replace such Overproduction.

5. Use of Available Groundwater Storage Capacity

A. There exists in the Beaumont Basin a substantial amount of available Groundwater Storage Capacity. Such Capacity can be reasonably used for Stored Water and Conjunctive Use and may be used subject to Watermaster regulation to prevent injury to existing Overlying and Appropriative water rights, to prevent the waste of water, and to protect the right to the use of Supplemental Water in storage and Safe Yield of the Beaumont Basin.

B. There shall be reserved for Conjunctive Use a minimum of 200,000 acre feet of Groundwater Storage Capacity in the Beaumont Basin provided that such amount may be reduced as necessary to prevent injury to existing water rights or existing uses of water within the Basin, and to prevent the waste of water. Any Person may make reasonable beneficial use of the Groundwater Storage Capacity for storage of Supplemental Water; provided, however, that no such use shall be made except pursuant to a written Groundwater Storage Agreement with the Watermaster. The allocation and use of Groundwater Storage Capacity shall have priority and preference for Producers within the Beaumont Basin over storage for export. The Watermaster may, from time-to-time, redetermine the available Groundwater Storage Capacity.

///

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AKLUF1 AN - WYSOCKI
3403 TENTH E
SUITE 610
RIVERSIDE, CA. 92501
(909) 682-5450

VI. ADMINISTRATION

1. Administration and Enforcement by Watermaster

The Watermaster shall administer and enforce the provisions of this Judgment and any subsequent order or instructions of the Court.

2. Watermaster Control

The Watermaster is hereby granted discretionary powers to develop and implement a groundwater management plan and program for the Beaumont Basin, which plan shall be filed with and shall be subject to review and approval by, the Court, and which may include water quantity and quality considerations and shall reflect the provisions of this Judgment. Except for the exercise by Overlying Parties of their respective Rights described in Column 4 of Exhibit "B" hereto in accordance with the provisions of the Physical Solution, groundwater extractions and the replenishment thereof, and the storage of Supplemental Water, shall be subject to procedures established and administered by the Watermaster. Such procedures shall be subject to review by the Court upon motion by any Party.

3. Watermaster Standard of Performance

The Watermaster shall, in carrying out its duties and responsibilities herein, act in an impartial manner without favor or prejudice to any Party or purpose of use.

4. Watermaster Appointment

The Watermaster shall consist of a committee composed of persons nominated by the City of Banning, the City of Beaumont, the Beaumont-Cherry Valley Water District, the South Mesa Mutual Water Company and the Yucaipa Valley Water District, each of

1 which shall have the right to nominate one representative to the
2 Watermaster committee who shall be an employee of or consultant
3 to the nominating agency. Each such nomination shall be made in
4 writing, served upon the other parties to this Judgment and filed
5 with the Court, which shall approve or reject such nomination.
6 Each Watermaster representative shall serve until a replacement
7 nominee is approved by the Court. The nominating agency shall
8 have the right to nominate that representative's successor.

9 5. Powers and Duties of the Watermaster

10 Subject to the continuing supervision and control of the
11 Court, the Watermaster shall have and may exercise the following
12 express powers, and shall perform the following duties, together
13 with any specific powers, authority, and duties granted or
14 imposed elsewhere in this Judgment or hereafter ordered or
15 authorized by the Court in the exercise of its continuing
16 jurisdiction:

17 A. Rules and Regulations: The adoption of
18 appropriate rules and regulations for the conduct of
19 Watermaster affairs, copies of which shall be provided to
20 all interested parties.

21 B. Wellhead Protection and Recharge: The
22 identification and management of wellhead protection areas
23 and recharge areas.

24 C. Well Abandonment: The administration of a well
25 abandonment and well destruction program.

26 D. Well Construction: The development of minimum
27 well construction specifications and the permitting of new
28 wells.

1 E. Mitigation of Overdraft: The mitigation of
2 conditions of uncontrolled overdraft.

3 F. Replenishment: The acquisition and recharge of
4 Supplemental Water.

5 G. Monitoring: The monitoring of groundwater levels,
6 ground levels, storage, and water quality.

7 H. Conjunctive Use: The development and management
8 of conjunctive-use programs.

9 I. Local Projects: The coordination of construction
10 and operation, by local agencies, of recharge, storage,
11 conservation, water recycling, extraction projects and any
12 water resource management activity within or impacting the
13 Beaumont Basin.

14 J. Land Use Plans: The review of land use plans and
15 coordination with land use planning agencies to mitigate or
16 eliminate activities that create a reasonable risk of
17 groundwater contamination.

18 K. Acquisition of Facilities: The purchase, lease
19 and acquisition of all necessary real and personal property,
20 including facilities and equipment.

21 L. Employment of Experts and Agents: The employment
22 or retention of such technical, clerical, administrative,
23 engineering, accounting, legal or other specialized
24 personnel and consultants as may be deemed appropriate. The
25 Watermaster shall maintain records allocating the cost of
26 such services as well as all other expenses of Watermaster
27 administration.

28 M. Measuring Devices: Except as otherwise provided

1 by agreement the Watermaster shall install and maintain in
2 good operating condition, at the cost of the Watermaster,
3 such necessary measuring devices or meters as Watermaster
4 may deem appropriate. Such devices shall be inspected and
5 tested as deemed necessary by the Watermaster and the cost
6 thereof borne by the Watermaster. Meter repair and
7 retesting will be a Producer expense.

8 N. Assessments: The Watermaster is empowered to levy
9 and collect the following assessments:

10 (1) Annual Replenishment Assessments

11 The Watermaster shall levy and collect
12 assessments in each year, in amounts sufficient to
13 purchase replenishment water to replace Overproduction
14 by any Party.

15 (2) Annual Administrative Assessments

16 a. Watermaster Expenses: The expenses of
17 administration of the Physical Solution shall be
18 categorized as either "General Watermaster
19 Administration Expenses", or "Special Project
20 Expenses".

21 i. General Watermaster Administration
22 Expenses: shall include office rent, labor,
23 supplies, office equipment, incidental expenses
24 and general overhead. General Watermaster
25 Administration Expenses shall be assessed by the
26 Watermaster equally against the Appropriators who
27 have appointed representatives to the Watermaster.
28

1 ii. Special Project Expenses: shall
2 include special engineering, economic or other
3 studies, litigation expenses, meter testing or
4 other major operating expenses. Each such project
5 shall be assigned a task order number and shall be
6 separately budgeted and accounted for. Special
7 Project Expenses shall be allocated to the
8 Appropriators, or portion thereof, on the basis of
9 benefit.

10 O. Investment of Funds; Borrowing: The Watermaster
11 may hold and invest Watermaster funds as authorized by law,
12 and may borrow, from time-to-time, amounts not exceeding
13 annual receipts.

14 P. Contracts: The Watermaster may enter into
15 contracts for the performance of any of its powers.

16 Q. Cooperation With Other Agencies: The Watermaster
17 may act jointly or cooperate with other local, state and
18 federal agencies.

19 R. Studies: The Watermaster may undertake relevant
20 studies of hydrologic conditions and operating aspects of
21 the management program for the Beaumont Basin.

22 S. Groundwater Storage Agreements: The Watermaster
23 shall adopt uniform rules and a standard form of agreement
24 for the storage of Supplemental Water, provided that the
25 activities undertaken pursuant to such agreements do not
26 injure any Party.

27 T. Administration of Groundwater Storage Capacity:
28 Except for the exercise by the Overlying Parties of their

1 respective Overlying Water Rights described in Part III,
2 above, in accordance with the provisions of the Physical
3 Solution, all Groundwater Storage Capacity in the Beaumont
4 Basin shall be subject to the Watermaster's rules and
5 regulations, which regulations shall ensure that sufficient
6 storage capacity shall be reserved for local projects. Any
7 Person or entity may apply to the Watermaster to store water
8 in the Beaumont Basin.

9 U. Accounting for Stored Water: The Watermaster
10 shall calculate additions, extractions and losses and
11 maintain an annual account of all stored water in the
12 Beaumont Basin, and any losses of water supplies or Safe
13 Yield resulting from such stored water.

14 V. Accounting for New Yield: Recharge of the
15 Beaumont Basin with New Yield water shall be credited to the
16 Party that creates the New Yield. The Watermaster shall
17 make an independent scientific assessment of the estimated
18 New Yield created by each proposed project. New Yield will
19 be allocated on an annual basis, based upon monitoring data
20 and review by the Watermaster.

21 W. Accounting for Acquisitions of Water Rights: The
22 Watermaster shall maintain an accounting of acquisitions by
23 Appropriators of water otherwise subject to Overlying Water
24 Rights as the result of the provision of water service
25 thereto by an Appropriator.

26 X. Annual Administrative Budget: The Watermaster
27 shall prepare an annual administrative budget for public
28 review, and shall hold a public hearing on each such budget

1 prior to adoption. The budget shall be prepared in
2 sufficient detail so as to make a proper allocation of the
3 expenses and receipts. Expenditures within budgeted items
4 may thereafter be made by the Watermaster as a matter of
5 course.

6 Y. Redetermining the Safe Yield: The Safe Yield of
7 the Beaumont Basin shall be redetermined at least every 10
8 years beginning 10 years after the date of entry of this
9 Judgment.

10 6. Reports and Accounting

11 (a) Production Reports: Each Pumper shall
12 periodically file, pursuant to Watermaster rules and
13 regulations, a report showing the total production of such
14 Pumper from each well during the preceding report period,
15 and such additional information as the Watermaster may
16 reasonably require.

17 (b) Watermaster Report and Accounting: The
18 Watermaster shall prepare an annual report of the preceding
19 year's operations, which shall include an audit of all
20 assessments and Watermaster expenditures.

21 7. Replenishment

22 Supplemental Water may be obtained by the Watermaster from
23 any source. The Watermaster shall seek the best available
24 quality of Supplemental Water at the most reasonable cost for
25 recharge in the Basin. Sources may include, but are not limited
26 to:

27 (a) Recycled Water;

28 (b) State Water Project Water;

1 (c) Other imported water.

2 Replenishment may be accomplished by any reasonable method
3 including:

4 (a) Spreading and percolation, or injection of water
5 in existing or new facilities; and/or

6 (b) In-lieu deliveries for direct surface use, in lieu
7 of groundwater extraction.

8 VII. MISCELLANEOUS PROVISIONS

9 1. Designation of Address for Notice and Service

10 Each Party shall designate, in writing to the plaintiff, the
11 name and address to be used for purposes of all subsequent
12 notices and service herein, such designation to be delivered to
13 the plaintiff within 30 days after the Judgment has been entered.
14 The plaintiff shall, within 45 days after judgment has been
15 entered, file the list of designees with the Court and serve the
16 same on the Watermaster and all Parties. Such designation may be
17 changed from time-to-time by filing a written notice of such
18 change with the Watermaster. Any Party desiring to be relieved
19 of receiving notices of Watermaster activity may file a waiver of
20 notice on a form to be provided by the Watermaster. The
21 Watermaster shall maintain, at all times, a current list of
22 Parties to whom notices are to be sent and their addresses for
23 purposes of service. The Watermaster shall also maintain a full
24 current list of names and addresses of all Parties or their
25 successors, as filed herein. Copies of such lists shall be
26 available to any Person. If no designation is made, a Party's
27 designee shall be deemed to be, in order of priority: (i) the
28 Party's attorney of record; or (ii) if the Party does not have an

1 attorney of record, the Party itself at the address on the
2 Watermaster list.

3 2. Intervention After Judgment

4 Any Person who is neither a Party to this Judgment nor a
5 successor or assignee of a Party to this Judgment may seek to
6 become a party to this Judgment by filing a petition in
7 intervention.

8 3. Interference with Pumping

9 Nothing in this judgment shall be deemed to prevent any
10 party from seeking judicial relief against any other party whose
11 pumping activities constitute an unreasonable interference with
12 the complaining party's ability to extract groundwater.

13 4. Successors and Assigns

14 This Judgment and all provisions herein shall be binding on
15 and shall inure to the benefit of the heirs, executors,
16 administrators, successors and assigns of the parties hereto.

17 5. Severability

18 The provisions of this Judgment are severable. If any
19 provision of this Judgment is held by the Court to be illegal,
20 invalid or unenforceable, that provision shall be excised from
21 the Judgment. The remainder of the terms of the Judgment shall
22 remain in full force and effect and shall in no way be affected,
23 impaired or invalidated by such excision. This Judgment shall be
24 reformed to add, in lieu of the excised provision, a provision as
25 similar in terms to the excised provision as may be possible and
26 be legal, valid and enforceable.

27 6. Review Procedures

28 Any action, decision, rule or procedure of the Watermaster

1 pursuant to this Judgment shall be subject to review by the Court
2 on its own motion or on timely motion by any Party, as follows:

3 A. Effective Date of Watermaster Action: Any order,
4 decision or action of the Watermaster pursuant to this
5 Judgment on noticed specific agenda items shall be deemed to
6 have occurred on the date of the order, decision or action.

7 B. Notice of Motion: Any Party may, by a regularly-
8 noticed motion, petition the Court for review of the
9 Watermaster's action or decision pursuant to this Judgment.
10 The motion shall be deemed to be filed when a copy,
11 conformed as filed with the Court, has been delivered to the
12 Watermaster, together with the service fee established by
13 the Watermaster sufficient to cover the cost to photocopy
14 and mail the motion to each Party. The Watermaster shall
15 prepare copies and mail a copy of the motion to each Party
16 or its designee according to the official service list which
17 shall be maintained by the Watermaster according to Part
18 VII, paragraph 1, above. A Party's obligation to serve the
19 notice of a motion upon the Parties is deemed to be
20 satisfied by filing the motion as provided herein. Unless
21 ordered by the Court, any petition shall not operate to stay
22 the effect of any Watermaster action or decision which is
23 challenged.

24 C. Time for Motion: A motion to review any
25 Watermaster action or decision shall be filed within 90 days
26 after such Watermaster action or decision, except that
27 motions to review Watermaster assessments hereunder shall be
28 filed within 30 days of mailing of notice of the assessment.

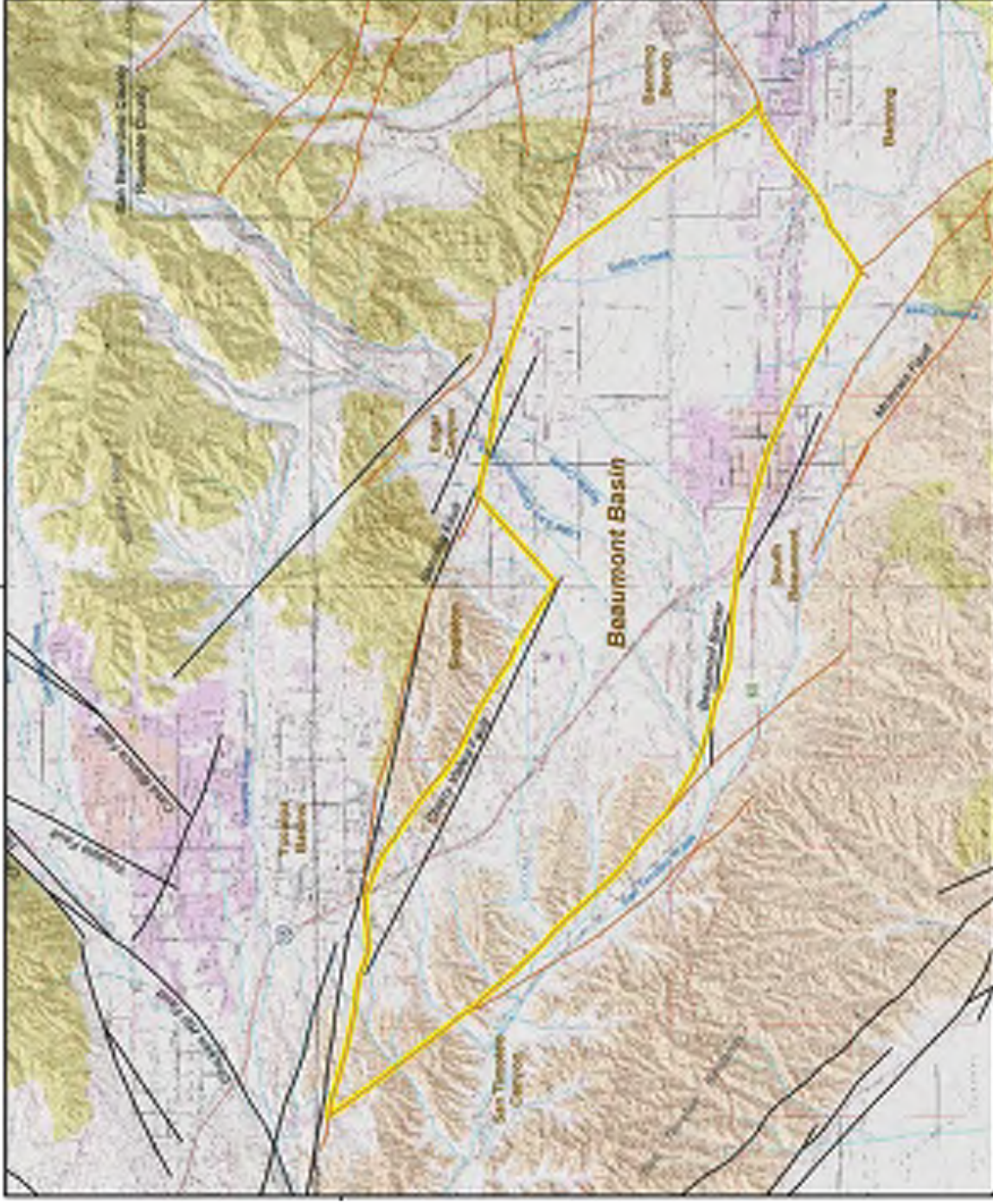
1 D. De Novo Nature of Proceeding: Upon filing of a
2 petition to review a Watermaster action, the Watermaster
3 shall notify the Parties of a date when the Court will take
4 evidence and hear argument. The Court's review shall be de
5 novo and the Watermaster decision or action shall have no
6 evidentiary weight in such proceeding.

7 E. Decision: The decision of the Court in such
8 proceedings shall be an appealable Supplemental Order in
9 this case. When the same is final, it shall be binding upon
10 the Watermaster and the Parties.

11
12
13 Dated: FEB - 4 2004

14 GARY TRAMBARGER

15 JUDGE OF THE SUPERIOR COURT
16
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28



San Timoteo Watershed Management Authority

- Beaumont Basin Boundary (based on faults of Beyer (1978))
- Fault by Burnham and Quaker (1960)
- Fault by Beyer (1971)

Geological Symbols

- Unconsolidated Sediments
- Consolidated Bedrock
- Semi Consolidated Sediments

- Dike



Exhibit A

Boundary Map and Features
of the Beaumont Basin Area

Map prepared by:

WE

Watershed
Management

File: Exhibit A.mxd

Author: JEM

Date: 12/20/02

Exhibit B
Overlying Producers and Their Rights

(1) Producer	(2) Average Production during 1997- 2001 (acre-ft/yr)	(3) Exercised Rights ¹ (acre-ft/yr)	(4) Projected Maximum Production (acre-ft/yr)
Beckman, Walt	0	0	75
Roman Catholic Bishop of San Bernardino	104	114	154
Rancho Calimesa Mobile Home Park	60	150	150
Merlin Properties, LLC.	540	550	550
Sunny-Cal Egg and Poultry Company ²	1,340	1,340	1,439.5
Sunny-Cal North - Manheim, Manheim & Berman ²			300
Nick Nikodinov ³			20
Ronald L. McAmis ⁴			5
Nicolas and Amalia Aldama ⁵			7
Hector Gutierrez, Luis Gutierrez and Sebastian Monroy ⁶			10
Boris and Miriam Darmont ⁷			2.5
California Oak Valley Golf and Resort LLC	692	950	950
Leonard Stearn	0	0	200
Oak Valley Partners	510	553	1,806
So. California Professional Golf Association	680	1,688	2,200
Sharondale Mesa Owners Association	184	200	200
Plantation on the Lake	271	300	581
Totals	4,381	5,845	8,650

Note 1 -- Maximum Reported Production during 1997-2001

Note 2 -- The Exercised Right and Projected Maximum Production were an aggregate right for defendants Sunny-Cal Egg and Poultry, and Manheim, Manheim and Berman(MMB). As requested, Watermaster action designated 300 af of the aggregate right to MMB aka Sunny-Cal North on February 7, 2006.

Note 3 -- The Exercised Right and Projected Maximum Production were an aggregate right for defendants Sunny-Cal Egg and Poultry, and Manheim, Manheim and Berman(MMB). As requested, Watermaster action designated 20 af of aggregate right to Nick Nikodinov on April 17, 2006.

Note 4 -- The Exercised Right and Projected Maximum Production were an aggregate right for defendants Sunny-Cal Egg and Poultry, and Manheim, Manheim and Berman(MMB). As requested, Watermaster action designated 5 af of aggregate right to Ronald L. McAmis on June 13, 2006.

Note 5 -- The Exercised Right and Projected Maximum Production were an aggregate right for defendants Sunny-Cal Egg and Poultry, and Manheim, Manheim and Berman(MMB). As requested, Watermaster action designated 7 af of aggregate right to Nicolas and Amalia Aldama on June 13, 2006.

Note 6 -- The Exercised Right and Projected Maximum Production were an aggregate right for defendants Sunny-Cal Egg and Poultry, and Manheim, Manheim and Berman(MMB). As requested, Watermaster action designated 10 af of aggregate right to Hector Gutierrez, Luis Gutierrez and Sebastian Monroy on June 13, 2006.

Note 7 -- The Exercised Right and Projected Maximum Production were an aggregate right for defendants Sunny-Cal Egg and Poultry, and Manheim, Manheim and Berman(MMB). As requested, Watermaster action designated 2.50 af of aggregate right to Boris and Miriam Dermont on June 13, 2006.

Exhibit C
Appropriators and Their Water Rights

(1) Producer	(2) Average Production during 1997-2001 (acre-ft/yr)	(3) Share of Safe Yield Allocated to Appropriators	(4) Initial Estimate of Appropriate Rights ¹ (acre-ft/yr)	(5) Controlled Overdraft and Supplemental Water Recharge ² Allocation ² (acre-ft/yr)	(6) Operating Yield (acre-ft/yr)
Banning, City of	2,170	31.43%	882	5,029	5,910
City of Beaumont	0	0.00%	0	0	0
Beaumont Cherry Valley Water District	2,936	42.51%	1,193	6,802	7,995
South Mesa Water Company	862	12.48%	350	1,996	2,346
Yucaipa Valley Water District	938	13.58%	381	2,173	2,554
Totals	6,906	100.00%	2,805	16,000	18,805

Note 1 – Based on a 8,650 acre-ft/yr safe yield

Note 2-- Controlled overdraft will not exceed 160,000 acre-ft during for first ten years of operation under the physical solution.

Exhibit D
Overlying Producers and the Parcels Upon Which Their Overlying Rights are Exercised¹

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Beckman, Walt	405250004	19.04
	405250005	19.00
Total Area		<u>38.04</u>
California Oak Valley Golf and Resort	406070041	209.71
Total Area		<u>209.71</u>
Manheim, Manheim & Berman²	407200009	20.35
	407200011	20.00
	407200012	20.04
	407210001	45.41
	407210002	12.04
	407210004	4.16
Total Area		<u>122.00</u>
Roman Catholic Bishop of San Bernardino	413280016	16.78
	413280030	2.06
	413280036	12.42
Total Area		<u>31.26</u>
Oak Valley Partners	406060010	115.82
	406060015	4.00
	406060017	19.03
	406230020	4.26
	411210003	2.40
	411210005	105.41
	411210010	15.14
	411210016	9.77
	411210017	8.94
	413030011	315.30
	413040001	493.40
	413040002	137.00
	413040003	74.48
	413040004	6.50
	413040005	80.02
	413040006	75.54
	413040007	76.22

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Oak Valley Partners (cont'd)	413040008	144.48
	413040009	10.00
	413040010	78.22
	413060003	1.70
	413160003	80.00
	413160004	106.92
	413160005	53.08
	413160006	64.47
	413160007	15.53
	413170020	40.26
	413170021	27.62
	413170023	12.38
	413170027	14.19
	413170028	4.11
	413170029	2.35
	413170030	20.28
	413170031	66.63
	413170033	2.79
	413170035	11.74
	413180017	556.91
	413180019	9.77
	413190001	111.31
	413190003	5.64
	413190005	10.35
	413190008	12.40
	413190011	138.92
	413200002	0.23
	413200003	0.15
	413200010	5.94
	413200014	10.61
	413200015	11.36
	413200020	5.00
	413200023	14.47
	413200024	5.00
	413200026	32.86
	413200027	42.90
	413200028	116.62
	413200029	6.39
	413200030	19.01
	413200034	2.18
	413200035	10.99
	413200036	10.42
	413200037	4.95
	413270021	0.31
	413280034	2.37
	413280039	13.61
	413280040	1.91

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Oak Valley Partners (cont'd)	413280041	2.24
	413280042	6.86
	413290003	510.57
	413290004	16.08
	413290006	8.40
	413290007	103.68
	413450019	74.85
	413450020	169.96
	413450021	146.99
	413450024	48.25
	413450025	50.83
	413450026	122.59
	413450029	108.92
	413460036	199.12
	413460037	23.51
	413460038	19.58
	413460039	45.23
	413460039	45.23
	414090005	1.59
	414090007	1.38
	414090013	31.60
	414090017	20.00
	414090018	4.50
	414100002	42.13
	414100003	65.00
Total Area		<u>5,331.65</u>
Plantation on the Lake	407230031	12.36
	407230010	1.25
	406050018	156.85
	406050002	5.12
	406050003	1.81
Total Area		<u>177.39</u>
Rancho Calimesa Mobile Home Park	413270001	29.66
Total Area		<u>29.66</u>
Merlin Properties, LLC.	407230014	48.52
Total Area		<u>48.52</u>
Sharondale Mesa Owners Association	413330014	1.55
	413330015	2.14
	413331022	0.48
	413331035	0.22
	413340021	0.04
	413340022	0.04
	413340023	1.53
	413340024	2.52
	413341033	0.29

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Sharondale Mesa Owners Association (cont'd)	413341034	0.81
	413341036	0.35
	413342004	0.35
	413350011	1.04
	413350012	1.44
	413351018	17.08
	413351019	0.16
	413360032	1.92
	413360033	2.30
	413360035	0.90
	413361001	0.14
	413361008	0.12
	413361010	0.18
	413370027	0.39
	413370028	5.34
	413370030	0.69
	413371018	2.07
	413372019	1.39
	Total Area	<u>45.48</u>
So. California Professional Golf Association	406060011	146.59
	406060013	2.83
	406060014	4.58
	406060016	10.35
	413450016	99.66
	413450022	95.15
	413450023	2.89
	413450027	91.53
Total Area		<u>453.58</u>
Stearns, Leonard	413221001	0.25
	413221002	0.34
	413260018	49.33
	413260025	0.37
	413270007	10.58
	413280010	1.27
	413280018	9.37
	413280021	4.26
	413280027	3.80
	413280037	14.32
Total Area		<u>93.89</u>
Sunny-Cal Egg and Poultry Company²	406080013	0.07
	407190016	4.95
	407190017	31.32
	407230022	20.03
	407230023	20.03
	407230024	20.03
	407230025	21.99

(1) Overlying Producer	(3) Assessors Parcel Number(s)	(4) Area (Acres)
Sunny-Cal Egg and Poultry Company² (cont'd)	407230026	25.94
	407230027	21.63
	407230028	21.56
Total Area		<u>187.55</u>
Nikodinov, Nick⁴	407180004	9.35
Total Area		<u>9.35</u>
McAmis, Ronald L.⁵	407190018	0.93
Total Area		<u>0.93</u>
Aldama, Nicolas and Amalia⁶	407190015	1.35
Total Area		<u>1.35</u>
Hector Gutierrez, Luis Gutierrez and Sebastian Monroy⁷	407190013	2.01
Total Area		<u>2.01</u>
Darmont, Boris and Miriam⁸	407190014	0.50
Total Area		<u>0.50</u>
Total Area for All Overlying Producers³		<u>6,782.87</u>

Note 1 -- Parcels as of June 1, 2003; updated to include Nick Nikodinov per April 17, 2006 Watermaster action; updated to include Ronald L. McAmis, Nicolas and Amalia Aldama, Hector Gutierrez, Luis Gutierrez, and Sebastian Monroy, and Boris and Miriam Darmont per June 13, 2006 Watermaster actions.

Note 2 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to MMB on February 7, 2006.

Note 3 -- The Watermaster shall recognize adjustments in parcel boundaries that result in de minimus changes in water use

Note 4 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Nick Nikodinov on April 17, 2006.

Note 5 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Ronald L. McAmis on June 13, 2006.

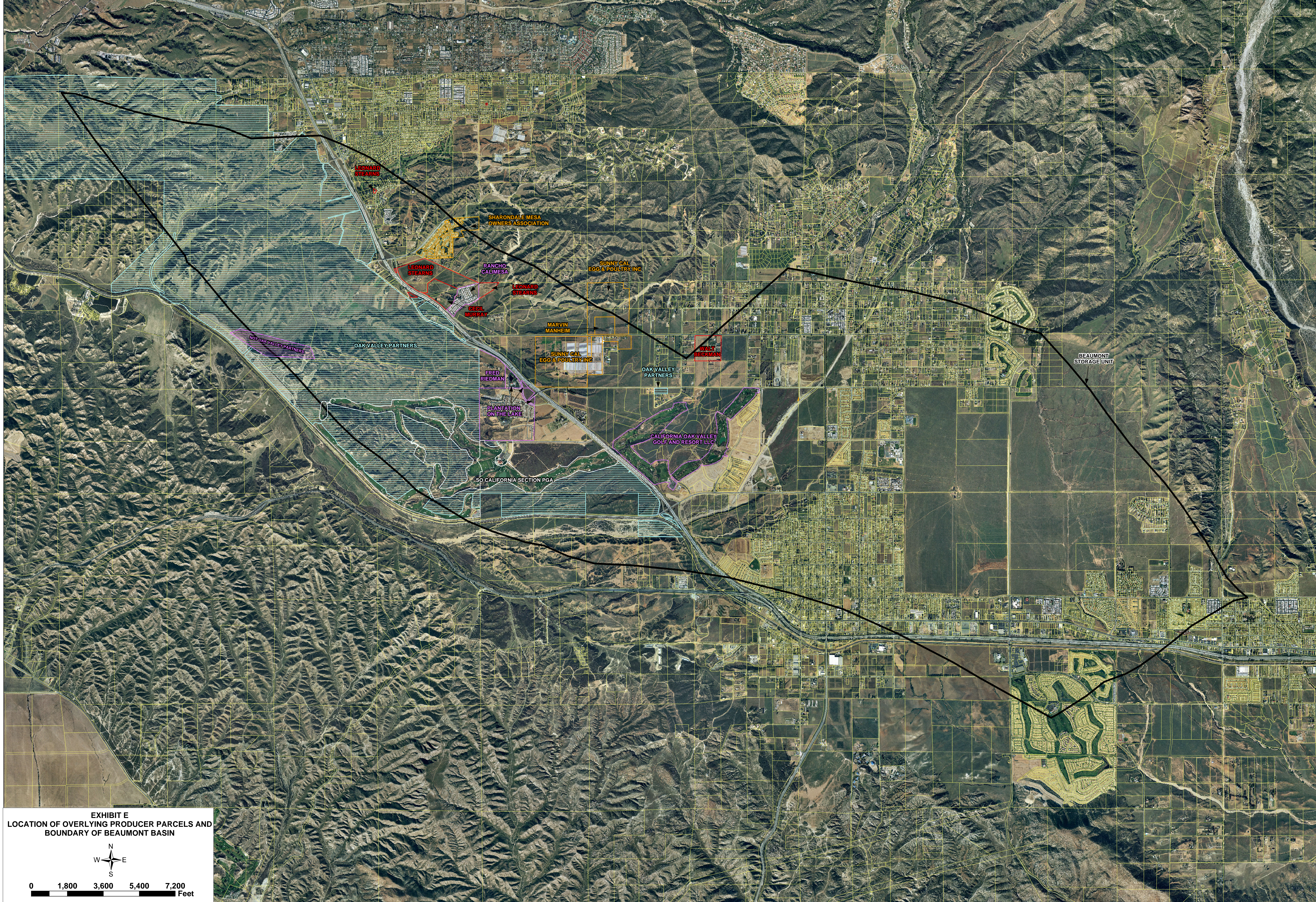
Note 6 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Nicolas and Amalia Aldama on June 13, 2006.

Note 7 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Hector Gutierrez, Luis Gutierrez and Sebastian Monroy on June 13, 2006.

Note 8 -- Parcels owned by Sunny-Cal Egg & Poultry Company include the overlying water rights of Manheim, Manheim and Berman (MMB) and is aggregated as shown in Column 4 of Exhibit B as attributable to Sunny-Cal Egg & Poultry Company. As requested, Watermaster designated a portion of these aggregated rights to Boris and Miriam Darmont on June 13, 2006.

EXHIBIT E

LOCATION OF OVERLYING PRODUCER PARCELS AND BOUNDARY OF BEAUMONT BASIN



APPENDIX K

WELL ACQUISITION AGREEMENT

THIS WELL ACQUISITION AGREEMENT ("Agreement"), dated September __, 2006 is made by and between Beaumont-Cherry Valley Water District, a public agency ("Buyer"), and Sunny-Cal Egg & Poultry Company, a California corporation ("Sunny-Cal" or "Seller"). Buyer and Seller are sometimes individually referred to as a "party" and collectively as the "parties".

RECITALS

A. Seller desires to sell and convey to Buyer all of Seller's right, title and interest in and to a water well (known locally as well no. 4) located in the northern portion of Sunny Cal's property near Beaumont, California, as well as related pumping equipment, electrical equipment, and plant piping, together with one spare motor and spare impellers, (collectively, the "Well"). The general location of the Well is depicted in "Figure 1" attached hereto. The real property owned by Sunny-Cal in Beaumont, California is defined herein as the "Sunny-Cal Property."

B. In addition to the Well, Seller desires to convey to Buyer nonexclusive temporary easements allowing Buyer to access the Well, to have installed temporary electricity service to the Well, to have a staging area near the Well, and to install an above ground pipeline from the Well to Cherry Valley Boulevard. These "Temporary Easements" are located within a 30-foot wide area traveling north from the Well, as shown in Figure 1, to Cherry Valley Boulevard. Further information about the Temporary Easements" is described herein. The Well and the Temporary Easements are referred to herein, collectively, as the "Property." The term "Property" shall also include any "Permanent Easements," as defined in Paragraph 4, below, established pursuant to this Agreement, together with any other property transferred pursuant to this Agreement.

C. Seller desires to sell the Property to Buyer and Buyer desires to purchase the Property from Seller upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer agree as follows:

1. Purchase and Sale. Seller hereby agrees to sell the Property to Buyer, and Buyer hereby agrees to purchase the Property from Seller, upon the terms and conditions herein set forth. The date upon which the last of the two parties to sign this agreement shall be the "Execution Date."
2. Purchase Price. The purchase price ("Purchase Price") for the Property (excluding the Permanent Easements and additional lot(s), if any, to be transferred to the District) shall be (\$855,400) Eight Hundred Fifty Five Thousand Four Hundred dollars. The Purchase Price shall be payable by Buyer to Seller within seven (7) days after the Execution Date. The allocation of the Purchase Price shall be as follows:

(a)	The Well	-	\$647,400
(b)	Temporary Easements	-	\$208,000

The price for the Permanent Easements and additional lot, if any, contemplated to be sold to Buyer, shall be as set forth in Section 4 below.

3. Parameters and Use of Temporary Easements. The Temporary Easement for access will be no more than 30 feet wide and will run from Cherry Valley Blvd on the north for a distance of approximately 140 feet in a southerly direction to the Well. Buyer will also have the right to install on or above (but not within or under) this 30-foot wide Temporary Easement for access a temporary water pipeline and temporary electricity service. The parties shall agree as to the precise location of the temporary water pipeline and temporary electricity poles, wires and related facilities; provided, however, that such area shall be substantially as set forth in "Figure 3". The temporary, non-exclusive Well site easement will be approximately 10,000 square feet. Buyer shall be provided with a key to the lock on the gate located at the point where the Temporary Easement for access meets Cherry Valley Boulevard. Buyer's use of the Well and the Temporary and Permanent Easements shall be subject to the following (collectively, the "Rules of Use") (i) Buyer shall have rights to access the Temporary Easements or Permanent Easements between the hours of 7 am and 8 pm; provided, however, that in case of emergency Buyer may use the Temporary Easements or Permanent Easements, as the case may be, at any time of day; (ii) Buyer agrees to comply with any and all laws, rules and regulations that relate to the access or use of the Well, and to access or use of the Temporary Easements or Permanent Easements; (iii) in no event shall Buyer's use of the Well, the Temporary Easements or the Permanent Easements unreasonably interfere with the quiet enjoyment of adjacent landowners, including, without limitation residential homeowners; (iv) any use by Buyer must be consistent with the adjacent residential community; and (v) Buyer's use shall in all events comply with the terms of this Agreement (including without limitation Section 14). In case of dispute regarding use of the Temporary Easements or the Well, Buyer and Seller shall work together to resolve any such dispute. In case any such dispute cannot be resolved, the complaining party shall provide written notice to the other party regarding the issues involved, with the matter referred to a mediator agreed upon by the parties for resolution. If the matter cannot be resolved through mediation within thirty (30) days after the occurrence of the dispute, either party may pursue the matter in any court. Buyer agrees to maintain adequate general liability, automobile and all other appropriate insurance in amounts of at least \$1 million per occurrence to cover any incident that may occur on the Property after the Execution Date pending formal transfer of title to the Property and Grant of Permanent Easement; during that period Buyer shall cause Seller and any successors in interests to be named as additional insured on all such policies.

4. Conveyance of Permanent Easements; Credit for Payment for Temporary Easements. The Parties acknowledge that Seller has not yet finalized its land use plans regarding the future development of Seller's property surrounding the Well. As a result, Seller has agreed to provide Buyer with the Temporary Easements until such time as Seller's land use plans are sufficiently finalized to allow for Seller to convey and Buyer to accept "Permanent Easements" in gross. The location of the Permanent Easements shall be determined by Seller (subject to the consent of Purchaser as provided below), provided, however, that such location shall allow Buyer: (i) to permanently access the Wells; (ii) to control a permanent staging area around the Well; (iii) to install or have installed permanent electricity service to the Well; and (iv) to install and maintain a permanent pipeline traveling from the Well to Buyer's water distribution system. At this time, the Parties anticipate Buyer will need a permanent staging area around the Well (the "Permanent Well Site") of approximately 10,000 square feet, measured 100 feet by 100 feet, to allow for access of Buyer's well drilling rigs and other equipment to the Well site. Notwithstanding the foregoing, Seller shall consult with Buyer and keep Buyer informed of proposed locations of the

Permanent Easements. Upon the determination of the final location, Seller and Buyer shall mutually agree on a recorded instrument consistent with the terms set forth herein to memorialize the final form of the Permanent Easements, which shall include, without limitation, the Rules of Use and the terms of Section 14 herein. The Purchase Price for the Permanent Easements shall be the then-current "finished lot" market value of the easement area, increased on a pro rata basis for any square footage in excess of the "finished lot" market value being used for the computation of the Purchase Price, and shall be payable in immediately available funds at the time of transfer to Buyer of the Permanent Easements. The parties further agree that because of Buyer's payment in the amount of \$208,000 under this Agreement as the portion of the Purchase Price attributable to the Temporary Easements, Buyer shall receive a credit of \$208,000 toward the purchase of the Permanent Easements. Buyer agrees to use reasonable efforts to minimize the area and lots needed for the Well site and Permanent Easements. Seller also agrees to sell to Buyer, upon request from Buyer before construction begins on the lots adjacent to the Well, no more than one more lot adjacent to the Well at the finished lot price prevailing at the time of the conveyance of the Permanent Easements, and subject to the same terms set forth herein with respect to the Permanent Easements.

5. No Water Rights. The parties agree that no water rights shall be transferred under or as a result of this Agreement. Buyer acknowledges and agrees that the water to be pumped from the Well by Buyer will be pursuant to water rights owned or controlled by Buyer. Nothing herein shall affect Seller's water rights, nor its continued ability to exercise such rights.

6. No Representations or Warranties re Water Quantity or Quality. Seller makes no representations or warranties as to the quantity of water that may be produced from the Well, the quality of such water, or the suitability of such water for any particular purpose.

7. Costs and Expenses. Each party shall bear its own expenses as have been incurred in conjunction with preparation of this Agreement. Buyer shall bear any all costs associated with maintaining, operating and improving the Property or any related real or personal property. Buyer shall be responsible for complying with any and all state, local and federal laws associated with the acquisition, use or operation of the Property.

8. Utility Expenses. Within five days after the Execution Date, Buyer shall make arrangements to have electricity service to the Well be put into the name of Buyer. Electrical utility charges with respect to the Well shall be prorated as of the date of the Execution Date by taking a meter reading, or if such reading is unavailable, the parties shall prorate such charges using the per diem rate and average meter units used as calculated from the latest available billings or other operating history of the Well provided by Seller. After the Execution Date, the parties shall make any readjustments necessary based upon a final billing obtained by Seller or actual subsequent readings of utility meters.

9. Seller's Representations and Warranties. In consideration of Buyer entering into this Agreement and as an inducement to Buyer to purchase the Property, Seller makes the following covenants, representations and warranties, each of which is material and is being relied upon by Buyer (and the continued truth and accuracy of which shall constitute a condition precedent to Buyer's obligations hereunder):

9.1 Representations Regarding Seller's Authority. Seller is a corporation duly formed and in good standing under the laws of the State of California and has the legal power, right and authority to enter into this Agreement and the instruments referenced herein, and to consummate the transactions contemplated hereby. This Agreement and all documents required hereby to be executed by Seller have been authorized by all necessary corporate action and are and shall be

valid, legally binding obligations of and enforceable against Seller in accordance with their terms. The individuals executing this Agreement and the instruments referenced herein on behalf of Seller have the legal power, right, and actual authority to bind Seller to the terms and conditions hereof and thereof. Except as expressly set forth in this Agreement, no consent of any third party or governmental authority is required to consummate the transactions set forth herein.

9.2 No Conflicts. Neither the execution and delivery of this Agreement and the documents and instruments referenced herein, nor the incurrence of the obligations set forth herein, nor the consummation of the transaction contemplated herein, nor compliance with the terms of this Agreement and the documents and instruments referenced herein conflict with or result in the material breach of any terms, conditions or provisions of, or constitute a default under, any bond, note, or other evidence of indebtedness or any contract, indenture, mortgage, deed of trust, loan, partnership agreement, lease or other agreement or instrument to which Seller is a party or affecting the Property.

9.3 No Prior Transfer. Seller has not previously sold, transferred or conveyed the Well and Seller has not entered into any executory contracts for the sale of the Well (other than this Agreement), nor do there exist any rights of first refusals or options to purchase the Well.

9.4 FIRPTA. Seller is not a foreign person within the meaning of Section 1445(f)(3) of the Internal Revenue Code of 1986, and Seller will furnish a FIRPTA Certificate to Buyer within two weeks of the Execution Date.

10. Buyer's Representations and Warranties. In consideration of Buyer entering into this Agreement and as an inducement to Buyer to sell the Property, Buyer makes the following representations and warranties, each of which is material and is being relied upon by Seller (and the continued truth and accuracy of which shall constitute a condition precedent to Seller's obligations hereunder):

10.1 Representations Regarding Buyer's Authority. Buyer is a public agency organized as an irrigation district and has the legal power, right and authority to enter into this Agreement and the instruments referenced herein and to consummate the transaction contemplated hereby. All requisite agency action has been taken by Buyer in connection with entering into this Agreement, the instruments referenced herein, and the consummation of the transaction contemplated hereby. The individuals executing this Agreement and the instruments referenced herein on behalf of Buyer have the legal power, right, and actual authority to bind Buyer to the terms and conditions hereof and thereof. This Agreement and all documents required hereby to be executed by Buyer are and shall be valid, legally binding obligations of and enforceable against Buyer in accordance with their terms. Except as expressly set forth in this Agreement, no consent of any third party or governmental authority is required to consummate the transactions set forth herein.

10.2 No Conflicts. Neither the execution and delivery of this Agreement and the documents and instruments referenced herein, nor the incurrence of the obligations set forth herein, nor the consummation of the transaction contemplated herein, nor compliance with the terms of this Agreement and the documents and instruments referenced herein conflict with or result in the material breach of any terms, conditions or provisions of, or constitute a default under, any bond, note, or other evidence of indebtedness or any contract, indenture, mortgage, deed of trust, loan, partnership agreement, lease or other agreement or instrument to which Buyer is a party.

11. Indemnity by Buyer. Buyer hereby agrees, after the Execution Date, at its sole cost and expense, to indemnify, protect, defend (with counsel of Buyer's choice), and hold Seller, its

shareholders, directors, officers, employees, successors and assigns ("Seller Indemnified Parties"), from and against any and all claims, demands, damages, losses, liabilities, obligations, penalties, fines, actions, causes of action, judgments, suits, proceedings, costs, disbursements and expenses (including, without limitation, attorneys' and experts' reasonable fees and costs) of any kind or nature whatsoever which may at any time be imposed upon, incurred or suffered by, or asserted or awarded against the Seller Indemnified Parties relating to or arising from (i) the ownership, use or operation of the Property by the Buyer following the Execution Date, and (ii) any breach of any covenant, agreement, representation or warranty of Buyer contained in this Agreement. The indemnity by Buyer herein contained shall survive the Execution Date.

12. Notices. All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered, sent by overnight mail (Federal Express or the like), or delivered or sent by facsimile and shall be deemed received upon the earlier of (i) if personally delivered, the date of delivery to the address of the person to receive such notice, (ii) if sent by overnight mail, the business day following its deposit in such overnight mail facility, (iii) if given by facsimile or fax, the business day when sent when sent. Any notice, request, demand, direction or other communication sent by facsimile or fax must be confirmed within forty eight (48) hours by a letter delivered in accordance with the foregoing.

To Buyer: Beaumont-Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223
Attention: Charles Butcher
Phone No. (951) 845-9581
Fax No. (951) 843-0159

With copy to: Gerry Shoaf, Esq.
Redwine & Sherrill
1950 Market Street
Riverside, CA 92501
Phone No. (951) 684-2520
Fax No. (951) 684-9583

To Seller: Sunny Cal Egg & Poultry Company
37251 Cherry Valley Boulevard
Cherry Valley, CA 92223
Attn: Kathi Berman/Michael Manheim
Phone No. (951) 769-8615
Fax No. (951) 845-5535

With Copy To: Steven M. Anderson, Esq.
Best Best & Krieger LLP
3750 University Avenue, 3rd Floor
Riverside, CA 92501
Phone No. (951) 686-1450
Fax No. (951) 686-3083

13. Condition of Well, Temporary and Permanent Easements, and any Lots. Buyer specifically acknowledges, represents and warrants that prior to the Execution Date, it and its agents and representatives thoroughly inspected the Property and observed the physical characteristics and condition of the Property including, without limitation, the potential areas for the Temporary Easements and Permanent Easements. By Buyer purchasing the Property, Buyer waives any and all right or ability to make a claim of any kind or nature for any and all deficiencies or defects in the physical characteristics and condition of the Property (including, without limitation, the Well, Temporary Easements, Permanent Easements and any lots transferred to Buyer pursuant to the terms of this Agreement), and expressly agrees to acquire the Property with any and all of such deficiencies and defects. Buyer further acknowledges and agrees that except for any representations expressly made by Seller in Section 9 of this Agreement neither Seller or any of Seller's employees, agents or representatives have made any representations, warranties or agreements by or on behalf of Seller of any kind whatsoever, whether oral or written, express or implied, statutory or otherwise, as to any matters concerning the Property, the condition of the Property, the size of the Temporary Easements or Permanent Easements, the condition of any lot(s) to be transferred, the present use of the Property or the suitability of Buyer's intended use of the Property. Buyer hereby acknowledges, agrees and represents that the Property is to be purchased, conveyed and accepted by Buyer in its present condition, **"AS IS", "WHERE IS" AND WITH ALL FAULTS**, and that no patent or latent defect or deficiency in the condition of the Property whether or not known or discovered, shall affect the rights of either Seller or Buyer hereunder nor shall any portion of the Purchase Price (including without limitation the purchase price to be paid for the Permanent Easements or any lot(s)) be reduced as a consequence thereof. Any and all information and documents furnished to Buyer by or on behalf of Seller relating to the Property shall be deemed furnished as a courtesy to Buyer but without any warranty of any kind from or on behalf of Seller. Buyer hereby represents and warrants to Seller that Buyer has or will have performed an independent inspection and investigation of the Property and has or will have also investigated and has knowledge of operative or proposed governmental laws and regulations including without limitation, land use laws and regulations to which the Property may be subject. Buyer further represents that, except for any representations expressly made by Seller in Section 9 of this Agreement, Buyer shall acquire the Property solely upon the basis of its independent inspection and investigation of the Property, including without limitation, (i) the quality, nature, habitability, merchantability, use, operation, value, marketability, adequacy or physical condition of the Property (including without limitation the Temporary Easements or Permanent Easements or any lot(s)), the water underlying the Well, or any aspect or portion thereof, (ii) the dimensions or lot size of the Temporary Easements or Permanent Easements, (iii) the development or income potential, or rights of or relating to, the Property, or the water underlying the Well, or its use, habitability, merchantability, or fitness, or the suitability, value or adequacy of any of the Property or water for any particular purpose, (iv) the zoning or other legal status of the Property or any other public or private restrictions on the use of the Property, (v) the compliance of the Property, or its operation with any applicable codes, laws, regulations, statutes, ordinances, covenants, conditions and restrictions of any governmental or regulatory agency or authority or of any other person or entity, (vi) the ability of Buyer to obtain any necessary governmental approvals, licenses or permits for Buyer's intended use or development of the Property, (vii) the presence or absence of hazardous materials on, in, under, above or about the Property, or any adjoining or neighboring property, or (viii) the economics of, or the income and expenses, revenue or expense projections or other financial matters, relating to the operation of the Property. Without limiting the generality of the foregoing, Buyer expressly acknowledges and agrees that Buyer is not relying on any representation or warranty of Seller, nor any shareholder,

member partner, officer, employee, attorney, property manager, agent or broker of Seller, whether implied, presumed or expressly provided at law or otherwise, arising by virtue of any statute, common law or other legally binding right or remedy in favor of Buyer except as expressly provided in Section 9 of this Agreement. Buyer further acknowledges and agrees that Seller is not under any duty to make any inquiry regarding any matter that may or may not be known to the Seller or any shareholder, member, partner, officer, employee, attorney, property manager, agent or broker of Seller.

SELLER'S INITIALS:

BUYER'S INITIALS:

14. Noise Reduction, Pump House.

14.1 Buyer acknowledges that Seller intends to construct residential, commercial or similar development in the areas surrounding the Property. Buyer agrees to minimize the amount of noise created by the ongoing operations and maintenance of the Well or any other facilities on the Property. Buyer agrees to install or use a submersible pump or other devices to ensure noise levels, as measured at the property line of the Well site/Permanent Easement area, are always at or below the lesser of (i) 45 CNEL (interior noise levels) and 65 CNEL (exterior noise levels) or (ii) the then-current governmental requirements for noise levels adjacent to residential communities. Buyer also agrees to construct, at its sole cost, a building (the "Well Building") to house the Well, including any pumps and associated equipment. The Well Building shall conform to the building standards, architectural style and lot sizes of Seller's development surrounding the Property. Seller and Buyer shall agree on all aspects of the Well Building, including but not limited to its size, architectural style, design, color scheme, associated landscaping and materials used, prior to Buyer commencing construction of the Well Building. Buyer shall provide design plans for the Well Building to Seller at least 60 days prior to commencement of construction. Seller and Buyer agree that Buyer may utilize the Well and Temporary Easements until such time as Seller has received certificates of occupancy for any residential units or commercial establishments within the Sunny-Cal Property. At that time, Buyer shall cease pumping the Well until the Well Building is finally constructed, as approved by Seller, and the Permanent Easements are recorded, as also approved by Seller.

14.2 After the Permanent Easements are recorded, the Well Building is constructed, and the Well's permanent operations begun, the parties agree that Buyer shall limit its access to the Well site and Permanent Easements to reasonable hours, preferably between 7 am and 8 pm; provided, however, that in case of emergency Buyer may use the Well site and the Permanent Easements at any time of day. Buyer agrees to comply with this Agreement and any and all laws, rules and regulations that relate to the access or use of the Well, and to access or use of the Permanent Easements. In case of dispute regarding use of the Permanent Easements or the Well, Buyer and Seller shall work together to resolve any such dispute. In case any such dispute cannot be resolved, the complaining party shall provide written notice to the other party regarding the issues involved, with the matter referred to a mediator agreed upon by the parties for resolution. If the matter cannot be resolved through mediation, either party may refer the matter to the courts. Buyer agrees to maintain adequate general liability, automobile and all other appropriate insurance in amounts of at least \$1 million per occurrence to cover any incident that may occur on the Property after the Execution Date. Buyer shall also name Seller as an additional insured on all such policies.

15. Assignment; Consents. Buyer acknowledges that Seller is contemplating selling some or all of the Sunny-Cal Property to a commercial or residential developer ("Purchaser"). Until such

time as Seller or its affiliated entity, Manheim Manheim & Berman, or Purchaser, no longer owns real property within two miles of the Well, Buyer may not assign, transfer or convey its rights or obligations under this Agreement without the prior written consent of Seller, and then only if Buyer's assignee assumes in writing all of Buyer's obligations hereunder; provided, however, Buyer shall in no event be released from its obligations hereunder by reason of such assignment. Seller, without being relieved of liability hereunder and without obtaining Buyer's consent, shall have the right to assign its rights and obligations hereunder including, without limitation, to Purchaser.

16. Miscellaneous.

16.1 Required Actions of Buyer and Seller. Buyer and Seller agree to execute such instruments and documents and to diligently undertake such actions as may be required in order to consummate the purchase and sale herein contemplated.

16.2 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument. Counterparts executed by facsimile shall be effective and shall be deemed to be an original copy.

16.3 Captions. Any captions to, or headings of, the paragraphs or subparagraphs of this Agreement are solely for the convenience of the parties hereto, are not a part of this Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision hereof.

16.4 No Obligations to Third Parties. Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, not obligate any of the parties hereto, to any person or entity other than the parties hereto.

16.5 Figures. The Figures attached hereto are hereby incorporated herein by this reference for all purposes.

16.6 Amendment to this Agreement. The terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

16.7 Waiver. The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

16.8 Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue for any action brought pursuant to this Agreement shall be in the appropriate court located in the County of Riverside.

16.9 Entire Agreement. This Agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between Buyer and Seller as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of either party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

16.10 Successors and Assigns. Subject to the restrictions set forth in Paragraph 14 hereof, this Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

“BUYER”

BEAUMONT-CHERRY VALLEY WATER
DISTRICT, a California municipal water district

Dated: 10.11, 2006

By: [Signature]

Name: G. H. BERRY

Title: PRESIDENT

“SELLER”

SUNNY-CAL EGG & POULTRY COMPANY,
a California corporation

Dated: _____, 2006

By: [Signature]

Name: Sunny Cal egg

Title: VP

FIGURE "1"

GENERAL LOCATION OF WELL

(See the red Well mark within the blue "Well Lot" on the attached Conceptual Lotting Study for the Sunny-Cal Specific Plan)

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