

LL/JF

May 3, 2007

Jane Farwell
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

STATE WATER RESOURCES
CONTROL BOARD
MAY 3 11:10:55
DIVISION OF WATER RIGHTS
SACRAMENTO

Re: Policy Statements for Water Right Hearing

Dear Ms. Farwell:

As discussed during the first day of the Water Right Hearing, San Bernardino Valley Municipal Water District ("Muni") and Western Municipal Water District of Riverside County ("Western") wish to submit written policy statements. The policy statements of Jeffrey Kightlinger, Mark Bulot, Charles D. Field and Ron Sullivan are enclosed.

Please feel free to call with any questions.

Very truly yours,

DOWNEY BRAND LLP



Andrea P. Clark

849298.1

Enclosures

cc: Attached service list

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party to
3 the within action. My business address is Downey Brand LLP, 555 Capitol Mall, Tenth Floor,
4 Sacramento, California, 95814-4686. On May 3, 2007, I served the within document(s):

5 **POLICY STATEMENTS SUBMITTED BY SAN
6 BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
7 AND WESTERN MUNICIPAL WATER DISTRICT OF
8 RIVERSIDE COUNTY FOR THE SANTA ANA RIVER
9 WATER RIGHT HEARING ON APPLICATION NOS. 31165,
10 31370, 31369, 31371 AND 31372 AND WASTEWATER
11 CHANGE PETITION WW-0045**

- 12 **BY ELECTRONIC MAIL:** by transmitting via electronic mail the document(s)
13 listed above to the electronic notification address(es) set forth in the attached
14 service list on this date. Parties whose e-mail addresses are listed on the attached
15 agreed to accept electronic service, pursuant to the rules specified in the hearing
16 notice issued by the Board.
- 17 **BY HAND:** by personally delivering the document(s) listed above to the person(s)
18 at the address(es) set forth below.
- 19 **BY MAIL:** by placing the document(s) listed above in a sealed envelope with
20 postage thereon fully prepaid, in the United States mail at Sacramento, California
21 addressed as set forth below.
- 22 **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an
23 overnight delivery service company for delivery to the addressee(s) on the next
24 business day.
- 25 **BY PERSONAL DELIVERY:** by causing personal delivery by _____ of
26 the document(s) listed above to the person(s) at the address(es) set forth below.

27 **SEE ATTACHED SERVICE LIST**

28 I am readily familiar with the firm's practice of collection and processing correspondence
for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct.

Executed on May 3, 2007, at Sacramento, California.



Andrea P. Clark

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6 PARTICIPANTS MAKING POLICY STATEMENTS ONLY

7 Kenneth L. Jeske, Director
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12 **VIA U.S. MAIL**

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Department of Fish & Game
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MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

May 1, 2007

Mr. Arthur G. Baggett, Jr.
State Water Resources Control Board
1001 I Street
Sacramento, California 95814

Re: Santa Ana River Water Right Hearing

Dear Mr. Baggett:

The Metropolitan Water District of Southern California submits this policy statement to urge the State Water Resources Control Board (SWRCB) to approve all of the water right applications pending in the above-referenced matter and to issue a decision as soon as feasible so that the projects contemplated in those applications can be implemented for the benefit of all Southern Californians.

The proposed applications would put to reasonable and beneficial use water that currently flows to the Pacific Ocean during winter storm events. This water can reduce the demands for imported water – either from the Colorado River or from Northern California – in Southern California. Given current uncertainty regarding exports from the Sacramento/San Joaquin Delta, any reduction in such demands is of statewide benefit.

Moreover, these projects seek to store as much water underground as is possible, given existing conditions in individual groundwater basins. The State of California has repeatedly endorsed such conjunctive use projects; approving these applications will further that important public policy.

Finally, these applications represent a concrete example of the type of consensus-based regional solutions to California's water problems that the Department of Water Resources endorsed in the 2005 California Water Plan Update. The SWRCB should reward such cooperative efforts.

For these reasons, the SWRCB should expeditiously approve all of these applications.

Very truly yours,

Jeffrey Kightlinger
General Manager

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Arthur G. Baggett, Jr.

Page 2

May 1, 2007

cc: S. Arakawa

D. Aladjem, Downey Brand

J. Rossi, Western Municipal Water District of Riverside County

Policy Statement of
San Bernardino Valley Municipal Water District

Mark Bulot, Treasurer

I am Mark Bulot, an elected Director and Treasurer for the Board of San Bernardino Valley Municipal Water District ("Muni"), and an appointed representative from Muni serving as a Commissioner for the Santa Ana Watershed Project Authority ("SAWPA").

I served as Chairman of the SAWPA Commission for the prior two calendar years.

The Muni Board of Directors recognizes that maximizing the use of local water supplies, as envisioned in and in accordance with its court decreed obligations to manage the water supply on a regional basis (Orange County Judgment; Orange County Water District v. City of Chino, et al., Case No 117628 April 17, 1969 and Western Judgment: Western Municipal Water District of Riverside County v. East San Bernardino County Water District, et al., Case No 78426 April 17, 1969), will result in a more reliable, cost effective and environmentally acceptable method of providing water supplies within the Santa Ana Watershed and at the same time will reduce the pressures for imported water from the fragile Delta and the Colorado River.

Muni began pursuing water conservation near the Seven Oaks Dam immediately after the US Army Corps of Engineers had designated Seven Oaks Dam as an element of the Santa Ana River Main Stem flood control project. The Muni Board, with our partner Western, have jointly pursued this goal since 1991 when the first joint application to appropriate

water was lodged with the State Board. The partnership has continued through the Fully Appropriated Stream hearing in 1999 and forward to this hearing.

Throughout the years Muni/Western have been able to resolve all of the potential issues that other water users throughout the watershed had expressed. We are proud of that accomplishment.

Upon a favorable decision from the State Board, I can assure you, as the Board's Treasurer, that Muni is committed to implement and complete this project in an expeditious manner.

1 Policy Statement of
2 WESTERN MUNICIPAL WATER DISTRICT

3 Charles D. Field, Director
4

5 I am Charles D. Field, an elected Director for the Board of Western Municipal Water
6 District of Riverside County ("Western"), a position I have held for the past five months.
7

8 While the benefits of conserving periodic flows of local water supply extend far beyond
9 Western's borders, it is the hope and expectation of the Board of Directors for Western
10 Municipal Water District that you will understand the Muni/Western application for
11 water rights is foundational to long term stability of the semi-arid 527 square mile
12 District served by Western.
13

- 14 1. Western's Board of Directors remains a strong proponent of securing local
15 supplies of water in accordance with its court-appointed obligation to manage
16 groundwater and surface water supplies on a long-term regional basis (Orange
17 County Judgment: Orange County Water District v. City of Chino, et al., Case
18 No. 117628 April 17, 1969) and Western Judgment: Western Municipal Water
19 District of Riverside County v. East San Bernardino County Water District, Case
20 No 78426 April 17, 1969).
- 21 2. Consistent with these judgments and state law, Western's Board in 1991
22 recognized the Seven Oaks Dam project, if modified, would offer conservation of
23 locally captured storm water in addition to its primary purpose to protect life and
24 property from periodic massive flooding along the Santa Ana River. Although the
25 undeveloped portions of the upper Santa Ana River are typically dry for many
26 months of the year, Western Directors fully realize the potential for occasional
27 storms to inundate the valley with water that could be conserved and put to
28 beneficial use, pending approval of water rights applications and a mutually
29 satisfactory negotiated apportionment of that water among local and stakeholders.
- 30 3. Western, in concert with San Bernardino Valley Municipal Water District (Muni),
31 filed an application for water rights on water conserved behind Seven Oaks Dam

- 1 in 1991. Muni and Western also engaged in forthright negotiations with the Army
2 Corps of Engineers to configure the dam design and operation in a manner
3 enhancing conservation of flood water for conjunctive use recharge.
- 4 4. Western further committed in agreements with the Army Corps of Engineers, to
5 pay any incremental costs associated with these improvements. To date, Western
6 has invested over \$10 million in additional incremental costs to extend the dam
7 and install appurtances necessary to fulfill water conservation functions. Western
8 continues to engage with federal and state agencies and stakeholders in order to
9 assure compliance and acceptability of this project.
- 10 5. In the years since filing the Muni/Western water rights application, Western has
11 worked diligently to broker historic agreements with local and regional parties to
12 allocate water rights for the water conserved behind Seven Oaks Dam. The Seven
13 Oaks Accord, an exemplary pact for progress signed by seven water agencies in
14 partnership with Muni and Western, is the triumphant result of many years of
15 patient negotiation to settle the questions regarding water rights.
- 16 6. Given the extensive commitment of public resources and the extraordinary
17 cooperation among entities at the local, regional, state and federal levels, I urge
18 you on behalf of Western's Board of Directors to expeditiously render a decision
19 on the pending water rights application that will favorably recognize Western's
20 policy of progressive water resource management and the opportunity therein to
21 benefit this region and the state of California.
- 22
23

STATE WATER RESOURCES
CONTROL BOARD
Attorney-Client Work Product

Policy Statement of
WESTERN MUNICIPAL WATER DISTRICT
Charles D. Field, Director

07 MAY -3 AM 8:14
DIV. OF WATER RIGHTS
SACRAMENTO

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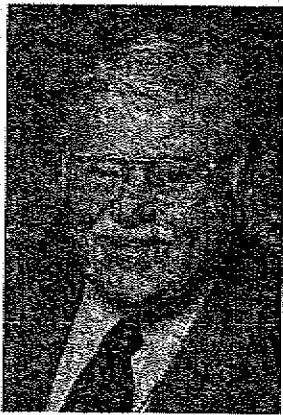


Charles D. Field

WMWD Director, Division 1

Charles D. Field was voted to the Western Municipal Water District board in November 2006 and was seated in January 2007. Mr. Field is a retired judge of the Riverside County Superior Court.

Mr. Field, who was born in San Francisco, grew up in the Stanford and Los Angeles regions of California as well as in Washington, D.C. He received a Bachelor of Arts degree from the University of California, Riverside in 1958, and a law degree from UCLA in 1963. From 1963 to 1990, Mr. Field practiced law with the Riverside firm, Best, Best & Krieger. He was a senior partner in the labor and employment section and served a full term as managing partner of the firm.



Judge Field was appointed to the Riverside Superior Court in January 1990 by then Governor Deukmejian. He was first assigned to the Juvenile Court, then moved to the Civil Division where he served until his retirement in August 2004.

Mr. Field was involved in a variety of organizations during his 40-plus year career including service on the UCR Alumni Association Board of Directors and the Board of Regents of the University of California. He was founding chair of the UCR Foundation and is past president of the Citizens University Committee. As an attorney, Mr. Field was a member of the Commission on Specialization in Labor Law of the California State Bar from Riverside County and was one of the founding members of the California Council of School Attorneys. He was a member of the Board of the Public Service Law Corp. of Riverside County and continues to serve as a board member of the Riverside County Law Library. Mr. Field served for more than 10 years on the board of directors of the Riverside Arts Foundation where he was chair for two years. For approximately 15 years, he was a member of the board of directors of The Press-Enterprise Company.

Mr. Field is married to Virginia L. Field, a retired UCR administrator, and they share five children and 11 grandchildren. He remains active as a private mediator and in University of California activities and serves on the board of several community service organizations, including the Riverside Philharmonic and the Mission Inn Foundation.

STATE WATER RESOURCES
CONTROL BOARD

07 MAY -3 AM 8:15

DIV. OF WATER RIGHTS
SACRAMENTO

Policy Statement of
SANTA ANA WATERSHED PROJECT AUTHORITY
Ron Sullivan, Chairman

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5 I am Ron Sullivan, an elected Director and Vice President for the Board of Eastern
6 Municipal Water District of Riverside County ("Eastern"), and an appointed
7 representative from Eastern serving as Chairman of the Board of Commissioners for the
8 Santa Ana Watershed Project Authority ("SAWPA"). I have served on Eastern's Board
9 of Directors since 2003 and on the SAWPA Commission for two years. I have served as
10 Chairman of the SAWPA Commission for the past four months.

11
12 It is the vision of the SAWPA Commission to create a sustainable Santa Ana River
13 Watershed supporting economic and environmental vitality, and an enhanced quality of
14 life. Inasmuch as reliable regional water supplies are integral to fulfilling this vision, the
15 SAWPA Commission urges you to approve the applications before you today.

16
17 The Santa Ana watershed is renown throughout the state for its progressive water
18 resource management strategies assembled through painstaking effort and great public
19 investment in the 38 years since the adjudicated settlements in 1969 ushered a new era of
20 cooperation among the five major regional water districts comprising SAWPA. This
21 concept of interagency cooperation for the common good of the watershed has been
22 formalized in recent years as the Integrated Regional Watershed Management Planning,
23 or IRWMP, and is now the model for water resource planning efforts in the state. Though
24 SAWPA pioneered the concept, the IRWMP model is still a work in progress, as this
25 hearing on water rights critical to successful integrated regional conjunctive use plans
26 today demonstrates.

27
28 This watershed is arid throughout most of the year, but occasionally heavy flash storms
29 inundate the Santa Ana River valley, requiring flood control facilities to protect public
30 health and safety. In concert with SAWPA's mission, Western and Muni initiated
31 extraordinary interagency collaboration for the greater good of a watershed susceptible to

1 drought and possible cutbacks of imported water. SAWPA applauds this additional public
2 investment to capture high quality storm flows from local mountains, because it offers a
3 rare opportunity to build additional sustainability in the watershed. Recharging
4 groundwater basins with new water conserved behind Seven Oaks Dam is one of the
5 ways to buffer the region from drought.

6
7 Additionally, with uncertainties swirling around climate change and its potential impacts
8 on water supply, responsible public water agencies are investing in conjunctive use
9 infrastructure as one of the ways to create additional stability in regional water systems.
10 SAWPA applauds these efforts, and in fact, has included projects like Western's
11 Riverside-Corona Feeder in the SAWPA integrated regional projects portfolio of critical
12 conjunctive use projects benefiting this watershed and regions far beyond.
13 Still, a conjunctive use project is rather useless without the essential ingredient of water,
14 and the SAWPA Commission asks that you provide that essential ingredient through your
15 actions today.

16
17 Contributing regional sustainability in harmony with SAWPA's mission has required
18 enormous foresight, and investment of time and region-wide effort on the part of the
19 applicants. That is exactly what Western and Muni have done, and the resulting regional
20 sustainability is the reason SAWPA Commission urges you to grant permits for all
21 applications before you today.