

Errata
September 2, 2008 State Water Board Meeting Agenda
Item 10

The following changes (shown by underline and strike through in the text below) should be made to the September 2, 2008 Draft Decision entitled "In the Matter of Application 31369 Chino Basin Watermaster."

9.0 Coordination of permits to appropriate water with existing judgments and agreements for the use of Santa Ana River water

Draft Decision, p.18

Rights to the use of the water in the Santa Ana River, including the potential rights of the applicants in this proceeding, are the subject of several judgments, settlement agreements, and memoranda. (~~Stipulation of Applicants, dated April 5, 2007.⁴~~)

Draft Decision, p. 19

~~The apportionment of flows among various stream reaches on the Santa Ana River, and the right to develop water within the framework of the various judgments, agreements and memoranda may warrant adjustment of the relative priorities of such permits as may be issued for the applications pending on the Santa Ana River. However, on April 5, 2007 the applicants presented a signed a stipulation to the hearing officer to resolve key hearing issues 4 and 5. On April 10, 2007, no party having objected to the stipulation, the hearing officer accepted it as the basis for resolving these key hearing issues concerning the priorities of the applications relative to other legal users of water and among the pending applications. (RT, Vol.1, 2:21-24; see also 4.0 Hearing Issues, p. 5, ante.)~~The stipulation, however, does not address with specificity the relative priority of three of the five pending applications (~~Applications 31369, 31372 and 31174~~) among themselves or relative to the other three

~~applications. The State Water Board will apply the usual order of priority except where the pending applicants have agreed to a different order of priority or when a hearing record clearly supports modified priorities.~~

~~The current record does not clearly reveal any agreement to adjust the priorities of the other applications. Thus, the State Water Board will not attempt to adjust the relative priorities of Applications 31369, 31372 and 31174 the other pending applications. Also, condition 6 of the order, *post*, however, does subject this application to "...existing rights determined by the judgment in *Chino Basin Municipal Water District v. City of Chino* (Super. Ct. San Bernardino County, 1978 No. 164327), and the stipulated judgment in *Orange County Water District v. City of Chino* (Super. Ct. Orange County, 1969, No. 117628) insofar as said rights are maintained."~~

ORDER

Draft Decision, p .22 – p. 23

- ~~7. Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit, submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with section 10610, et seq., of the California Water Code, supplemented by any additional information that may be required by the Board. All cost-effective demand management measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation the Urban Water Management Plan.~~
7. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or

actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

8. Prior to diversion of water under this permit, Permittee shall (1) install devices to measure the quantities of water placed into underground storage and (2) install devices and provide documentation of the method to be used to determine the quantity of water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water recovered from underground storage shall be approved by the ~~State Water Board~~ Chief, Division of Water Rights prior to diversion of water under this permit. All measuring devices shall be properly maintained.

9. Permittee shall monitor all known contaminated groundwater plumes that may be affected by the diversion of water to recharge groundwater under this permit to determine whether the recharged water will change ~~increase~~ the local hydraulic gradient and cause more rapid spread of the existing plumes. Permittee shall report annually the results of its monitoring to the Executive Director, Santa Ana Water Regional Water Quality Control Board (SARWQCB) and to the Chief, Division of Water Rights, State Water Board. If existing domestic water production wells will be impacted by the plume a minimum of one year earlier than under pre-existing conditions, or if ~~significant quantities~~ more than 5,000 acre-feet of additional groundwater (~~more than 5,000 acre-feet~~) will become contaminated within a five-year period due to recharge pursuant to the permit, additional recharge shall be curtailed at that location,

and Watermaster shall petition the State Water Board for an alternate location for recharge.

10. Permittee shall conduct its existing monthly monitoring per the March 20, 2007 Stipulation, and report the results of such monitoring annually to the California Department of Fish and Game (CDFG) and the State Water Board in a form approved by the CDFG and the State Water Board. At a minimum, reporting shall indicate average monthly flow data that indicates amount of flow in each tributary before and after the time of diversions and the amount of flow entering the Santa Ana River at each tributary. Within 90 days of the issuance of this permit, Permittee shall submit the monitoring plan for approval by the Chief of the Division of Water Rights (Division Chief). The Permittee shall post and maintain the annual monitoring reports on its website. The reports shall remain posted for at least five years. ~~This provision shall bind any transferees and assignees of the approval granted under this order.~~

11. Permittee shall meet at least once annually with the CDFG for five years following the issuance of this permit to confirm that no impacts on fish, wildlife or other instream beneficial uses have occurred as the result of the appropriation of water. In the event that Permittee or CDFG determines that the appropriation of water has caused adverse impacts on fish, wildlife or other instream beneficial uses, Permittee shall meet with the CDFG to develop measures to avoid or mitigate the adverse impacts, and report the mitigation measures to the Chief, Division of Water Rights.

In the event of an impasse between Permittee and CDFG as to either: (1) the impact of the appropriation of water on fish, wildlife or other instream beneficial uses; or (2) measures to avoid or mitigate the adverse impacts, the following shall occur:

- a. Permittee shall issue a letter to the CDFG stating that an impasse has occurred. Alternatively, CDFG may issue a letter to Permittee stating that an impasse has occurred; and
- b. Within sixty days after the issuance of a letter of impasse, Permittee shall notify the State Water Board of the impasse.

The ~~State Water Board~~ Chief, Division of Water Rights will initiate a review of the impasse and may initiate a proceeding to resolve the impasse under the Board's continuing authority.