



Tuesday, August 27, 2013
Regular Meeting – 6:00 p.m.

ROLL CALL:

- Gustavo V. Camacho, President
- Brent A. Tercero, Vice President
- Bob J. Archuleta, Commissioner
- David W. Armenta, Commissioner
- Gregory Salcido, Commissioner

Council Chambers
6615 Passons Blvd.

- Next Resolution No. 13-31
- Next Ordinance No. 13-01
- Next Agreement No. 13-20

1st PERIOD OF PUBLIC COMMENTS - IF YOU WOULD LIKE TO SPEAK ON ANY LISTED AGENDA ITEMS, PLEASE FILL OUT A GREEN PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks.

Any materials related to an item on the Agenda for open session submitted to the Water Authority after distribution of the agenda packet will be available for public inspection at City Hall (front counter), 6615 Passons Blvd., Pico Rivera, during normal business hours.

PLEASE TURN OFF ALL PAGERS AND/OR PHONES WHILE MEETING IS IN SESSION AND PLEASE REFRAIN FROM TEXTING DURING THE MEETING

In compliance with the Americans with Disabilities Act of 1990, the City of Pico Rivera is committed to providing reasonable accommodations for a person with a disability. Please call City Clerk's office at (562) 801-4389 if special accommodations are necessary and/or if information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

CONSENT CALENDAR ITEMS:

All items listed on the Consent Calendar may be acted on by a single motion without separate discussion. Any motion relating to a Resolution or Ordinance shall also waive the reading of the titles in full and include its adoption as appropriate. If discussion or separate vote on any item is desired by a Commissioner or staff, that item may be removed from the Consent Calendar for separate consideration.

CONSENT:

1. Minutes:

- Approve Water Authority meeting of July 23, 2013.

2. Resolution in Support of the 2013 Third Amendment Judgment for Groundwater Storage in the Central Basin. (1700)

Recommendation:

1. Adopt a resolution in support of the 2013 Third Amended Judgment for Groundwater Storage in the Central Groundwater Basin, and receive and file the attached letter of support.

Resolution No. _____ A RESOLUTION OF THE PICO WATER AUTHORITY, CALIFORNIA, IN SUPPORT OF THE 2013 THIRD AMENDED JUDGMENT FOR GROUNDWATER STORAGE IN THE CENTRAL GROUNDWATER BASIN

LEGISLATION: None.

NEW BUSINESS:

OLD BUSINESS:

2ND PERIOD OF PUBLIC COMMENTS – THIS TIME IS RESERVED FOR COMMENTS THAT HAVE NOT BEEN ADDRESSED DURING THE MEETING OR THAT ARE NOT LISTED ON THE AGENDA. PLEASE FILL OUT A BLUE PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks.

ADJOURNMENT:

ADJOURNMENT:

AFFIDAVIT OF POSTING

I, Anna M. Jerome, Assistant City Clerk, for the City of Pico Rivera Water Authority, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Pico Rivera City Hall bulletin Board, Pico Rivera Post Office and Parks: Smith, Pico and Rivera and full agenda packets distributed to the Mines and Serapis Libraries, which are available for the public to view on this the 23rd day of August 2013.

Dated this 23rd, day of August 2013



Anna M. Jerome, CMC
Assistant City Clerk

SB343 NOTICE

In compliance with and pursuant to the provisions of SB343 any public writing distributed by the City Clerk to at least a majority of the City Council Members regarding any item on this regular meeting agenda will be available on the back table at the entrance of the Council Chamber at the time of the City Council meeting and at the counter of City Hall at 6615 Passons Boulevard, Pico Rivera, California during normal business hours.





Tuesday, July 23, 2013

A Regular Meeting of the Water Authority was held in the Council Chamber, Pico Rivera City Hall, 6615 Passons Boulevard, Pico Rivera, California.

Authority President Camacho called the meeting to order at 6:00 p.m.

PRESENT: Commissioners Archuleta, Armenta, Salcido, Tercero, Camacho

ABSENT: None

1st PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY: None.

CONSENT CALENDAR:

1. Minutes:

- Approved Water Authority special meeting of June 25, 2013.

2. Resolution Approving the Gateway Integrated Regional Water Management Plan. (500)

1. Adopted Resolution No. 13-30 to approve the Gateway Integrated Regional Water Management Plan (IRWMP) dated June 2013.

Resolution No. 13-30 A RESOLUTION OF THE PICO WATER AUTHORITY, CALIFORNIA, AUTHORIZING THE ADOPTION OF THE GATEWAY INTEGRATED REGIONAL WATER MANAGEMENT PLAN

3. Rio Vista Park (CIP 21224) and Smith Park (CIP 21218) Master Plan Projects – Acceptance of Pico Water District's Conditions of Approval. (500)

1. Accepted Conditions of Approval for the Rio Vista Park and Smith Park Renovation Projects documented in the letter dated July 10, 2013 (Enclosure 1) necessary to secure domestic water service; and
2. Appropriated \$195,000 to the Rio Vista Park (CIP No. 21224) Renovation Projects to fund the improvements required in the Conditions of Approval.

Motion by Commissioner Armenta, seconded by Commissioner Salcido to approve Consent Calendar Items No. 1 and 2. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION: None.

LEGISLATION: None

2nd PERIOD OF PUBLIC COMMENTS – ALL OTHER CITY RELATED BUSINESS:

None.

ADJOURNMENT:

Authority President Camacho adjourned the meeting at 7:56 p.m. There being no objection it was so ordered.

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

Gustavo V. Camacho, President

ATTEST:

Anna M. Jerome, Authority Secretary

I hereby certify that the foregoing is a true and correct report of the proceedings of the Water Authority regular meeting dated July 23, 2013 and approved by the Water Authority on August 27, 2013.

Anna M. Jerome, Authority Secretary



To: President and Commissioners

From: Executive Director

Meeting Date: August 27, 2013

Subject: RESOLUTION IN SUPPORT OF THE 2013 THIRD AMENDED JUDGMENT FOR GROUNDWATER STORAGE IN THE CENTRAL BASIN

Recommendation:

Adopt a Resolution in support of the 2013 Third Amended Judgment for Groundwater Storage in the Central Groundwater Basin, and receive and file the attached letter of support.

Fiscal Impact: There is no immediate fiscal impact of the recommended action, but long term the ability to store water underground should help stabilize water rates.

Discussion: The original Central Basin Plan Judgment dates from the 1950's when the explosive regional growth in South East Los Angeles County outpaced the water supply. The over-extraction of groundwater by developing communities with their new wells lowered the water table and wells began to dry-up. This original judgment, finalized in 1965, set in place water rights based on limiting the pumping of water. The judgment did not authorize a groundwater storage plan.

Today, the Central Basin is unique since it is one of the few groundwater basins in the State that does not allow groundwater storage and conjunctive use in some fashion. The lack of a storage plan has hampered the ability of our region to plan for additional growth, periods of drought, and water surpluses. The diminishing reliability and competition for imported water supply is another major reason to better develop local water resources. There is general agreement that a storage plan, if designed and operated appropriately, would be a major benefit to the region's residents, businesses and institutions that depend on reliable water, delivered at cost-effective rates. It was determined that the best method to establish a storage plan where stored water could be recovered with legal certainty was to amend the 1965 Judgment.

The last Court-approved change in the Central Basin Judgment was the second Amended Judgment on May 9, 1991, increasing the ability to carry-over up to 20 percent of the water rights, thus allowing water that was not produced in one year to be produced in the following year. Since then, water rights holders have tried to negotiate provisions to allow for additional groundwater storage in the basin. Various attempts, including attempts to litigate and legislate, were unsuccessful.

PICO RIVERA WATER AUTHORITY AGENDA REPORT – MTG. OF 08/27/13
SUPPORT OF THE 2013 THIRD AMENDED JUDGMENT FOR GROUNDWATER STORAGE IN
THE CENTRAL BASIN

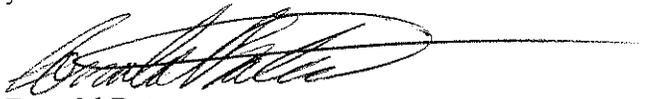
Page 2 of 2

In June 2007, the California Department of Water Resources selected a mediator to attempt a negotiated groundwater storage program. In 2009, a group of seven water rights holders submitted a motion for the Third Amended Judgment which resulted in several parties objecting to all or parts of that motion. The report (Proposed Storage Amendment Summary, Exhibit "D") summarizes the proposed 2013 Third Amended Judgment for groundwater storage in the Central Basin, which has a higher level of agreement in the water community.

In 2012, a group of five cities (Cerritos, Downey, Lakewood, Long Beach, and Signal Hill) began the process of revising the plan for groundwater storage which resulted in a draft Judgment Amendment to the Central Basin Judgment. The group distributed the draft framework for comment in February 2013. This draft has been reviewed extensively by affected parties, and has been refined based on the comments received. The proposal was presented to the Gateway Cities on June 11, 2013.

The key elements of the proposed groundwater storage plan framework can be found in Exhibit "B". Noteworthy highlights include: (1) establishing the available storage space in the Central Basin at 330,000 acre-feet, (2) reserving 220,000 acre-feet of the available space for use by the parties to the judgment which includes Pico Rivera, (3) reserving 108,750 acre-feet of space for use through Individual Storage Accounts. Under this provision, Pico Rivera will be assigned an estimated 2,790 acre-feet of space in which to store water; (4) increasing annual carryover to a maximum of 60%, ramped up over four years. Pico Rivera will be able to carry over an estimated 3,347 acre-feet of water with the flexibility of selling it or converting it to storage; and (5) reserving 110,000 acre-feet of that space to avoid interference with the statutory replenishment functions of the Water Replenishment District of Southern California, but not for storage of water by WRD or any other party.

The ability to store water in the Central Basin with legal certainty has been an unmet goal for many years. The renewed effort, with collaboration of the previous objectors, is a major breakthrough and offers the best chance for enhanced reliability of local water resources. The 2013 Third Amended Judgment will allow maximum flexibility for water operations and, at the same time, provide safety for the underlying water rights we have come to rely on for the past 48 years.



Ronald Bates

RRB:AC:RG:lg

Enc.

- 1) Exhibit "A" - Resolution In Support of the 2013 Third Amended Judgment For Groundwater Storage In The Central Groundwater Basin
- 2) Exhibit "B" - Key Elements of Groundwater Storage Plan Framework
- 3) Exhibit "C" - Letter of Support
- 4) Exhibit "D" - Proposed Storage Amendment Summary

RESOLUTION NO. _____

**A RESOLUTION OF THE PICO RIVERA WATER
AUTHORITY, CALIFORNIA, IN SUPPORT OF THE 2013
THIRD AMENDED JUDGMENT FOR GROUNDWATER
STORAGE IN THE CENTRAL GROUNDWATER BASIN**

WHEREAS, the ability to store water in the Central Basin with legal certainty has been an unmet goal for many years; and

WHEREAS, the Central Basin is unique since it is one of the few groundwater basins in the State that does not allow groundwater storage and conjunctive use in some fashion; and

WHEREAS, the lack of a storage plan has hampered the ability of our region to plan for additional growth, periods of drought, and water surpluses; and

WHEREAS, the diminishing reliability and competition for imported water supply is another major reason to better develop local water resources; and

WHEREAS, there is general agreement that a storage plan, if designed and operated appropriately, would be a major benefit to the region's residents, businesses and institutions that depend on reliable water, delivered at cost-effective rates; and

WHEREAS, the 2013 Third Amended Judgment will allow maximum flexibility for water operations and, at the same time, provide safety for the underlying water rights we have come to rely on for the past 48 years; and

WHEREAS, the 2013 Third Amended Judgment will serve to increase water reliability for the customers of the Pico Rivera Water Authority by creating a mechanism to store water in the central basin underground aquifers for use by the Pico Rivera Water Authority when water demand exceeds annual water rights.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COMMISSIONERS OF THE PICO RIVERA WATER AUTHORITY THAT IT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Pico Rivera Water Authority supports the 2013 Third Amended Judgment for Groundwater Storage in the Central Basin Groundwater Basin.

Section 2. The Secretary shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 3. The Secretary shall communicate this action of the Pico Rivera Water Authority to the Los Angeles Superior Court and the California Department of Water Resources, Water Master, Central Basin Judgment.

RESOLUTION NO. _____

Page 2 of 2

ADOPTED AND APPROVED this _____ day of _____, 2013.

Gustavo V. Camacho, President

ATTEST:

APPROVED AS TO FORM:

Anna M. Jerome, Secretary

Arnold M. Alvarez-Glasman, Authority Attorney

AYES:

NOES:

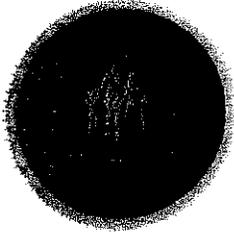
ABSENT:

ABSTAIN:

KEY ELEMENTS OF THE PROPOSED 2013 THIRD AMENDED JUDGMENT FOR GROUNDWATER STORAGE IN THE CENTRAL BASIN

The following are the key elements of the proposed groundwater storage plan framework:

1. Establishes available storage in the Central Basin at 330,000 acre feet.
 2. Increases the allowable carryover of unused water rights in a fiscal year from 20 percent to 60 percent. This increase will be ramped up 10% per year over four years.
 3. Allows the storage of water without fees or approvals.
 4. Provides for the extraction of stored water without fee or tax.
 5. Allows for the establishment of an Individual Storage Account in an amount up to 40% of water rights for each water rights holder, and access to a Community Storage Pool for higher amounts.
 6. Allows parties the ability to cumulatively store up to 200% of the party's annual extraction rights in Individual and Community Storage Pool Accounts.
 7. Allows for conversion of carryover to stored water by payment of replenishment assessment.
 8. Outlines the use of the Los Angeles County Department of Public Works spreading grounds for individual storage projects.
 9. Recognizes previously stored water by Cerritos, Downey, Lakewood and Long Beach.
 10. Provides a leave behind requirement for water stored in the Community Pool for over 10 years; 5 percent loss of stored water per year based on the lowest quantity held in storage during the 10-year period.
 11. Creates a seven-member Water Rights Panel elected by water rights holders.
 12. Selects the Water Replenishment District (WRD) to function as record-keeper, and provides it with space to capture water for replenishment purposes (but does not grant WRD any rights to store water for its own account). The cost for the record-keeping function is capped at an amount significantly less than the expense now incurred for Watermaster services, resulting in a significant savings to all water producers.
 13. Removes the California Department of Water Resources as Watermaster. Grants the pumpers' Water Rights Panel responsibility over water rights and reporting compliance to the Court.
 14. Allows WRD to participate in the evaluation and approval of certain storage projects that will involve construction of new facilities, but not where existing facilities are used.
 15. Establishes guidelines for development of Large Storage Projects and Water Rights Augmentation Projects, both of which are projects that require substantial capital costs to implement and are subject to CEQA guidelines. Requires such projects to be reviewed by a Storage Panel consisting of the Water Rights Panel and WRD Board. This bicameral panel shall approve these projects by majority vote of each body.
 16. Establishes a Regional Disadvantaged Communities Incentive Program by setting aside 23,000 acre feet of Community Storage Pool space for beneficial use by such communities for the purposes of water system improvements and rate stabilization.
 17. Allows limited overextraction for certain public water systems that straddle the Basin boundary where they do not fully extract West Basin rights.
 18. Limits extractions over 140% of extraction rights (Annual Pumping Allocation plus leases) in sensitive areas of the basin to prevent material physical harm to other pumpers.
 19. Eliminates mining of the basin by outside interests by restricting water export.
-



City of Pico Rivera
OFFICE OF THE CITY COUNCIL

6615 Passons Boulevard · Pico Rivera, California 90660 · (562) 801-4371
web: www.pico-rivera.org · e-mail: spena@pico-rivera.org

GUSTAVO V. CAMACHO
Mayor

August 15, 2013

Honorable Abraham Kahn
Department 51, Los Angeles Superior Court
111 N. Hill Street
Los Angeles, California 90189

California Department of Water Resources
Watermaster, Central Basin Judgment
Attn: Mark Stuart, P.E.
770 Fairmont Avenue, Suite 102
Glendale, California 91203-1035

SUBJECT: PROPOSED AMENDMENT TO JUDGMENT IN CENTRAL AND WEST BASIN
WATER REPLENISHMENT DIST. V. ADAMS, ET AL, LASC COURT CASE
NO. C786656

Dear Honorable Judge Kahn and Mr. Stuart:

The City of Pico Rivera is a party to the operative judgment (the Second Amended Judgment) and defendant in the above-referenced case. As a party, the City has a total adjudicated right to extract 6,694 acre-feet of groundwater from the Central Basin, limited by the Judgment's physical solution to an annual pumping allocation (APA) of 5,579 acre-feet. The City is also a municipal water service provider and relies significantly upon its groundwater rights to meet the demands of its residents and businesses. Accordingly, the City supports the implementation of the proposed Third Amended Judgment, which adds a storage framework for the Central Basin.

As a municipal water service provider, the City must manage water resources to meet its customers' demands year-after-year and throughout the year. Although the City's APA remains consistent, demand varies, as does the availability of supplemental imported water. California faces an uncertain water supply future, including questions of reliability and completion for imported water from the Delta, where water received from the State Water Project is under continuing court restrictions, and the Colorado River Aqueduct, which is subject to multi-state water sharing agreements. In addition, California experiences wide swings in precipitation and drought due to the "El Nino" and "La Nina" weather patterns.

To assist the City in better managing these supply issues, the City requires the opportunity to store supplemental water in the underground Central Basin when water is plentiful to manage demands in times of drought. The City favors underground storage, because it is more cost-efficient than above-ground storage, which requires building costly reservoirs.

Following over a decade of negotiations and litigation between Central Basin parties over the implementation of groundwater storage, a majority consensus has been reached regarding the terms of a groundwater storage framework proposed to be implemented through the Third Amended Judgment. The City supports the proposed Third Amended Judgment, as presented to the Gateway Cities (the July 10, 2013 version). While the City understands that the proposed Third Amended Judgment may undergo further minor revisions before the filing of the proposal with the Court, the City supports the substantive terms of the attached Third Amended Judgment, including:

1. Establishing the available storage space in the Central Basin at 330,000 acre-feet;
2. Reserving 220,000 acre-feet of the available space for use by the parties to the Judgment, with an allocated APA, through the Individual Storage Accounts and Community Storage Pool;
3. Reserving 108,750 acre-feet of space for use through Individual Storage Accounts;
4. Reserving 111,250 acre-feet of that space for use through the Community Storage, with a total of 23,000 acre-feet of space reserved for the priority access of small water producers and a disadvantaged community incentive program;
5. Reserving 110,000 acre-feet of that space to avoid interference with the statutory replenishment functions of the Water Replenishment District of Southern California, but not for storage of water by WRD or any other party;
6. Limiting total storage by any party to the equivalent of 200% of the party's APA;
7. Limiting annual extraction of water, including groundwater and stored water, to a total of 140% of a party's APA;
8. Limiting the export of native groundwater outside the Central Basin area to existing export and ongoing water service to service areas outside the Central Basin that are contiguous to service areas in the Central Basin;
9. Allow four water service providers providing service to areas overlying both the Central Basin and West Coast Basin to extract groundwater in the Central Basin in lieu of extracting it from the West Basin, even when it exceeds there APA in the Central Basin (known as over-extraction). This will be allowed only to meet the demand of Central Basin customers;
10. Increasing annual carryover to a maximum of 60%, ramped up over four years;
11. Allowing for the conversion of carryover to stored water through the payment of Replenishment Assessment, thereby allowing for replenishment of that water like any other water extracted from the Central Basin;
12. Recognizing water previously stored by parties to the Judgment;
13. Transferring the role of Watermaster from the Department of Water Resources to a three-part Watermaster, consisting of the Administrative Body, the Water Rights Panel, and the Storage Panel;
14. Limiting the role of the Administrative Body to an administrative record-keeping and reporting function; and

Letter to Hon. Abraham Kahn, Los Angeles Superior Court
And Mark Stuart, P.E. California Department of Water Resources
PROPOSED AMENDMENT TO JUDGMENT IN CENTRAL AND WEST BASIN WATER
REPLENISHMENT DIST. V. ADAMS, ET AL, LASC COURT CASE NO. C786656
Page 3 of 3

15. Limiting the role of the Storage Panel to review and approval of projects specifically enumerated in the Third Amended Judgment.

The City is not represented by counsel of record in this matter. Thus, should the Court require further information or submissions from the City, we request notice to the City through the persons designated in the official service list in this case.

Sincerely,



Gustavo V. Camacho
Mayor

GVC:RB:AC:lg

cc: City Council
City Manager
Director of Public Works/City Engineer

PROPOSED STORAGE AMENDMENTS SUMMARY
Central and West Basin Water Replenishment Dist. v. Adams, et al.
 Los Angeles Superior Court, Case No. C786656

COMPARISON: 2009 MOVING PARTIES' PROPOSAL AND 2013 COMPROMISE (July 29, 2013 update)

CATEGORY	2009 MOVING PARTIES' PROPOSAL	2013 COMPROMISE
FRAMEWORK		
Storage only Under Judgment	<p>“No storage of water shall occur in the Basin except in conformity with this Judgment.”</p> <p>(See Redlined Third Amended Judgment (“2009 TAJ”) filed with 2009 Motion to Amend [“TAJ”], p. 116, Section III.A.</p>	<p>SAME</p> <p>ANY STORAGE (OF ANY NON-NATIVE WATER) IN CENTRAL BASIN IS GOVERNED BY CENTRAL BASIN JUDGMENT</p> <p>ADDED REQUIREMENT THAT NO STORAGE ALLOWED TO INTERFERE WITH POSSIBILITY OF INCREASING APA TO 100% OF TOTAL WATER RIGHT</p>
ALLOCATIONS		
Total Available Storage Space	330,000 AF	SAME (110,000 AF TO WRD OPERATING RESERVE IS ONLY FOR REPLENISHMENT USE, NOT STORAGE OF IMPORTED WATER FOR LATER EXTRACTION)
“Storage”		<p>CLARIFIED LANGUAGE TO INCLUDE RECYCLED WATER, WHICH INCLUDES ANY RECLAIMED WATER A PARTY SPREADS, INJECTS, OR OTHERWISE INTRODUCES INTO THE CENTRAL BASIN</p> <p>REGARDLESS OF THE SOURCE (e.g. STORM WATER), WATER PUT INTO THE BASIN WILL BE CREDITED TO A PARTY, EITHER IN THEIR STORAGE ACCOUNTS, OR AS WATER AUGMENTATION PROJECTS, DEPENDING ON THE PARTY'S CHOICE</p>
Individual Storage Account	87,000 AF (40% of APA to each party)	108,750 AF 50% OF APA TO EACH PARTY BY TAKING FROM COMMUNITY STORAGE

PROPOSED STORAGE AMENDMENTS SUMMARY
Central and West Basin Water Replenishment Dist. v. Adams, et al.
 Los Angeles Superior Court, Case No. C786656

CATEGORY	2009 MOVING PARTIES' PROPOSAL	2013 COMPROMISE
Community Storage Account	<p style="text-align: center;">95,000 AF (first come, first serve)</p> <p style="text-align: center;">PRIORITY ACCESS FOR UP TO 10,000 AF FOR SMALLER PRODUCERS WITH APA <3,000 AF</p>	<p style="text-align: center;">111,250AF</p> <p style="text-align: center;">INCREASED BY TAKING FROM WRD'S BASIN OPERATING RESERVE</p> <p style="text-align: center;">PRIORITY ACCESS FOR:</p> <p>1) SMALLER PRODUCERS WITH APA < 5,000 AF - PRIORITY ACCESS TO UP TO 10,000 AF FOR</p> <p>2) DISADVANTAGED COMMUNITIES INCENTIVE PROGRAM - PRIORITY ACCESS TO 23,000 AF (SEE BELOW)</p>
Regional Storage Project	<p style="text-align: center;">23,000 AF (subject to Storage Panel approval WRD)</p>	<p style="text-align: center;">NONE</p> <p style="text-align: center;">23,000 AF</p> <p style="text-align: center;">REPLACED WITH REGIONAL DISADVANTAGED COMMUNITIES INCENTIVE PROGRAM WITHIN COMMUNITY STORAGE</p> <p>Third party consultant, selected by Water Rights Panel, will establish Program, including rules and guidelines, within 12 months, pursuant to which Stored Water or the opportunity to store water will be more fully available to or for the benefit of Disadvantaged Communities within the Central Basin.</p> <p>GMs of WRD and CBMWD to have right to object to</p>

PROPOSED STORAGE AMENDMENTS SUMMARY
Central and West Basin Water Replenishment Dist. v. Adams, et al.
 Los Angeles Superior Court, Case No. C786656

CATEGORY	2009 MOVING PARTIES' PROPOSAL	2013 COMPROMISE
		<p>Water Rights Panel's third party consultant</p> <p>Water Rights Panel, through WRD's GM, is responsible for administering the program, including ensuring that any funds generated are used by individual cities or unincorporated County areas for water systems improvements and rate stabilization within Disadvantaged Communities</p> <p>"Disadvantaged Community" means a community wholly within the Central Basin consisting of one or more contiguous census tracts which, based upon the most recent United States Census data, demonstrates a median household income which is less than eighty percent (80%) of the median household income for all Census Tracts within the State of California. The determination of Disadvantaged Communities shall be made by Watermaster following each decennial census.</p>
WRD Basin Operating Reserve	125,000 AF to WRD Page 4, Section IV (J).	<p>110,000 AF</p> <p>FOR REPLENISHMENT USE ONLY, NOT FOR STORAGE</p> <p>MODIFIED LANGUAGE TO REFLECT INTENDED USE OF SPACE: to ensure space is available for capture of natural inflows during wet years, for recapture, and for artificial replenishment when available at discounted rates, to meet APA demands, and potential increase of APA to Total Water Rights;</p> <p>to ensure space is not used to allow WRD to store water for sale or lease</p>
CEQA	Proposal Contains Language Specifying CEQA Procedures	<p>SIMPLIFIED: Proposal specifies that nothing in the Judgment is intended to affect CEQA compliance, and that all storage projects continue to be subject to all legal requirements, including CEQA</p> <p>MATERIAL PHYSICAL HARM – Definition expanded to prevent injury to potential extraction of <i>Total Water Rights</i>, not just <i>APA</i></p>
ADDITIONAL TERMS		

PROPOSED STORAGE AMENDMENTS SUMMARY

Central and West Basin Water Replenishment Dist. v. Adams, et al.

Los Angeles Superior Court, Case No. C786656

CATEGORY	2009 MOVING PARTIES' PROPOSAL	2013 COMPROMISE
Limits on Storage	200% APA	SAME
Inter-basin Storage Transfer	<p>5,000 without approval, and over 5,000 if approved by Storage Panel</p> <p>Over 20,000 AF Total transfer per year throughout Basin requires Storage Panel Approval</p> <p>(2009 TAJ, pp. 121-122)</p>	<p>NO TRANSFER OF STORED WATER OR STORAGE RIGHTS REPLACED WITH INCREASED EXTRACTION FOR 4 WATER PURVEYORS WITH RIGHTS IN BOTH BASINS TO MEET NEEDS OF CENTRAL BASIN CUSTOMERS</p> <p>(LOS ANGELES, LONG BEACH, GOLDEN STATE WATER, AND CAL WATER)</p> <p>INCREASED EXTRACTION AVAILABLE ONLY FOR USE IN CENTRAL BASIN</p> <p>AVAILABLE ONLY WHEN WATER PURVEYOR IS UNABLE TO PUMP FULL APA IN WEST BASIN & HAS STORED WATER IN WEST BASIN, THEREBY AFFECTING WATER PURVEYOR'S ABILITY TO MEET CENTRAL BASIN DEMANDS</p> <p>LIMITED TO 12,000 AF TOTAL, NO DISCRETION TO INCREASE BEYOND THE 20,000 AF LIMIT</p> <p>JUDGMENT LANGUAGE CLARIFIES THE TRANSFER IS NOT INDICATION OF UNDERFLOW, UNIFORM COST OR BENEFIT ALLOCATION, OR ANY OTHER FACTOR THAT RELATES TO THE ALLOCATION OF THE RA</p>
Limit re: Water Export		<p>NO EXPORT OF CENTRAL BASIN NATIVE WATER (APA), EXCEPT FOR EXISTING CONTRACTS FOR EXPORTS AND FOR WATER SERVICE TO AREAS OVERLYING BOTH CENTRAL BASIN AND WEST COAST BASIN</p>
Limit Re Extraction of Stored Water	<p>No party may extract in excess of 120% of the sum of (i) the party's Allowed Pumping Allocation and (ii) the party's leased water, except upon prior approval by the Storage</p>	<p>140% LIMIT</p> <p>UNLESS APPROVED BY WATER RIGHTS PANEL</p>

PROPOSED STORAGE AMENDMENTS SUMMARY
Central and West Basin Water Replenishment Dist. v. Adams, et al.
 Los Angeles Superior Court, Case No. C786656

CATEGORY	2009 MOVING PARTIES' PROPOSAL	2013 COMPROMISE
Carryover		<p>MUST DEPOSIT WITH WATER RIGHTS PANEL AMOUNT EQUAL TO RA RATE</p> <p>REPAY BY FOREGOING PUMPING IN EQUAL AMOUNT WITHIN 5 YEARS, OTHERWISE PAY CASH AT TIER 1 RATE</p> <p>(Intended to protect against impact of carryover conversion and effect on lease market)</p>
GOVERNANCE		
Three-part Watermaster	<p>1) WRD</p> <p>2) Water Rights Panel</p> <p>3) Storage Panel (both WRD & Water Rights Panel)</p>	<p>SAME (With different responsibilities)</p> <p>DWR responsible for transition, including providing notice of election of Water Rights Panel within 30 days of Judgment and election within 30 days thereafter</p> <p>1) ADMINISTRATIVE BODY (WRD)</p> <p>2) WATER RIGHTS PANEL</p> <p>a) modified from 5 to 7 pumper (not individual) members pursuant to parties' voting rights [determined by APA, which can be transferred through a lease];</p> <p>b) staggered terms;</p> <p>c) term limits to be determined by Water Rights Panel; and</p> <p>d) panel elected as follows:</p> <ul style="list-style-type: none"> • 3 large (> 10,000 AF APA) • 2 medium (5,000 – 10,000 AF APA) • 1 small (< 5,000 AF APA)

PROPOSED STORAGE AMENDMENTS SUMMARY
Central and West Basin Water Replenishment Dist. v. Adams, et al.
 Los Angeles Superior Court, Case No. C786656

CATEGORY	2009 MOVING PARTIES' PROPOSAL	2013 COMPROMISE
		<ul style="list-style-type: none"> - hold open meetings, no Brown Act requirements (not dealing with boards or city council of pumpers) - will be responsible for the meter testing program, which can be delegated to the appropriate agency/entity - Enforcement of Judgment by Water Rights Panel: Chair of Water Rights Panel shall represent the Watermaster before the Court - Budget: \$1 per acre-foot of APA - With GM of WRD, will administer the Regional Disadvantaged Communities Incentive Program <p>STORAGE PANEL</p> <ul style="list-style-type: none"> - Responsible for storage issues, in limited circumstances where review and approval is necessary - All proceedings of all Watermaster bodies subject to Brown Act, due to WRD Board's participation - Without Regional Projects, Storage Panel is no longer responsible for approval of regional storage. All storage projects subject to CEQA, if otherwise required by law - Approval of Water Augmentation Projects, which a party <i>elects</i> to participate in to increase yearly APA (not related to automatic storage rights in Individual and Community Storage Accounts)