

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Marion Ashley

SUBMITTAL DATE:
June 15, 2004

SUBJECT: Resolution F2004-18

RECOMMENDED MOTION:

Approve Resolution F2004-18 and authorize the Chairman to execute the Resolution on behalf of the District.

BACKGROUND:

For the first 60 years of the District's existence the main focus has been on the development of drainage infrastructure. Water conservation, while a stated purpose in the District's enabling legislation, played a lesser role. Many areas had developed without the benefit of properly sized drainage facilities (or in some cases no drainage facilities at all), and the task of eliminating the threat to public health and safety took precedence.

As we enter the 21st century though, two truths are becoming obvious:

- The major drainage infrastructure needs of the County, while not yet met, are beginning to diminish. The District's Zones 1 and 2, the Riverside-Corona-Norco area, are at the forefront of this progress.

Continued on Page 2

Marion Ashley
MARION ASHLEY
 Supervisor, 5th District

FINANCIAL DATA

Current F.Y. District Cost:
Current F.Y. County Cost:
Annual Net District Cost:

In Current Year Budget:
Budget Adjustment:
For Fiscal Year:

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

County Executive Office Signature

- Dept't Recomm.: Policy
- Per Exec. Ofc.: Policy
- Consent
- Consent

RECEIVED JUN 16 2004
 COUNTY OF RIVERSIDE
 CLERK OF THE BOARD
 EXECUTIVE

Prev. Agn. Ref.: | **District:** All | **Agenda Number:**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

11.5

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

SUBJECT: Resolution No. F2004-18

SUBMITTAL DATE: June 15, 2004

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- The urbanization of the County is putting increased demands on the area's limited water supplies. Better utilization of existing sources and the development of new approaches will be necessary to sustain the population of the County

While the District's mandate includes water conservation, the reality is, that given the complexity of water law and water rights, the success of our involvement in water conservation will require that we form partnerships with other entities whose expertise is complementary to ours. The attached resolution is one of those partnerships.

Western Municipal Water District, formed by the voters in 1954, covers over 500 square miles of western Riverside County. As a member agency of the Metropolitan Water District of Southern California, Western provides supplemental water to the cities of Riverside, Corona and Norco and in the unincorporated surrounding areas.

The proposed resolution provides for Western and the Flood Control District to jointly plan and develop water conservation projects for the benefit of users in western Riverside County. One such project would be the conjunctive use program for the Colton and Riverside groundwater basins. The ultimate success of the project depends on our ability to capture and recharge storm water along the Santa Ana River. Other potential projects would be the development of the Riverside Corona Feeder Project and joint participation in new conservation at the Seven Oaks Dam recently constructed by the U.S. Army Corps of Engineers.

This resolution is seen as the first of several. It is expected that if the partnership proves successful, similar type relationships will be established in other areas of the County.

This resolution is scheduled for consideration by Western's Board of Directors on June 16th.

County Counsel has approved the resolution as to legal form.

PC\88417

1 JOINT POLICY RESOLUTION OF THE RIVERSIDE COUNTY
2 FLOOD CONTROL AND WATER CONSERVATION
3 DISTRICT, RESOLUTION NO. F2004-18, AND THE
4 WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE
5 COUNTY, RESOLUTION NO. 2292, REGARDING THE
6 CONSERVATION OF SANTA ANA RIVER WATER
7 RESOURCES

8 WHEREAS, the Riverside County Flood Control and Water Conservation District
9 (hereinafter "RCFCWCD") is organized pursuant to Chapter 48 of the Appendix to the
10 California Water Code and has as a part of its objects, purposes and powers the conservation of
11 the waters of Riverside County for beneficial and useful purposes and the storage of water in
12 surface and underground reservoirs within or outside of RCFCWCD for the common benefit of
13 RCFCWCD or a zone or zones thereof; and

14 WHEREAS, the Western Municipal Water District of Riverside County (hereinafter
15 "WMWD") is organized pursuant to Division 20 of the California Water Code (commencing
16 with Section 71000) and is empowered, in part, to acquire, control and store any water, including
17 storm waters, for the beneficial use of WMWD and its inhabitants; and

18 WHEREAS, the inhabitants of Western Riverside County receive water for municipal,
19 industrial, agricultural, recreational and environmental uses from a variety of sources, including
20 locally available water sources, the Colorado River and the Sacramento-San Joaquin Delta; and

21 WHEREAS, the need for water in Western Riverside County is increasing, but the water
22 previously available to the inhabitants of Western Riverside County from the Colorado River and
23 the Sacramento-San Joaquin Delta has become subject to significant limitations imposed by the
24 federal and state governments acting through the Department of Interior, the State Water
25 Resources Control Board, and other state and federal agencies; and

26 WHEREAS, the limitations imposed upon certain of the water resources previously
27 available to the inhabitants of Western Riverside County serve to emphasize the importance of
28 responsible development of locally available water sources for beneficial use; and

WHEREAS, one such local source of water is the upstream portion of the Santa Ana
River system including the associated groundwater basins known as the San Bernardino Basin
Area (sometimes the "Bunker Hill Basin"), the Colton Basin and the Riverside Basin; and

WHEREAS, in 1969 a settlement was reached among all entities having rights to water
from the Santa Ana River system, including the rights to store and conserve flood flows, such
settlement being incorporated in two stipulated judgments in the cases of *Orange County Water
District, et al. v. City of Chino et al*, Orange County Superior Court Case No. 117628,
(hereinafter "Orange County Judgment") and *Western Municipal Water District, et al. v. East San
Bernardino County Water District, et al*, Riverside Superior Court Case No. 78426 (hereinafter
"Western Judgment"); and

WHEREAS, the Orange County Judgment guarantees certain base flows measured at
Prado Dam for the benefit of Orange County users, and so long as such guaranteed flows are

1 met, the Judgment further provides that users upstream of Prado shall have the right to divert,
2 pump, extract, conserve, store and use all surface and groundwaters originating in the Santa Ana
3 River system upstream of Prado Dam. Specifically, with respect to flood waters, the upstream
4 entities "may engage in unlimited water conservation activities, including spreading, impounding
5 and other methods, in the area above Prado Reservoir." As to flood waters reaching Prado,
6 Orange County entities "may make full conservation use of Prado Dam and Reservoir." Base
7 flows at Prado have been and are substantially in excess of the required guarantee, and so the
8 Judgment provisions described herein are in full effect; and

9
10 WHEREAS, the Orange County Flood Control District, the County of Orange and the
11 Orange County Water District stipulated that Western Municipal Water District and the San
12 Bernardino Municipal Water District would have "full freedom to engage in any activities for
13 conservation or storage above Prado Reservoir," and they did "covenant and agree not to oppose
14 any such conservation or storage project," provided the base flow obligations at Prado were met;
15 and

16
17 WHEREAS, the Western Judgment determined the rights of exporters from the San
18 Bernardino Basin Area, provided for replenishment of the Basin Area and the maintenance of
19 safe yield, and allowed WMWD among others to spread and store imported water underground
20 in the Basin Area, and to recapture such water; and

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22 WHEREAS, the Federal Government acting through the United States Army Corps of
23 Engineers (hereinafter "USACE") has constructed Seven Oaks Dam on the Santa Ana River
24 mainstem within the Upper Area for the primary purpose of flood control; and

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26 WHEREAS, USACE has also determined that it is feasible to conserve water for
27 beneficial use by water users and other entities within the Upper Area at Seven Oaks Dam; and

28
29 WHEREAS, WMWD and the San Bernardino Valley Municipal Water District
30 (hereinafter "SBVMWD") have jointly expended in excess of \$4,000,000 for the purpose of
31 making modifications to Seven Oaks Dam that will enable it to conserve water for users within
32 WMWD and SBVMWD; and

33
34 WHEREAS, WMWD and SBVMWD also have filed, and are pursuing, water rights
35 applications with the State Water Resources Control Board for appropriative permits that will
36 authorize the conservation of water at Seven Oaks Dam for beneficial use within the two
37 Districts; and

38
39 WHEREAS, Riverside County Flood Control and Water Conservation District,
40 San Bernardino County Flood Control District and Orange County Flood Control District are the
41 Local Sponsors of Seven Oaks Dam;

42
43 WHEREAS, WMWD is currently developing a conjunctive use program to store and
44 extract imported water from the State Water Project in the San Bernardino Basin Area, known as
45 the Riverside-Corona Feeder; and

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47 WHEREAS, other opportunities exist in the groundwater basins upstream of Prado to
48 increase the replenishment of natural flows, and to operate such basins in a conjunctive use basis;

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NOW THEREFORE,

The Riverside County Flood Control and Water Conservation District and the Western Municipal Water District of Riverside County jointly resolve that, it is the policy of both districts to:

1. Work together for the responsible development of locally available water sources for beneficial use by the inhabitants of Western Riverside County;
2. Ensure that the development of locally available water sources is undertaken in a manner that reasonably protects environmental values, and is consistent with legal obligations that apply to the development of locally available water sources within the upstream areas of the Santa Ana River;
3. Support the development of water conservation activities at Seven Oaks Dam in cooperation with the Local Sponsors of Seven Oaks Dam;
4. Where it is possible to do so, jointly investigate, plan and develop for conservation purposes, other locally available water supplies within Western Riverside County, consistent with these policies;
5. Cooperate in the development of the Riverside-Corona Feeder Project to store imported water in the San Bernardino Basin for use in Western Riverside County.

RECOMMENDED FOR APPROVAL:

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By  _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

By _____
JAMES VENABLE
Chairman, Riverside County Flood Control
And Water Conservation District Board of
Supervisors

APPROVED AS TO FORM:

ATTEST:

WILLIAM C. KATZENSTEIN
County Counsel

NANCY ROMERO
Clerk to the Board

By  _____
JOE S. RANK
Assistant County Counsel

By _____
Deputy

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WESTERN MUNICIPAL WATER DISTRICT
OF RIVERSIDE COUNTY

Dated: _____
WAYNE HOLCOMB, President

Dated: _____
Elizabeth Cunnison, Secretary