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STATE WATER RESOURCES
CONTROL BOARD
*Exempt from filing fee pursuant to
Gov't. Code Section 6103*
07 MAY -3 AM 7:44
DIV. OF WATER RIGHTS
SACRAMENTO

*hand delivered to Jane Farwell
May 2, 2007. Jane Farwell*

9 **STATE WATER RESOURCES CONTROL BOARD**

10 **DIVISION OF WATER RIGHTS**

11 In the Matter of:
12 APPLICATIONS TO APPROPRIATE
13 WATER FROM THE SANTA ANA RIVER

Application Nos. 31165/31370, 31174, 31369,
31371, 31372

**POLICY STATEMENT OF EAST VALLEY
WATER DISTRICT**

Date: May 2-9, 2007
Time: 9:00 a.m.
Place: Joe Serna Jr. / Cal EPA Building
Sierra Hearing Room
1001 "I" Street, Second Floor
Sacramento, California

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18 East Valley Water District ("EVWD") filed protests to Application Nos. 31165, 31370, 31174,
19 31369, 31371, and 31372 that have been filed with the State Water Resources Control Board ("SWRCB")
20 and are the subject of the above-captioned hearing. Additionally, EVWD filed a Notice of Intent to
21 Appear with the SWRCB indicating EVWD's intent to actively participate as a party in said hearing.

22 However, EVWD has resolved the matters that were the subject of its protests as follows:

23 * EVWD's protest to Application Nos. 31165 and 31370 were resolved pursuant to the terms
24 of the *Settlement Agreement Relating to the Diversion of Water from the Santa Ana River System* dated
25 July 21, 2004, attached as Applicants' Joint Exhibit 2-9 (which is incorporated herein by this reference);

26 * EVWD's protest to Application No. 31174 was resolved pursuant to the terms of the
27 *Agreement between Orange County Water District and East Valley Water District Concerning Water*

28 **POLICY STATEMENT OF EAST VALLEY WATER DISTRICT**

1 *Rights* dated June 23, 2006, attached as Applicants' Joint Exhibit 2-5 (which is incorporated herein by this
2 reference);

3 * EVWD's protest to Application No. 31369 was resolved pursuant to the terms of the
4 *Stipulation to Dismiss Protest by East Valley Water District to Notice of Application to Appropriate Water*
5 *by Permit* dated March 30, 2005, which is attached hereto as Exhibit "A" and incorporated herein by this
6 reference;

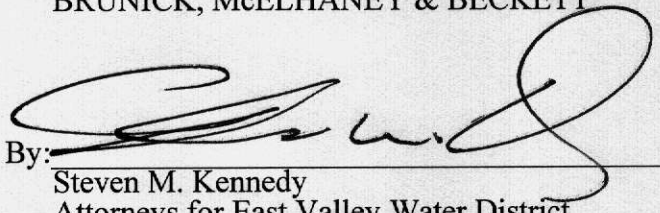
7 * EVWD's protest to Application No. 31371 was resolved by virtue of the voluntary
8 withdrawal thereof by the San Bernardino Valley Water Conservation District; and

9 * EVWD's protest to Application No. 31372 was resolved pursuant to the terms of the
10 *Stipulation to Dismiss Protest by East Valley Water District to Notice of Application to Appropriate Water*
11 *by Permit* dated January 9, 2007, which is attached hereto as Exhibit "B" and incorporated herein by this
12 reference.

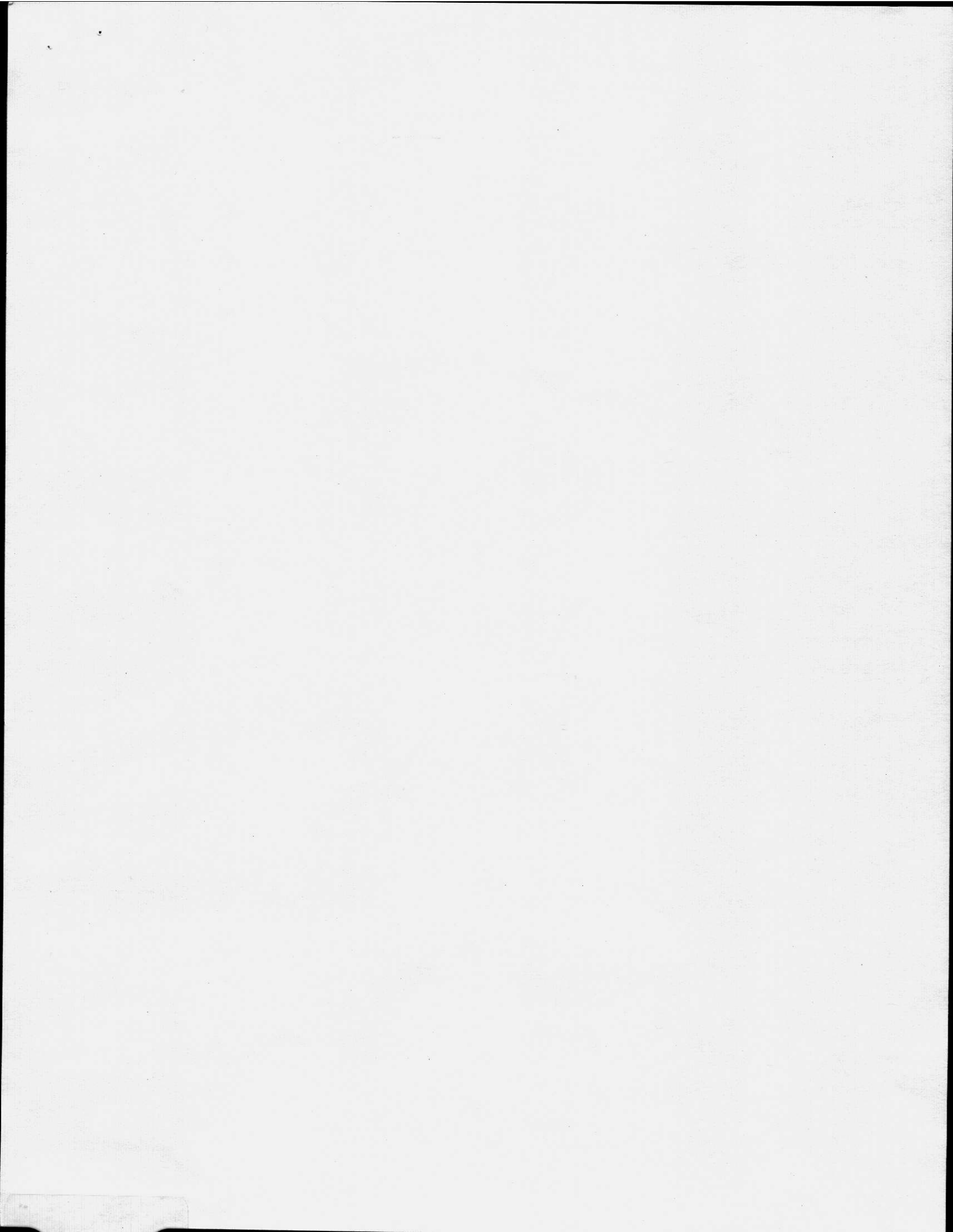
13 Based upon the terms and conditions of all of the above, EVWD does not presently intend to
14 present any direct testimony during this hearing. However, EVWD expressly reserves the right to lodge
15 objections, conduct cross-examination, present rebuttal evidence and testimony, and submit oral
16 arguments, legal briefs, and closing statements during the course of the hearing if necessary to protect its
17 interests.

18 Dated: May 2, 2007

BRUNICK, McELHANEY & BECKETT

19 By: 
20 Steven M. Kennedy
21 Attorneys for East Valley Water District

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Steven M. Kennedy, Esq. [Bar No. 141061]

EAST VALLEY WATER DISTRICT

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of:)	Application No. 31369
)	
PETITIONS TO REVISE DECLARATION OF)	STIPULATION TO DISMISS
FULLY APPROPRIATED STREAMS TO)	PROTEST BY EAST VALLEY
ALLOW PROCESSING OF SPECIFIED)	WATER DISTRICT TO NOTICE OF
APPLICATIONS TO APPROPRIATE WATER)	APPLICATION TO APPROPRIATE
FROM THE SANTA ANA RIVER)	WATER BY PERMIT
)	

IT IS HEREBY STIPULATED by and between EAST VALLEY WATER DISTRICT (hereinafter "EVWD") and CHINO BASIN WATERMASTER (hereinafter "CBWM") as follows:

RECITALS

A. On or about November 4, 2002, CBWM filed Application No. 31369 with the State Water Resources Control Board (hereinafter "SWRCB") to divert to underground storage 97,000 acre-feet of water that flows within the watershed of the Chino Basin for the purposes of industrial, irrigation, stockwatering (dairy use), and municipal use.

B. On or about April 1, 2003, EVWD filed a protest to Application No. 31369 with the SWRCB.

C. CBWM and EVWD wish to resolve their dispute with respect to Application No. 31369 before the SWRCB in the manner set forth herein.

COVENANTS

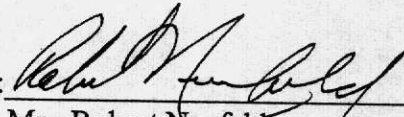
In consideration for EVWD's agreement to dismiss its protest to Application No. 31369 before the SWRCB, CBWM agrees as follows:

1. None of the points of diversion within the scope of Application No. 31369 before the SWRCB will result in the appropriation, extraction, or withdrawal of water from the Santa Ana River; and

2. Application No. 31369 before the SWRCB shall not be construed to seek any water rights as against EVWD or otherwise to claim that the water rights held by EVWD are not valid and/or have been diminished, lost, or abandoned.


Dated: 3/24/05

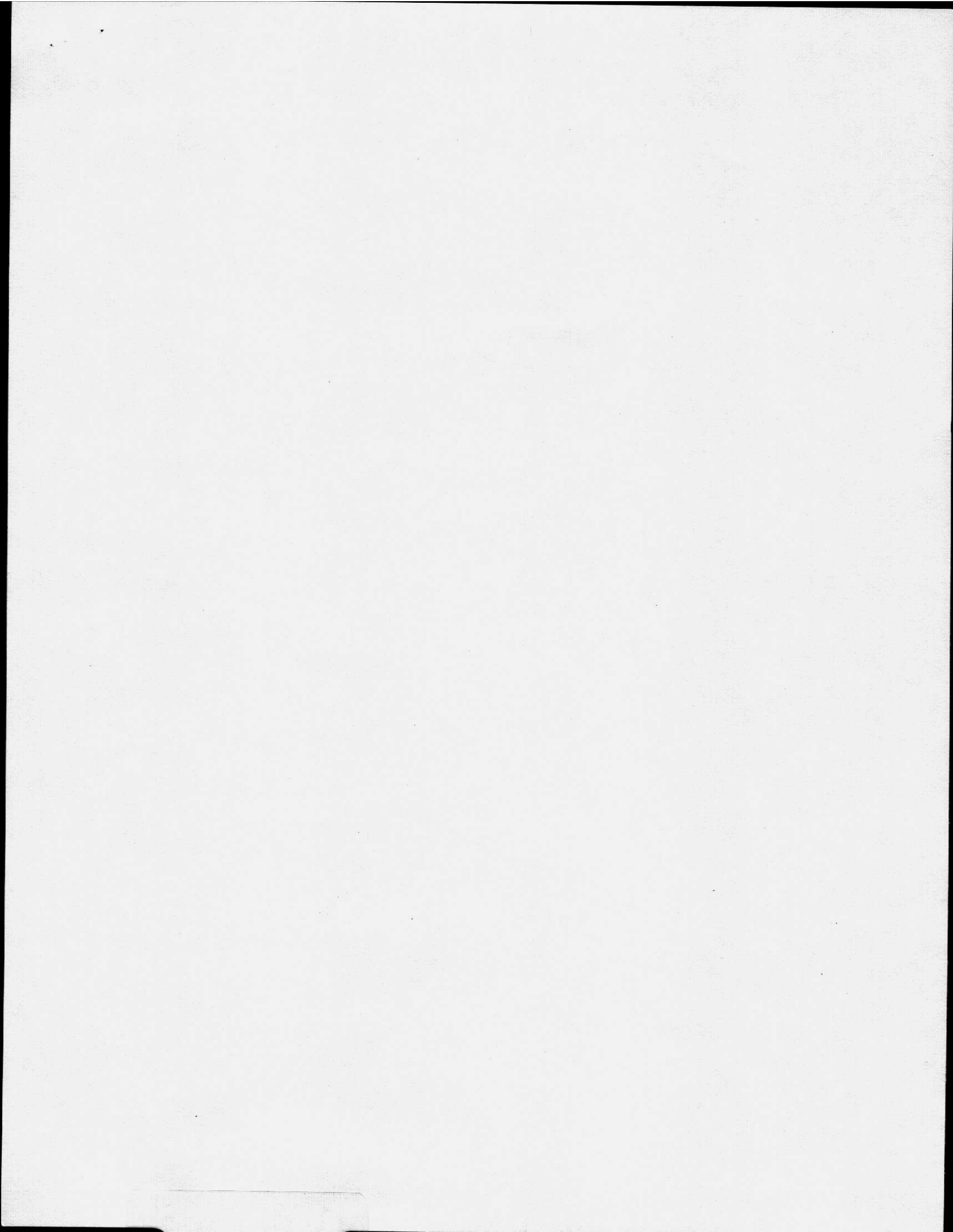
CHINO BASIN WATERMASTER

By: 
Mr. Robert Neufeld
President, Board of Directors

Dated: 3-30-05

EAST VALLEY WATER DISTRICT

By: 
George E. Wilson
President, Board of Directors



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14 Telephone: (951) 826-5567
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16 STATE WATER RESOURCES CONTROL BOARD
17 DIVISION OF WATER RIGHTS

18 In the Matter of:

Application No. 31372

19 PETITIONERS TO REVISE
20 DECLARATION OF FULLY
21 APPROPRIATED STREAMS TO
22 ALLOW PROCESSING OF SPECIFIED
23 APPLICATIONS TO APPROPRIATE
24 WATER FROM THE SANTA ANA
25 RIVER

STIPULATION TO DISMISS PROTEST BY
EAST VALLEY WATER DISTRICT TO
NOTICE OF APPLICATION TO
APPROPRIATE WATER BY PERMIT

1 IT IS HEREBY STIPULATED by and between East Valley Water District (hereinafter
2 "EVWD") and City of Riverside (hereinafter "City") as follows:

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4 RECITALS

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6 A. On or about November 6, 2002, City filed Application No. 31372 with the State
7 Water Resources Control Board (hereinafter "SWRCB") to appropriate treated effluent generated
8 from City's regional water quality control plant that would otherwise be discharged into the Santa
9 Ana River.

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11 B. On or about April 1, 2003, EVWD filed a protest to Application No. 31372 with
12 the SWRCB.

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14 C. City and EVWD wish to resolve their dispute with respect to Application No.
15 31372 before the SWRCB in the manner set forth herein.

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17 COVENANTS

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19 In consideration for EVWD's agreement to dismiss its protest to Application No. 31372
20 before the SWRCB, City agrees as follows:

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22 1. The sole purpose of Application No. 31372 is to appropriate treated effluent
23 generated from City's regional water quality control plant that would otherwise be discharged into
24 the Santa Ana River; and

25
26 2. Application No. 31372 before the SWRCB shall not be construed to claim that the
27 water rights held by EVWD are not valid and/or have been diminished, lost, or abandoned.

1 EVWD agrees that it will not bring, or join in, or assist in any protest before the SWRCB
2 related to any Change Petition(s) related to the subject of the City's Application (i.e., the City's
3 appropriation of its treated effluent). Further, EVWD agrees that it will not bring, join in, or
4 assist in any court or administrative action to challenge the City's Programmatic EIR for its
5 Recycled Water Master Plan ("PEIR").
6

7 Dated: December 8 2006

CITY OF RIVERSIDE

*met
12/14/06*

8
9 By: *[Signature]*
10 ~~Attest: *[Signature]*
11 City Clerk~~

11 Dated: Jan 9, 2006⁷

EAST VALLEY WATER DISTRICT

12
13 By: *[Signature]*
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LAW OFFICES OF
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21 APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

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23 BY *Susan Wilson*
Deputy City Attorney