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**Testimony of  
RANDY VAN GELDER**

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General Manager, San Bernardino Valley Municipal Water District

- 11 1. I am Randy Van Gelder, General Manager for the San Bernardino Valley  
12 Municipal Water District (Muni). I have served Muni in various positions for  
13 nearly 28 years and was appointed General Manager to replace Robert L. Reiter  
14 upon his retirement at the end of December, 2006.
- 15 2. All of the applications before the State Board in this action are presented with the  
16 complete support of the other water right applicants. There is no controversy  
17 among the water agencies. The applications are complimentary, not competitive  
18 and we believe that all of the applications should be granted.
- 19 3. This multi-agency support results from the fact that water in the Santa Ana River  
20 watershed is utilized within the upper part of the watershed and, after treatment, is  
21 used again within the middle section of the watershed and, after treatment again,  
22 is used a third time in the Orange County (lower) section of the watershed before  
23 some portion of it is treated, once again, before recharge in the lower portion of  
24 the watershed. Within the watershed we are maximizing the use and reuse of  
25 local supplies and these applications will allow even better management of local  
26 waters to occur with a concomitant improvement in groundwater quality and  
27 reduction in the pressure for imported supplies from the State Water Project and  
28 the fragile Bay-Delta area.
- 29 4. This cooperative approach to water use in the Santa Ana Watershed has stemmed  
30 from the 1969 settlement of two lawsuits. The resulting judgments, known as the  
31 *Orange County* and *Western* Judgments (collectively, “Judgments”) have  
successfully governed the water use and rights on the Santa Ana River for over 35  
years. We believe that the Judgments should provide the guiding principles for  
new appropriations. In the Judgments, the Upper Area was given unlimited  
ability to conserve new water by “any means” because the Lower Area recognized

1 that it would receive benefits from the reuse of those waters. Additionally, new  
2 conservation in the Upper Area along the Santa Ana River mainstem was directed  
3 to be split in the same proportions as the safe yield of the native supply between  
4 the upper and middle sections of the watershed, subject only to paying  
5 proportionally for securing the new supply. Thus, Muni and Western Municipal  
6 Water District of Riverside County (Western) are co-applicants in this  
7 proceeding, representing the upper and middle sections of the Upper Area  
8 respectively, and our applications will be referred to as “Muni/Western.”

9 **THE DISTRICT**

- 10 5. San Bernardino Valley Municipal Water District was formed in 1954 to plan  
11 long-range water supply for the San Bernardino Valley. It imports water into its  
12 service area through participation in the California State Water Project and  
13 manages groundwater storage within its boundaries. It was established under the  
14 Municipal Water District Act of 1911 (California Water Code Section 7100 *et*  
15 *seq.*, as amended). Its enabling act includes a broad range of powers to provide  
16 water, as well as wastewater, stormwater disposal, recreation, and fire protection  
17 services.
- 18 6. Muni covers about 352 square miles in southwestern San Bernardino County,  
19 about 60 miles east of Los Angeles, and its service area has a population of about  
20 600,000. It spans the eastern two-thirds of the San Bernardino Valley, the Crafton  
21 Hills, and a portion of the Yucaipa Valley, and includes the cities and  
22 communities of San Bernardino, Colton, Loma Linda, Redlands, Rialto,  
23 Bloomington, Highland, Grand Terrace, and Yucaipa.
- 24 7. The District is governed by a five-member board of directors, elected for over-  
25 lapping four-year terms from five divisions. The District’s current board  
26 members are:

1 ■ **C. Patrick Milligan**, *President*, represents Division III, which includes  
2 the northern portion of the District, from Highland Avenue in northern  
3 San Bernardino to the Devil Canyon Power Plant of the State Water  
4 Project. He served on the District Board from 1965 to 1976, and again  
5 since 1984. Mr. Milligan is an attorney specializing in personal injury  
6 cases.

7 ■ **George Aguilar**, *Director*, represents Division II, which includes the  
8 City of Colton and a portion of the City of San Bernardino. He has  
9 served on the District Board since 1985. Mr. Aguilar is a real estate  
10 agent.

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12 ■ **Edward B. Killgore**, *Vice President*, represents Division I, the  
13 westernmost portion of the District, which includes Rialto and  
14 Bloomington. Mr. Killgore has served on the District Board since  
15 1995. Mr. Killgore is a real estate agent.

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17 ■ **Mark Bulot**, *Treasurer*, represents Division IV, the south-central  
18 portion of the District from the Santa Ana River on the north and west,  
19 extending eastward to beyond Redlands. Mr. Bulot is a consulting  
20 hydrogeologist.

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22 ■ **Steve Copelan**, *Secretary*, represents Division V, the easternmost  
23 portion of the District, which includes Highland and Yucaipa. Mr.  
24 Copelan is a businessman.

## 25 26 **WATER SUPPLY**

- 27 8. The Santa Ana River and its tributaries are the principal source of native surface  
28 water for the urbanized portions of San Bernardino, Riverside, and Orange  
29 Counties, an area with a population of about 4 million. Combined agricultural

1 and domestic water demand in this region exceeds the availability of water from  
2 the Santa Ana River or groundwater supplies in the watershed, requiring imported  
3 water. The lack of adequate native surface water and imported water for many  
4 years prior to 1963 led to groundwater overdraft within the District's boundaries.  
5 In more recent years, increased groundwater recharge has led to high groundwater  
6 levels in certain areas of the District.

7 9. Groundwater is the principal source of supply in the District's service area. Other  
8 sources of water supply are the SWP, the Santa Ana River, and its major  
9 tributaries, Mill Creek and Lytle Creek. The District's SWP water Table A  
10 Amounts (referred to as entitlements in the original contracts) are discussed under  
11 the heading "State Water Project" below.

## 12 **STATE WATER PROJECT**

13 10. The District is one of 29 contractors to the California State Water Project (SWP),  
14 which delivers water from northern California to various parts of the state. The  
15 District's contract Table A Amount for SWP water was 1,677 acre-feet in 1972,  
16 the initial year of deliveries, and increased to a maximum Table A Amount of  
17 102,600 acre-feet in 1991. The District's maximum Table A Amount is the fifth-  
18 largest of the SWP contractors.

## 19 **DISTRICT RESPONSIBILITIES**

20 11. The District's responsibility for long-range water supply planning includes  
21 importing supplemental water and management of the groundwater basins within  
22 its boundaries. It has specific responsibilities for monitoring groundwater  
23 supplies in the San Bernardino, Colton-Rialto, and Riverside basins and  
24 maintaining minimum flows at Riverside Narrows on the Santa Ana River. It  
25 fulfills its responsibilities by importing water through the SWP for direct delivery  
26 and groundwater recharge and by coordinating the delivery of water resources to  
27 retail agencies throughout its area. The District does not deliver water directly to  
28 retail water customers.

1 12. The District cooperates in a program to help replenish groundwater, using both  
2 SWP water and local runoff. The District takes delivery of SWP water at the  
3 Devil Canyon Power Plant Afterbay, which is located just within its northern  
4 boundary. Water is conveyed 17 miles eastward to various spreading,  
5 agricultural, and wholesale domestic delivery points in the San Bernardino Basin.  
6 Water is also conveyed westward for direct delivery and recharge in the Rialto-  
7 Colton Basin.

8 13. In the 1960's, the over-commitment of water in the Santa Ana River watershed  
9 led to lawsuits between water users in the upper and lower watersheds over the  
10 use of both surface flows and groundwater. The lawsuits culminated in 1969 in  
11 two major judgments: *Orange County Water District v. City of Chino et al.* and  
12 *Western Municipal Water District et al. v. East San Bernardino County Water*  
13 *District et al.* Under the terms of the Judgments, Muni became responsible for  
14 providing a specified Santa Ana River base flow to Orange County at Riverside  
15 Narrows and maintaining the safe yield and water levels in certain specified key  
16 wells. If the conditions of both, or either, judgments are not met by the natural  
17 water supply, Muni is required to deliver supplemental water to offset the  
18 deficiency. The judgments resolved the major water rights issues that had  
19 prevented the development of long-term, area-wide water supply plans.

20 14. The District is responsible for maintaining the groundwater level in certain wells  
21 in the Colton Basin and Riverside Basin at an average of 822 feet above sea level.  
22 The average static groundwater level in these wells, as reported in the August 1,  
23 2006 watermaster report to the court, was 897 feet above sea level.

24 15. The District is also legally required to maintain a flow equivalent to  
25 approximately 15,250 acre-feet per year at Riverside Narrows on the Santa Ana  
26 River. Treated sewage effluent from the Cities of San Bernardino, Colton, and  
27 Rialto discharged to the Santa Ana River currently accounts for about 36,000  
28 acre-feet per year. The District has contracts with the Cities of San Bernardino  
29 and Colton obligating part of their flows to meet this requirement. As a result of

1 this treated effluent discharge and normal stream flow in the Santa Ana River, the  
2 District has never had to use imported water to augment flows in the Santa Ana  
3 River.

4 16. The District maintains groundwater supplies in three additional groundwater  
5 basins: Bunker Hill, Yucaipa, and San Timoteo. Since beginning to import SWP  
6 water in 1972, the District has maintained groundwater supplies in the Bunker  
7 Hill Basin at adequate levels. The District's facilities are capable of delivering  
8 SWP or local water to spreading basins for percolation into underlying aquifers in  
9 these groundwater basins.

10 **WATER CONSERVATION**

11 17. Since the 1960's, the District has been working on plans to conserve water from  
12 the Santa Ana River and so reduce the District's reliance on imported water  
13 supplies. Bob Reiter, my predecessor as General Manager, devoted much of his  
14 forty-year career with the District to various aspects of water conservation and the  
15 Seven Oaks project. For instance, during the 1960's, he served as a junior  
16 engineer on the studies that identified the possibility of storing water in the  
17 Bunker Hill groundwater basin while, since 1990, he has provided guidance and  
18 supervision to the District's efforts relating to our water right applications. His  
19 testimony (Muni/Western 3-1) describes the manner in which the project can be  
20 operated

21 18. The testimony of Jack Safely (Muni/Western Ex. 7-1) demonstrates that, during a  
22 repeat of WY 1969, Muni/Western could put almost 200,000 af to reasonable and  
23 beneficial use within our service areas. Mr. Safely's testimony identifies several  
24 additional projects/efforts that Muni/Western may wish to consider in order  
25 provide additional flexibility in the use of water diverted from the Santa Ana  
26 River. If, as requested in our applications, the State Water Resources Control  
27 Board grants Muni/Western one or more permits for the diversion of 200,000 afy  
28 of water from the Santa Ana River, I will recommend to the Muni Board of  
29 Directors that they implement Mr. Safely's proposals.