

• **Board of Directors**
Water Planning, Quality and Resources Committee

February 11, 2003 Board Meeting

8-9

Subject

Authorize an agreement for water exchange and groundwater replenishment required if Western Judgment (San Bernardino and vicinity) groundwater is delivered into Metropolitan's service area

Description

As depicted on [Attachment 1](#), a retail agency, West San Bernardino Water District ("County Water District") serves water at retail both within the service area of the San Bernardino Valley Municipal Water District ("Valley District") and within Metropolitan and its member agency, Inland Empire Utilities Agency's ("Inland Empire") service area. A limited water exchange and replenishment agreement is needed due to these overlapping boundaries in the Fontana area.

To date, the area within Inland Empire served by County Water District has been largely undeveloped. However, a significant annexation to the city of Fontana is currently pending, which anticipates a housing development and consequent domestic and municipal water demands. County Water District anticipates meeting all or part of those demands, as well as the demands of any additional areas within its service area also within Inland Empire, from its water rights in the groundwater basin underlying Valley District. This groundwater basin has been adjudicated per court order generally referred to as the Western Judgment, with Valley District acting as Watermaster. The utilization of Western Judgment groundwater for use outside Valley District triggers a bucket-for-bucket replenishment obligation on the part of County Water District. The source of replenishment water is the State Water Project ("SWP") at Valley District's turnout at Devil Canyon.

The purpose of the proposed agreement is to provide for purchase of that replenishment water by County Water District from Inland Empire and Metropolitan, its delivery by the California Department of Water Resources ("CDWR") at Devil Canyon, and payment of Metropolitan's normal replenishment rate. As the contracts of both Valley District and Metropolitan prohibit one from serving SWP water into the service area of the other without the consent of the CDWR, and Metropolitan's contract requires the consent of Metropolitan, this agreement is intended to evidence both Metropolitan's and Valley District's agreement regarding this process. This agreement, which has been approved by Inland Empire and County Water District, and will need approval by CDWR, is consistent with and in furtherance of the Coordinated Use Agreement signed between Metropolitan and Valley District in May 2001.

Policy

Metropolitan Water District Administrative Code § 4200, *et seq.*: Water Availability

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and authorize the Chief Executive Officer to enter into an agreement for water exchange and groundwater replenishment consistent with this letter and in a form approved by the General Counsel.

Fiscal Impact: None

Option #2

Do not authorize such an agreement, creating uncertainty regarding water service in this area of overlapping boundaries.

Fiscal Impact: None

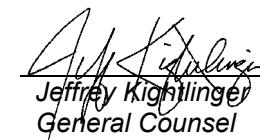
Staff Recommendation

Option #1



Ronald R. Gastelum
Chief Executive Officer

1/9/2003
Date



Jeffrey Kightlinger
General Counsel

1/9/2003
Date

Attachment 1 – Boundary Exhibit

BLA #2117

Boundary Exhibit

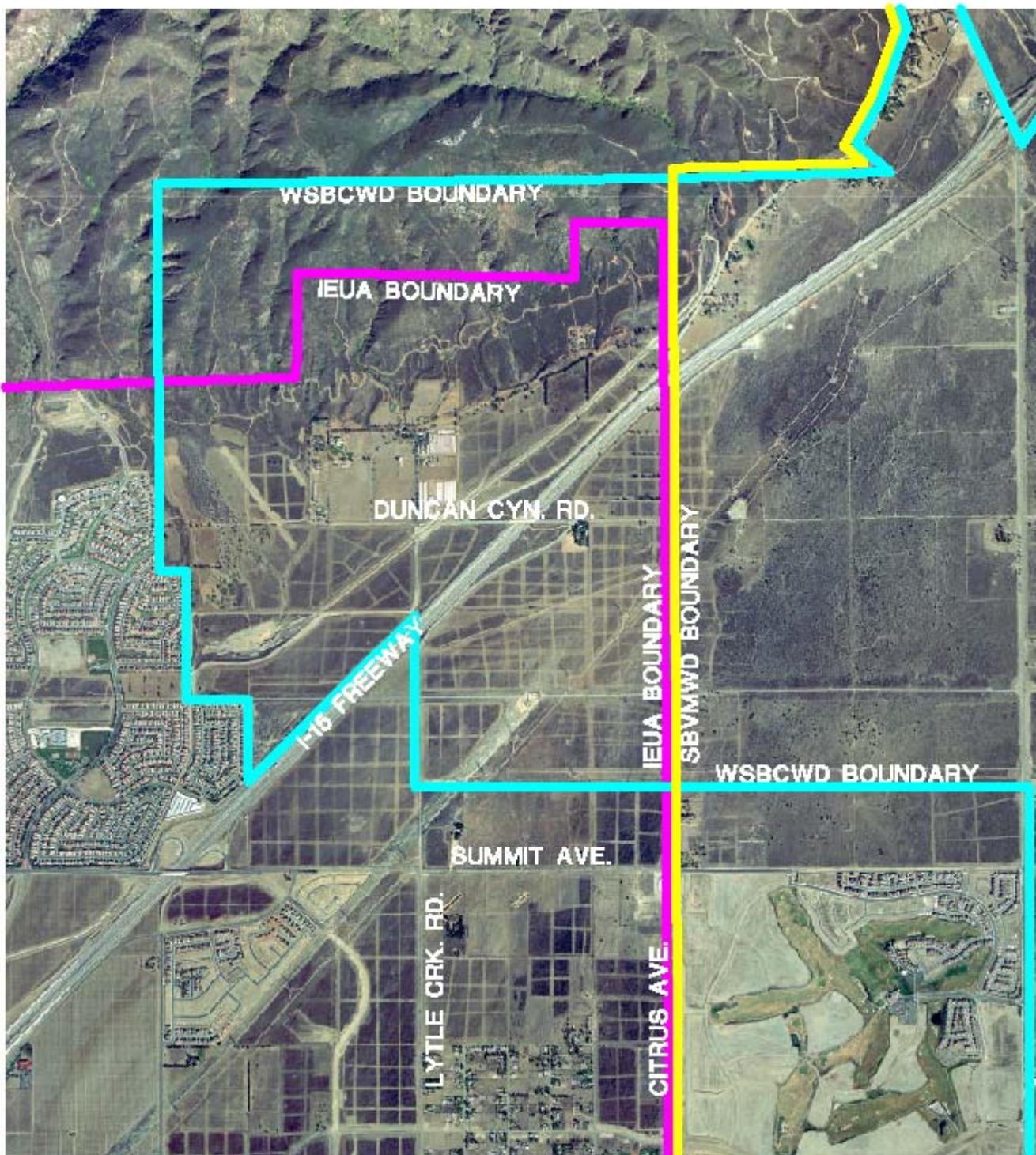


EXHIBIT 'A'
DATE: 8/27/01

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SCALE IN FEET