Brownstein | Hyatt
Farber | Schreck

September 21, 2012

Bradley J. Herrema
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VIA E-MAIL

Ms. Katherine Mrowka, Chief
Inland Streams Unit, Division of Water Rights
1001 I Street
P.O. Box 2000
Sacramento, CA 95812

RE: Time Extension Petition on Permit 19895 (Application 28743)

Dear Ms. Mrowka:

We represent the Chino Basin Watermaster ("Watermaster"), which currently has pending before the Division of Water Rights Petitions for Extension of Time for its Permit 19895 (Application 28473) and Permit 20753 (Application 28996). By an e-mail of May 22, 2012, you transmitted to me a draft amended Permit 19895, extending Watermaster's deadline for complete application of water to beneficial use thereunder. Watermaster has prepared a "track changes" version of the draft amended permit, incorporating its proposed changes (attached hereto), as you requested. Generally, Watermaster finds the draft amended Permit acceptable, and its proposed changes, responsive to those questions raised in your May 22 e-mail, are explained below.

Initially, Watermaster wishes to make clear that it is seeking an extension of the deadline for complete application of water to beneficial use under Permit 19895 coincident with the December 31, 2057 deadline for the same under Permit 21225 (Application 31369). Watermaster conjunctively manages spreading ground and basin recharge pursuant to its three Permits and believes the Permits are best managed conjunctively. The synchronization of the terms for full beneficial use under these permits will allow Watermaster to best manage such recharge.

In your May 22, 2012 e-mail, you requested that, in reviewing the draft Permit, Watermaster pay particular attention to the descriptions of the Points of Diversion, as they had been converted to the NAD 83 coordinate system. In order to verify the accuracy of the descriptions, Watermaster staff located the Points of Diversion on aerial photographs in its GIS library, and, based on its staff members' experience with these Points of Diversion in the field, determined the NAD 83 coordinates for the same. Watermaster requests that these NAD 83 coordinate system descriptions be incorporated into the amended Permit 19895, as shown in the attached "track changes" version.[1] (In addition to incorporating the determined NAD 83 coordinates for each Point of Diversion, the "track changes" version also proposes changes to the Township and Range sections listed for three of the Points of Diversion which appear to have been inadvertently transposed.)

[1] Watermaster notes that three of the Points of Diversion for its Permit 19895 (Points of Diversion 2, 3 and 4) are common Points of Diversion, for which expanded diversions are allowed, under its Permit 21225. Watermaster requests that Division of Water Rights staff update these Point of Diversion descriptions for Permit 21225 as well.

Your May 22, 2012 e-mail further inquired as to whether Watermaster is amenable to the Division's revision of term 7 (regarding prior court judgments) in the draft amended Permit 19895 to match the similar term in Permit 21225. Watermaster is agreeable to such a revision, as shown in the attached "track changes" version. Finally, you asked whether Watermaster would like to change the permitted Place of Use under Permit 19895 to coincide with that permitted under Permit 31369. At this time, Watermaster does not wish to modify the permitted Place of Use.

We thank the Division for its cooperation and attention in processing Watermaster's Petition for Extension of Time for Permit 19895. If you have any questions or require any additional information regarding Watermaster's permits or pending petitions, please contact me at the number above.

Sincerely,

Bradley J. Herrema

MIT/KDW
A028473
County of San Bernardino

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

East Etiwanda Creek

PETITION FOR EXTENSION OF TIME

2004 MAY -4 AM 11:31

WATER USERS:

Application 28473 Permit 19895

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (SWRCB), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the SWRCB may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.

Please check below the action you wish taken on this permit.

☐ The project has been abandoned and I request revocation of the permit.

_____
Signature

☐ Full use of water has been made, both as to amount and season, and I request license be issued.

_____
Signature

☒ The project is not yet complete. I request the SWRCB's consideration of the following petition for an extension of time.

PETITION FOR EXTENSION OF TIME
If START of construction has been delayed

Complete items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?
Construction of 4 debris dams, a lined channel, and 3 percolation basins have been completed. New plans for diversion structure (rubber dam) and basin reconfiguration.

2. Estimate date construction work will begin. March 2003

3. Reasons why construction work was not begun within the time allowed by the permit.
Lack of funding for plans, environmental documentation, and construction.

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demands and cut your energy costs, see our web-site at: http://waterrights.ca.gov."
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

5/4/04
$1,000.00
DC

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P TION FOR EXTENSION OF TIME
If construction work is proceeding

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A six - year extension of time is requested to complete construction work and/or beneficial use of water. (Indicate a period of time less than or equal to 10 years. Must be consistent with the time frame allowed in (California Code of Regulations sections 840 through 844)

5. How much water has been used? 0 acre-feet/year _____ cfs

6. How many acres have been irrigated? 0

7. How many houses or people have been served water? 0

8. Extent of past use of water for any other purpose. Groundwater recharge of storm water

9. What construction work has been completed during the last extension? 4 debris basins, a lined channel, and 3 percolation basins

10. Approximate amount spent on project during last extension period. $ 38,000,000

11. Estimate date construction work will be completed. 2008

12. Estimated year in which water will be fully used. 2010

13. Reasons why construction and/or use of water were not completed within time previously allowed. Lack of funds for plans, environmental documentation and construction

If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.

14. What water conservation measures are in effect or feasible within the place of use?

15. How much water is being conserved or is it feasible to conserve using these conservation measures? _____ acre-feet per annum.

16. How much water per capita is used during the maximum 30-day period? _____ gpd.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated: April 30, 2004, at Rancho Cucamonga, California

Signature(s)

(909) 484-3888
Telephone No.

Gordon Treweek

John Rossi, 9641 San Bernardino Road, Rancho Cucamonga, CA 91730
PLEASE PRINT YOUR NAME AND ADDRESS

NOTE: A **$1000 filing fee**, for each Application listed, made payable to the State Water Resources Control Board must accompany a petition for an extension of time. An **$850 fee** made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time.