

**SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

**BOARD MEETING AGENDA**

**May 12, 2010 - 1:30 p.m.**

Location--1630 West Redlands Boulevard, Suite A, Redlands, California

Note: Copies of staff reports and other documents relating to the items on this agenda are on file at the District offices and are available for public review during normal District business hours. New information relating to agenda topics listed, received, or generated by the District after the posting of this agenda, but before the meeting, will be made available upon request at the District offices.

---

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

---

**1. PUBLIC PARTICIPATION**

*Members of the public may address the Board of Directors on any item that is within the jurisdiction of the Board; however, no action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Subdivision (b) Section 54954.2 of the Government Code.*

**2. ADDITIONS/DELETIONS TO AGENDA**

*Section 54954.2 provides that a legislative body may take action on items of business not appearing on the posted agenda under the following conditions: (1) an emergency situation exists, as defined in Section 54956.5; (2) a need to take immediate action and the need for action came to the attention of the District subsequent to the agenda being posted; and (3) the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.*

**3. CONSENT CALENDAR**

- Approval of the Board Minutes, April 28, 2010

**4. REPORTS AND INFORMATION ITEMS:**

- A. Monthly Activity Reports, and/or Comments by Board Members
- B. Board Committee Reports

---

It is the intention of the San Bernardino Valley Water Conservation District to comply with the Americans with Disabilities Act (ADA) in all respects. If you need special assistance with respect to the agenda or other written materials forwarded to the members of the Board for consideration at the public meeting, or if as an attendee or a participant at this meeting you will need special assistance, the District will attempt to accommodate you in every reasonable manner. Please contact Ms. Shanae Smith (909-793-2503) at least 48 hours prior to the meeting to inform her of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

- C. Finance Supervisor's Report (Samantha Brown)
- D. Assistant General Manager's Report (Claud Seal)
- E. General Manager's Report (Robert Neufeld)
- F. Information Items
  - LAFCO State Mandated Costs Claim (David Cosgrove)
- G. Future Agenda Items and Staff Tasks
- H. Revenue Producing Activities

5. **ACTION ITEMS, NEW BUSINESS**

A. **CONSIDER APPROVAL OF RIGHT OF WAY DEDICATION FOR GREENSPOT ROAD RE-ALIGNMENT FOR THE CITY OF HIGHLAND**

*Recommendation:* Consider land dedication for Greenspot Road at no cost to the City of Highland

B. **ADOPTION OF ADDENDUM TO 2010 ENGINEERING INVESTIGATION**

*Recommendation:* Review and Approve Addendum to the 2010 Engineering Investigation (EI) Report

C. **PUBLIC HEARING RELATED TO ADOPTION OF 2010 GROUNDWATER CHARGE**

*Recommendation:* Open and conduct a public hearing regarding the proposed adjustment to the District's groundwater charge rate, and consider and adopt revised Resolution No. 458, holding steady the current amount of the groundwater charge of \$2.18 per acre-foot for groundwater production for agricultural purposes, and the current amount of \$7.85 per acre-foot for groundwater production for non-agricultural purposes, and forgoing any increase for the ensuing year (July 1, 2010 to June 30, 2011) subject to certain exceptions.

6. **UPCOMING MEETINGS:**

- 1. May 13, 2010- Upper Santa Ana Water Resources Association, District Office, 9:30 a.m.
- 2. May 13, 2010- Advisory Commission on Water Policy, San Bernardino Valley Municipal Water District, 7:00 p.m.
- 3. May 14, 2010- ACWA Legislative Committee, Sacramento, 10:00 a.m.
- 4. May 17, 2010- Association of the San Bernardino County Special Districts, hosted by Inland Empire Resource Conservation District, Shandon Hills Golf Course, San Bernardino, 6:00 p.m.
- 5. May 26, 2010 Inland Empire Utilities Agency - Water Association Leadership Breakfast, Chino, 7:30 - 9:00 a.m.  
**Board Approval Required**

- 6. May 28, 2010- Riverside County Water Symposium, Palm Springs Convention Center
- 7. June 3, 2010- Three Valleys Municipal Water District Leadership Breakfast, Sheraton Fairplex Suites, Pomona, 7:30-9:00 a.m.
- 8. June 16-18, 2010- 2010 WESTCAS Annual Conference, Catamaran Resort Hotel & Spa, San Diego

7. **CLOSED SESSION**

Under the authority of Government Code Section 54957(b), the Board may recess to Closed Session regarding a personnel matter;

**and/or**

Under the authority of Government Code Section 54956.9(c), the Board may recess to Closed Session to consider whether to initiate litigation;

**and/or**

Under the authority of Government Code Section 54956.9(b)(3)(a), and Section 54956.9(c), and Section 54956.9(b)(1), the Board may recess to Closed Session to confer with legal counsel regarding significant exposure to litigation in one case.

8. **ADJOURN MEETING.** The next regular Board meeting will be on May 26, 2010 at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Redlands, CA.

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS

MINUTES OF THE BOARD MEETING OF  
April 28, 2010  
1:30 P.M.

President Clare Henry Day called the Board Meeting of the Board of Directors to order at 1:30 p.m. All present stood for the pledge of allegiance, led by President Day.

ROLL CALL:

BOARD MEMBERS PRESENT:

Clare Henry Day, President  
Melody McDonald, Vice President (1:35 P.M.)  
Manuel Aranda, Director  
Arnold Wright, Director  
Richard Corneille, Director  
John Longville, Director (1:55 P.M.)  
David E. Raley, Director

BOARD MEMBERS ABSENT:

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker, LLP

STAFF PRESENT:

R. Robert Neufeld, General Manager  
Claud Seal, Assistant General Manager/District Engineer  
Lisa Pierce, GIS Coordinator  
Shanae Smith, Executive Assistant II

GUESTS PRESENT:

Kathleen Rollings-McDonald, Local Agency Formation Commission  
Mark Nuaimi, Local Agency Formation Commission  
Robert Martin, East Valley Water District  
Larry Malmberg, East Valley Water District  
Susan Wilson, City of Riverside  
Max Rasouli, City of Riverside  
Steven Copelan, San Bernardino Valley Municipal Water District  
Stacy Aldstadt, City of San Bernardino Municipal Water District  
Greg Gage, City of San Bernardino Municipal Water Department  
Doug Headrick, San Bernardino Valley Municipal Water District

1. PUBLIC PARTICIPATION

President Clare Henry Day announced this as the time for any persons present, who so desire, to make an oral presentation to the Board of Directors. Hearing none, the meeting proceeded with the published agenda items.

2. ADDITIONS/DELETIONS TO AGENDA

Robert Neufeld stated it was staff's recommendation to remove Item 6C, "Adoption of Revised Strategic Plan" from the agenda to allow staff to address issues and concerns received from parties outside the District. The item would be placed on the May 26, 2010 Board meeting agenda.

3. CONSENT CALENDAR

The minutes of the April 14, 2010 minutes were reviewed.

**It was moved by Director Aranda and seconded by Director Wright to approve the Minutes of the April 14, 2010 Board meeting. The motion carried 5-1-0, with Director Corneille abstaining due to his absence from the meeting and Director McDonald noted late.**

4. REPORTS AND INFORMATION ITEMS

A. Monthly Activity Reports, and/or Comments by Board Members

Director Corneille reported attending the Special Board meeting regarding the strategic plan.

Director Raley reported attending Census training and Redlands Conservancy activities.

Director Aranda reported attending a meeting at the San Bernardino Valley Municipal Water District (SBVMWD) regarding the Santa Ana Sucker; and the WESTCAS conference call for Directors.

Director Wright reported attending a meeting with East Valley Water District (EVWD) regarding the proposed strategic plan and Engineering Investigation (EI) Report, and the Administrative Committee meeting.

Director McDonald summarized discussions from the ACWA State Legislative Committee meeting in Sacramento regarding various legislative bills. She reported attending the Association of the San Bernardino County Special Districts (ASBCSD) monthly dinner meeting; and the meeting with East Valley Water District (EVWD) regarding the proposed strategic plan, and 2010 groundwater charge. She announced the District had received a check in the amount of \$224,740.00, for the Department of

Water Resources' Local Groundwater Assistance AB 303 grant awarded the District. Vice President McDonald extended her appreciation to Shanae Smith for the management and administration of the quarterly reporting and monitoring requirements, which included invoicing for work performed by MWH Americas, Inc. for the Optimization Study. On May 19, 2010, a check in the amount of \$112,370.00, 50% of the total funded amount will be presented to SBVMWD, as joint partners of the study to test the District's conveyance works and calculation of recharge rates for the existing spreading basins. She also reported attending the Administrative Committee meeting.

Director Day reported attending the Special Board meeting regarding the Strategic plan and the Administrative Committee meeting.

#### B. Board Committee Reports

Vice President McDonald reported that the Administrative Committee met on April 22, 2010 and the meeting had been continued to May 13, 2010. The committee had been meeting regularly to discuss the 2010-2011 Budget, and a recommendation will come forth at the May 26, 2010 Board meeting. Jim Brulte, of California Strategies was in attendance at the committee meeting and recommended that the District engage in discussions with commissioners of the Local Agency Formation Commission (LAFCO), the San Bernardino County Board of Supervisors and city leaders regarding the implementation of the proposed strategic plan.

#### C. Finance Supervisor's Report

No report was given for this meeting.

#### D. Assistant General Manager's Report

1. The District is now spreading 20 to 40 cfs at Santa River (SAR) and between 20 cfs and nearly 50 cfs at Mill Creek (MC).
2. Year to date, the District has spread 4,299 AF of SAR water, 3,556 AF of MC water, plus 1,115 AF DWR water at SAR and 831 AF in MC.
3. The Seven Oaks Dam (SOD) water level is currently 2,295 ft. Orange County Flood Control District (OCFCD) requested an additional 25 ft. to 2,320 ft. for testing of the rebuilt flood control gates. The United States Army Core of Engineers (USACE) will control discharge in mid to late May, up to 1,500 cfs. The discharge date has not been firmed yet. We will be setting up observation and testing points to learn as much as possible about the high volume run-offs.
4. We have received the first check for aggregate sales from the borrow pit of \$1,655.00. Our cost was zero. We will have more to come just as soon as the Board of Directors has approved the new contracts with two of the aggregate producers.
5. We are currently engaged in the following projects: 1) Enhanced Recharge Facilities Study and Design with San Bernardino Valley Municipal Water District (SBVMWD); 2) City of Highland Greenspot Road Realignment; 3) East Valley Water District (EVWD) Pipeline Extension with Valley District and the Department of Water Resources (DWR); 4) Wash Plan; 5) Long term lease of old USACE Facilities at SOD; and 6) Operations and Spreading Basins cleaning plan at MC.

## E. General Manager's Report

Mr. Neufeld reported to the Board on a personal health issue.

## F. Information Items

Materials were distributed.

## G. Future Agenda Items and Staff Tasks

Mr. Neufeld indicated this as the time for members of the Board to submit to staff any suggested agenda items for the May 12, 2010 Board meeting. All requests should be submitted by the May 7, 2010 deadline. There were no suggestions from the Board at this time.

## 5. ACTION ITEMS, NEW BUSINESS

Director Wright recused himself from Items A & B, due to a potential conflict of interest based on his stock ownership in Bear Valley Mutual Water Company (BVMWC).

### A. Adoption of Addendum to 2010 Engineering Investigation (EI)

David Cosgrove stated it was staff's recommendation to combine agenda Items A & B into a single hearing for consideration of the Engineering Investigation (EI) and proposal for the annual groundwater charge levied by the District. The EI report was initially presented at the March 10, 2010 Board Meeting, and at the Board Meeting/Public Meeting on April 14, 2010, in addition to being presented to the Upper Santa Ana Water Resources Association (USAWRA) on April 8, 2010. Comments were received throughout the process. This year, the report has undergone changes due to the public review process. Staff has incorporated changes as part of an addendum, as well as response to requests and additional data received from local producers. In addition, staff worked to try to broaden the database for technical merit regarding the well production data. The July 1 – June 30 water year was changed and will be reviewed during the public hearing, as it has had an impact on the reporting process. Mr. Cosgrove proceeded with the 2010 EI Presentation. After the presentation, he requested that the Board direct staff to prepare a modified Engineering Investigation that will change the water year back to July 1 – June 30, for the necessary findings that are in full compliance of the statute at the time of the final action on the groundwater charge and continue the hearing, reviewing the EI to be presented at the May 12, 2010 regular Board meeting. Final action of setting the groundwater charge will be deferred until that time. A Declaration of Notice was prepared and will be appended to the administrative record of the groundwater charge proceedings. Staff has received written comments from the City of San Bernardino Water Department, and had a subsequent meeting with Stacey Aldstadt, General Manager of the City of San Bernardino concerning the charge. In addition, written protests were received from the City of Loma Linda regarding both the District's proposed strategic plan and the increase to the groundwater charge. The City of Redlands submitted a written protest

regarding the applicability of Proposition 218 and the District's ability to demonstrate costs for services provided, do not exceed revenues expected to be collected, and a letter from the City of Riverside dated April 28, 2010 had also been submitted.

Mr. Neufeld commended Doug Headrick and his staff, particularly Steve Luhn of the SBVMWD, for providing their insight into how to best collaborate the gathering of the data for the EI. Lisa Pierce, the District's GIS Coordinator, received a comprehensive GIS dataset, which included data on 3,284 wells from the SBVMWD staff. Many wells were closed and no longer useful and were purged from the well production database. This included wells that were outside the Bunker Hill Basin, in the Riverside area that did not impact the basin and, have been ultimately excluded from the report. Staff has also discovered a lot of data being reported by the various parties indicating zero production, and had been included in the data for many years. Staff has been working with fifteen local agencies in gathering data to support this year's report. Last year's dataset included a total of 159 wells to include the well elevation values, in comparison to 210 wells included in this year's report, providing a more accurate reflection of what is going on in the basin. In the production values last year, 150 wells were included in the database; the number has been increased to 218. Due to producers reporting late, staff experienced difficulty compiling the necessary reports. Staff is looking at different datasets to determine what is happening to the health and well being of the water in the basin, and feel that it is essential to make modifications to the report as the data comes in, as it significantly impacts production going forth in the ensuing water year. Mr. Neufeld welcomed comments from the Board. After considerable discussion regarding the water code statute related to the annual Engineering Investigation. President Day opened the Public Hearing for the Adoption of the 2010 Groundwater Charge. Comments were made by members of the public:

Robert Martin, General Manager of EVWD apologized for not having a written protest letter to submit to the District. He stated that after careful discussions and consideration at their April 27, 2010 Board meeting, the EVWD Board felt it necessary to take action to protest the increase of the groundwater fee and add the protest to the official record of the public hearing proceedings.

Stacey Aldstadt briefly summarized a meeting with Mr. Neufeld and legal counsel regarding the District's assessment and the proposed strategic plan. She stated that SBMWD is undergoing a painful budget process, and pointed out the City's inability to afford an increase to the groundwater charge.

Rosemary Hoerning, Director of Municipal Utilities and Public Works Engineering for the City of Redlands raised the issue that she was unable to locate information on the District's website on the subject of current expenditures and financials in order to evaluate the charge increase. Ms. Hoerning stated that the City typically laid out a ten year capital improvement program to evaluate revenue cash flow scenarios and expected the same from the District. In addition, she expressed concerns regarding the District's proposed strategic plan and requested that the District disseminate additional documentation outlining the plan for review.

T. Jarb Thaipejr, City Manager of the City of Loma Linda presented information on the topic of employee layoffs and cuts in benefits that had been made to balance their budget during the tight financial situation. Mr. Thaipejr stated he too had concerns regarding the proposed strategic plan, as it seems unrealistic in its vision.

Kevin Milligan, City of Riverside/Gage Canal Company stated the City of Riverside's protest was due to the imposition of the groundwater charge. He welcomed the opportunity to meet with staff concerning fatal errors in the EI Report.

Chairman Mark Nuaimi of the Local Agency Formation Commission (LAFCO) reserved his comments for another time, as the strategic plan had been pulled from the agenda at the outset of the meeting.

There were no further comments from the public.

**It was moved by Director Day and seconded by Director Aranda to close the Public Hearing. The motion carried 6-0, with Director Wright abstaining due to a conflict of interest.**

After Board deliberations, the following motion was made:

**It was moved by Director Aranda and seconded by Director Longville to continue the "Adoption of Addendum to 2010 Engineering Investigation (EI), and the "Public Hearing Related to Adoption of Groundwater Charge" to the May 12, 2010 Board meeting with direction to staff to 1) revise the Engineering Investigation changing the water year back to July 1 – June 30; and 2) tally protests and present Resolution No. 458, with respect to action on the charge. The motion carried 6-0, with Director Wright abstaining due to a conflict of interest.**

B. Public Hearing Related to Adoption of Groundwater Charge

This item was taken out of order.

C. Adoption of Revised Strategic plan

This item was deleted from the agenda.

D. Consider Adding Check Register to Board Meeting Packages for Board Review and Approval, As Requested by Director Raley

Director Raley distributed materials for the Board's review. He stated that the District's responsibility to the public is to ensure effective, accurate and transparent management of its finances. Check registers are issued as part of the Board package for the full Board's review and approval as part of the Consent Calendar, as stated in the water code. President Day said historically, two Board members reviewed and signed monthly expenditures and the check register during the Board meeting. The same could be easily provided for review and approval by the full Board. A discussion ensued

regarding the District's past practices regarding the warrant tables and whether the request should be listed as an information item, or the Consent Calendar. After discussion, the following motion was made:

**It was moved by Director Raley and seconded by Director Corneille to Include the Monthly Check Register in the Monthly Board Meeting Package as an Item on the Consent Calendar for Approval by the Full Board. The motion carried unanimously.**

E. Approve Amendment to General Counsel Contract

Mr. Cosgrove stated that due to the economic crisis, he is lowering his hourly rate from \$275.00 to \$250.00 per hour, through the end of the current calendar year, effective May 1, 2010.

**It was moved by Director Aranda and seconded by Director Longville to Authorize the Board President to Execute an Amendment to the General Counsel Contract, Adjusting the Hourly Rate From \$275.00 to \$250.00 Per Hour, Through the End of the Calendar Year. The motion carried unanimously.**

F. Consider Proposed U.S. Forestry Grant Acceptance

Mr. Neufeld stated that staff recommended the Board consider the opportunity to accept participation in additional funding for Ms. Pierce's contract for services through a local grant sponsored by the U.S. Forestry Service. Mr. Seal stated Ms. Pierce needed a sponsoring agency, as the grant had already been awarded. The native plant seeds study regarding alluvial scrub habitat includes an initial study that will identify native plants in the Santa Ana Alluvial Scrub habitat that will best merit consideration for future propagation. In the future, these seeds sources can then be used for habitat mitigation activities in the area, using locally obtained resources. Typically, native plants are often replanted using natives that are not representative of the local genetic sources due to the lack of the availability of good local sources. The Forestry Service is seeking to generate local sources for these seed sources. Some specialized seeds can typically reach up to \$45.00 per pound. A discussion ensued regarding the District's monthly costs for Ms. Pierce's service contract, outreach and reimbursements to the District from the U.S. Forestry Service.

**A motion was made by Director Corneille and seconded by Director McDonald to Authorize the District's Participation Into a \$10,000 U.S. Forestry Service Grant Study to Improve the Use of Local Native Plant Sources for Potential Restoration Opportunities. The motion carried unanimously.**

Discussion continued. Mr. Neufeld stated that sometimes native plant seed are not available to re-populate the plants and a seed bank is a benefit to the District as well as the basin. Ms. Pierce reported Celeste Cantu, General Manager of SAWPA's delight regarding the project, as it is difficult to find local native plants, as the seeds differentiate

from place to place. Ms. Pierce said the benefit of the project is to develop a local marketing model of the native plants, and that the grant is helping to identify which plants are viable for seed propagation.

#### 6. UPCOMING EVENTS

This item was reviewed and discussed. After discussion, the following motions were made:

**It was moved by Director McDonald and seconded by Director Longville to Authorize Directors Aranda and Raley to Attend the Three Valley's Municipal Water District's Leadership Breakfast. The motion carried unanimously.**

**It was moved by Director McDonald and seconded by Director Wright to Authorize Director Aranda to attend the 2010 WESTCAS Annual Conference. The motion carried unanimously.**

#### 7. CLOSED SESSION

**At 3:50 p.m., it was moved by Director Day and seconded by Director Wright to adjourn to Closed Session, Government Code Section 54957(b), to discuss a personnel matter. The motion carried unanimously.**

At 4:51 p.m., the meeting reconvened into Open Session, with no reportable action under Government Code 54957.1.

#### 8. ADJOURN MEETING

At 4:51p.m., the meeting adjourned to the Board meeting scheduled for May 12, 2010, at 1:30 p.m., at District Headquarters, 1630 W. Redlands Blvd., Suite A, Redlands, CA.

---

R. Robert Neufeld  
Secretary of the Board



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A  
Redlands, CA 92373-8032  
(909) 793-2503  
Fax: (909) 793-0188

P.O. Box 1839  
Redlands, CA 92373-0581  
Email: [info@sbvwcd.dst.ca.us](mailto:info@sbvwcd.dst.ca.us)  
[www.sbvwcd.dst.ca.us](http://www.sbvwcd.dst.ca.us)

**To: Board of Directors**

**From: Claud Seal, Jr., AGM/District Engineer**

**Date: May 12, 2010**

**Subject: Proposed Greenspot Road Realignment and Dedication**

---

## RECOMMENDATION

Consider approval of Greenspot Road realignment easement dedication without requesting a formal appraisal and payment. Include the SBVWCD's full name on the project sign board announcing the improvement dedication.

## BACKGROUND

1. Part of the City of Highland's Greenspot Road improvements include straightening the "S-Curve" that exists in the east-west road northwest of the existing Greenspot Road Bridge. In order to complete the straightening of the S-Curve, portions of the adjacent property owned by the SBVWCD must be included in the straightened road portion. The SBVWCD land adjacent to the existing Greenspot Road is either being used as a periodically graded road shoulder, or is native brush and coverings and is unused.
2. The total land being requested dedication equals 0.145 acre (about 6316 sq. ft.).
3. The City of Highland has developed a preliminary property valuation of \$5,795 for the easements but has requested the Conservation District donate those easements without receiving compensation for the property loss.

## FISCAL IMPACT

1. The loss of the road property will have no effect on the District's mission performance.
2. Not requiring the City of Highland to perform a property appraisal and to pay the District an estimated value of \$5,795 will save Highland time, labor, and nearly \$6,000 in easement acquisition fees.
3. Highland has supported the District in many past activities, including the Local Agency Formation Commission (LAFCO) consolidation effort in 2009. They remain supportive and cooperative today.

---

BOARD  
OF  
DIRECTORS

Richard W. Corneille  
Clare Henry Day

Arnold L. Wright  
John Longville

David E. Raley  
Melody McDonald  
Manuel Aranda, Jr.

GENERAL  
MANAGER

R. Robert Neufeld



Google

Imagery Date: Nov 15, 2009

© 2010 Google

Alt: 3007 ft

34° 6' 37.2" N, 112° 2' 53.3" W, near 0 8' 6" E



April 28, 2010

27215 Base Line  
Highland, CA 92346  
(909) 864-6861  
FAX (909) 862-3180  
www.ci.highland.ca.us

Mr. Robert Neufeld, General Manager  
San Bernardino Valley Water Conservation District  
1630 W. Redlands Blvd., Suite A  
Redlands, CA 92373

City Council

Mayor  
Penny Lilburn

Mayor Pro-Tem  
Ross B. Jones

Larry McCallon  
Jody Scott  
John P. Timmer

City Manager  
Joseph A. Hughes

Re: Dedication of Right of Way  
Greenspot Road Realignment – City of Highland

Dear Mr. Neufeld:

The City of Highland has secured a federal grant to realign a portion of Greenspot Road from Santa Paula Street to approximately 3,680' easterly. The grant will fund approximately 50% of the project's construction cost. The realignment project will provide flatter curves and wider shoulders through the "S-curve" portion of Greenspot Road east of Santa Paula Street, thereby improving travel for the public, including the staff and constituents of the San Bernardino Valley Water Conservation District ("District").

In order to accomplish the realignment project, a portion of your property, APN 0297-011-07 is needed for the project. At the meeting with you on April 5, 2010, you indicated that District Staff will take consideration of donating the right of way, by easement, to the District's Board. The right of way is described in the attached documents.

Since federal funds are being used to partially fund construction of the project, the City must comply with federal requirements and Caltrans procedures in order to maintain funding eligibility. As such, the City must make the District aware of its right to have the property in question appraised and has the ability to receive just compensation. The City requests the District waive its rights to having the property appraised and to receive just compensation for the benefit of the Project. We performed a preliminary valuation study and arrived at an estimated value of \$5,795 for the easements.

The dedication process is implemented in accordance with federal regulations (23 CFR 710) and Chapter 17 section 17.04.03.08 of the Caltrans Right of Way Manual

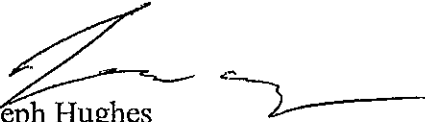
whereby the District waives its right to have the property appraised and does not seek just compensation by signing the Acknowledgement for Donations form, enclosed as Exhibit 2.

Also enclosed for execution, contingent upon approval by the District Board, are Exhibit 1, Legal and Plat for right of way, and Exhibit 3, Grant of Easements for roadway and slope easements.

Please notify Dennis Barton at (909) 864-8732 ext. 251 of the date and time the Board will consider the City's request to donate right of way. Additionally, please feel free to contact Bob Stoddard at Overland, Pacific & Cutler, Inc. at (951) 683-2353 with any concerns or questions regarding the federal right of way process.

The City wishes to express its appreciation for District's consideration of this request.

Very Truly Yours,

  
Joseph Hughes  
City Manager

C: Ernest Wong, Public Works Director/City Engineer  
Dennis Barton, Assistant Public Works Director

H:\PUBWRK\str06001 Greenspot S Curve\Right of Way\SBVWCD\_Donation Letter.doc

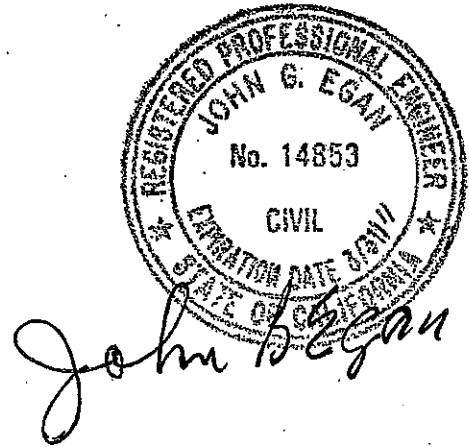
Exhibit "1"  
Legal Description & Plat Map

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Beginning at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South center line of said Section 6; thence North  $79^{\circ}43'47''$  West (record North  $80^{\circ}11'36''$  West) along the South line of said parcel of land a distance of 239.90 feet; thence North  $09^{\circ}41'59''$  East (record North  $09^{\circ}48'24''$  East) a distance of 10.22 feet to the South line of existing right-of-way per deed recorded June 15, 1933, in Book 896, Page 74, Official Records; thence North  $80^{\circ}18'01''$  West along the South line of Greenspot Road a distance of 125.65 feet to a point; thence South  $09^{\circ}41'59''$  West at right angles to said South line, a distance of 12.00 feet to the beginning of a non-tangent curve concave Southwesterly with a radius of 2048.00 feet; thence Southeasterly along said curve through a central angle of  $02^{\circ}47'52''$  a distance of 374.63 feet to a point on the North-South centerline of said Section 6; thence North  $01^{\circ}57'39''$  West along said North-South line a distance of 34.27 feet to the Point of Beginning.

APN: 297-011-07  
Contains 0.145 Acres



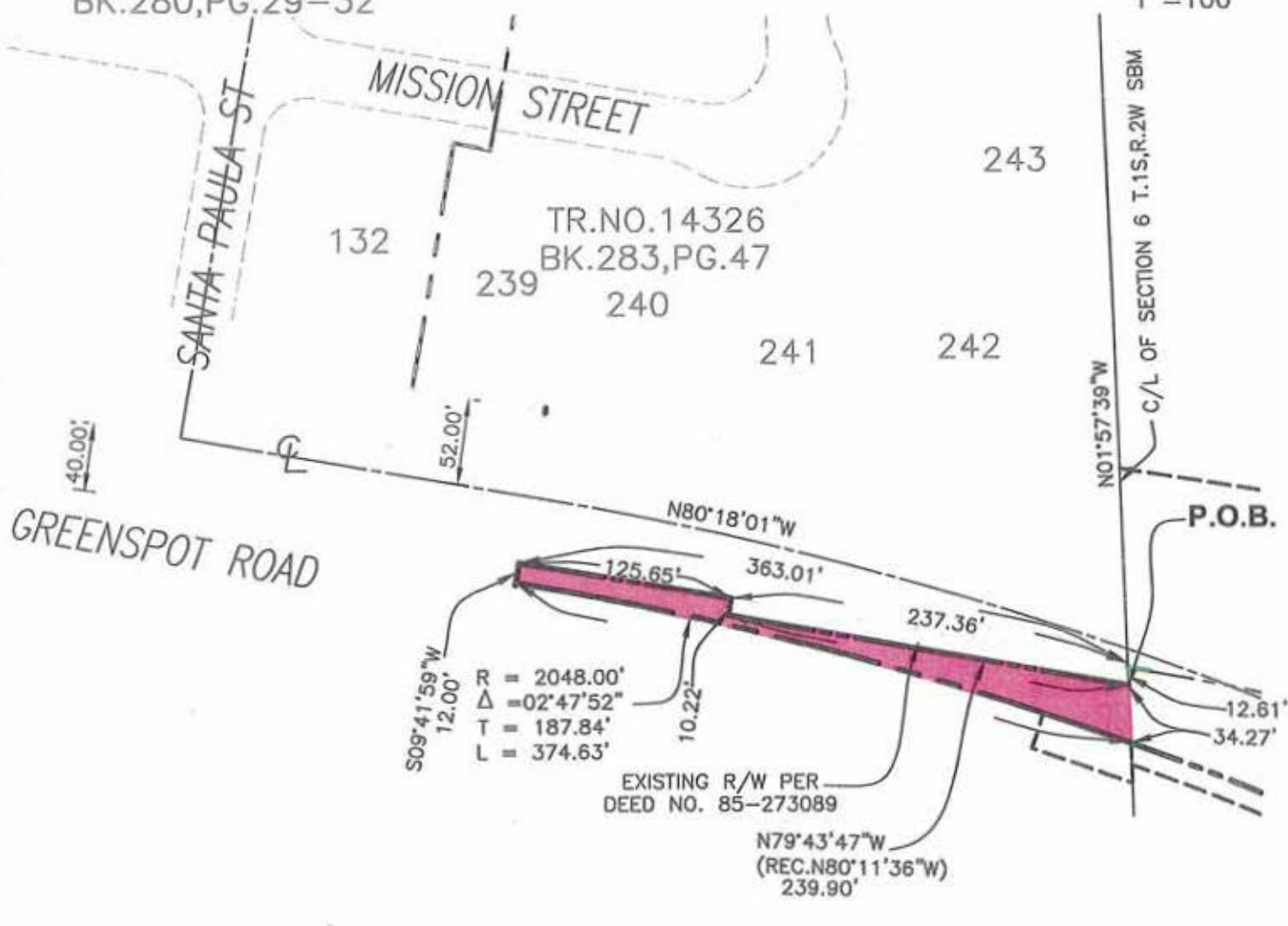
# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07

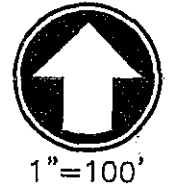


PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

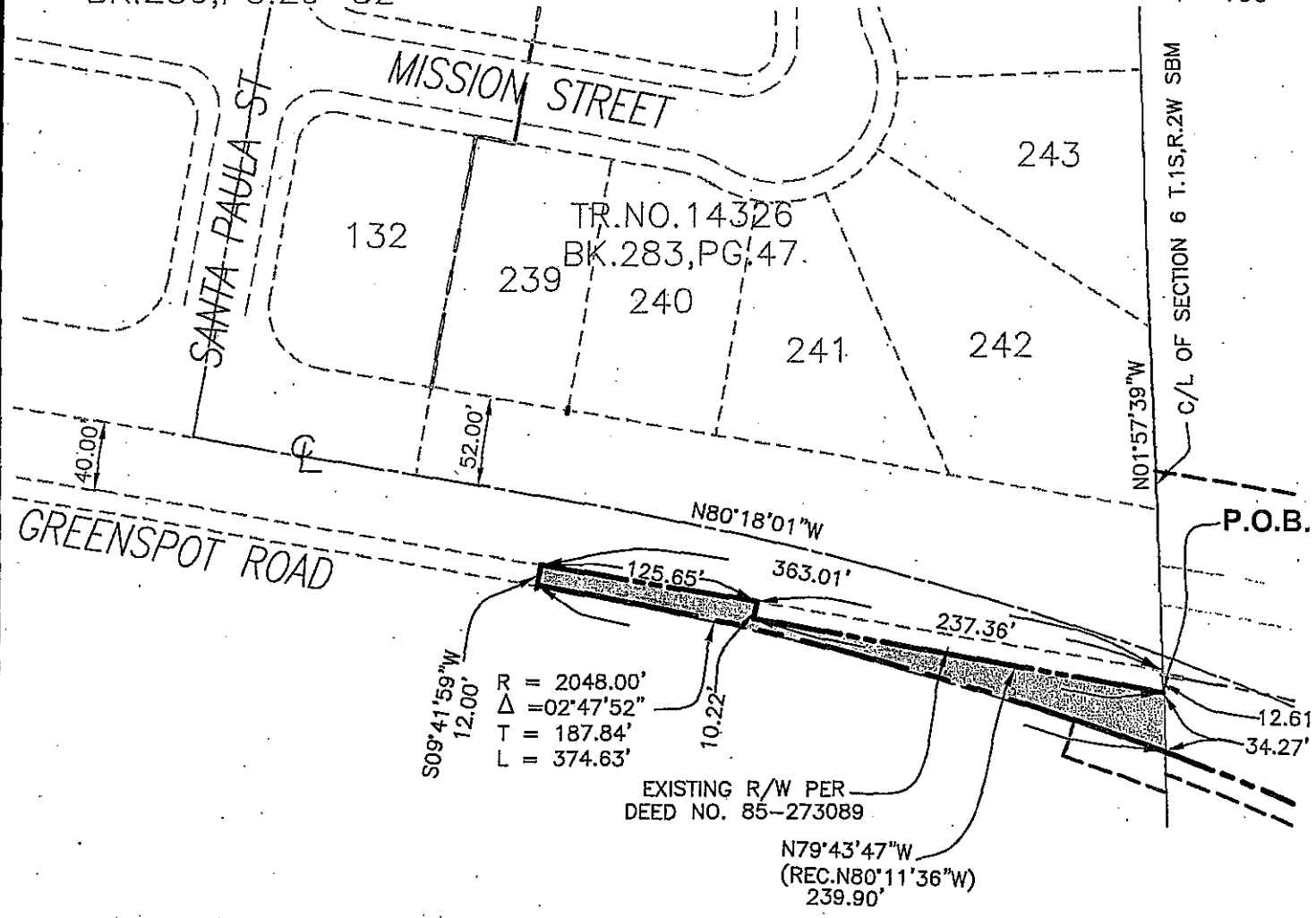
### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



TR.NO.14326-2  
BK.280,PG.29-32



AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07



### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE

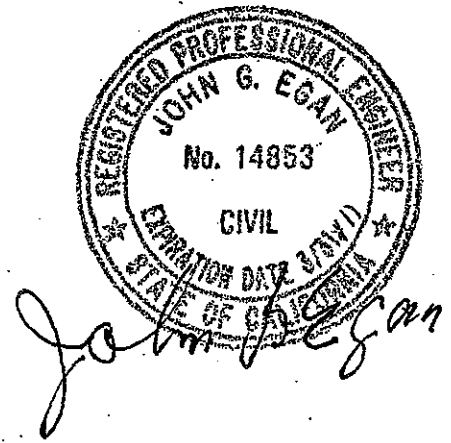
PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Commencing at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South centerline of said Section 6; thence South  $01^{\circ}57'39''$  East along said North-South line a distance of 34.27 feet to a point on the proposed South right-of-way line for Greenspot Road, said point is the Point of Beginning; thence continuing along the North-South line a distance of 23.77 feet to the beginning of a non-tangent curve having a radius of 2026.00 feet, concave Southwesterly; thence Northwesterly along said curve through a central angle of  $01^{\circ}46'27''$  a length of 62.73 feet; thence North  $08^{\circ}14'23''$  East a distance of 22.00 feet to a point on the proposed right-of-way line for Greenspot Road; thence Southeasterly along said proposed right-of-way line a length of 54.52 feet to the Point of Beginning.

APN: 297-011-07  
1,290 SF



# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



## EXHIBIT "C" EASEMENT APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



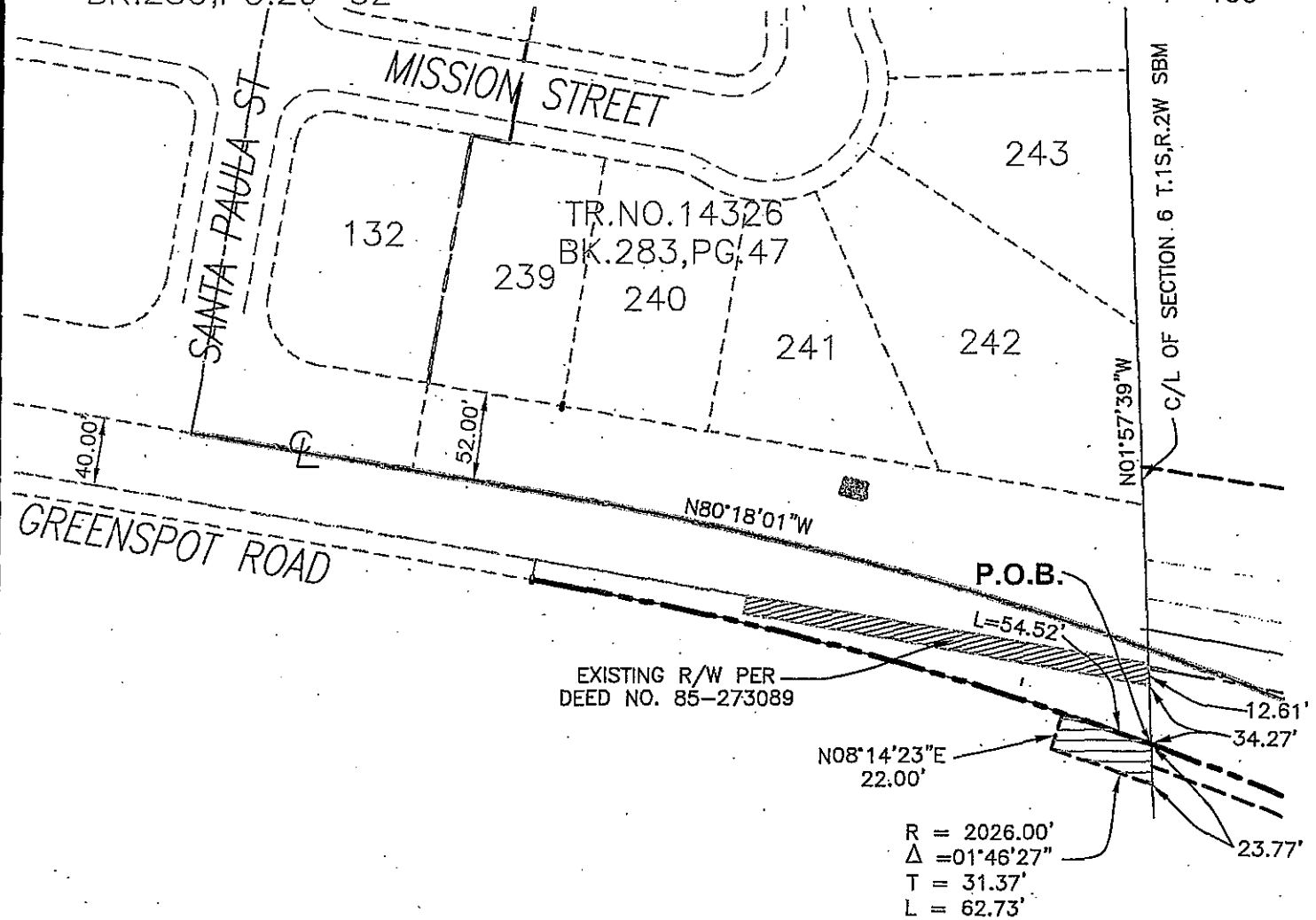
PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1"=100'

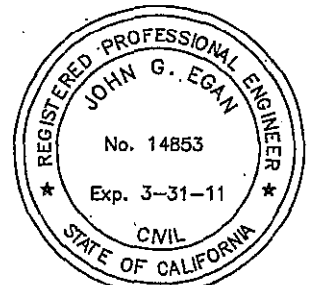
TR.NO.14326-2  
BK.280,PG.29-32



## EXHIBIT "C" EASEMENT APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

Exhibit "2"  
Acknowledgement for Donation

---

Project \_\_\_\_\_ File No. \_\_\_\_\_  
Parcels \_\_\_\_\_ Federal Project No. \_\_\_\_\_  
Limits \_\_\_\_\_

We, the undersigned, do hereby acknowledge that we have been fully informed of our rights under Federal law to receive just compensation for the \_\_\_\_\_ over that portion of our property shown shaded in red on the map attached hereto and made a part hereof, and that we have also been informed of our right to have an appraisal made of said property along with an offer of just compensation.

However, we do hereby waive these rights and agree to donate said \_\_\_\_\_ to the \_\_\_\_\_ for the improvement of \_\_\_\_\_.

This acknowledgement is signed by us freely and without coercion of any kind.

Name \_\_\_\_\_  
(Print or Type)

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_  
(Print or Type)

Signed \_\_\_\_\_ Date \_\_\_\_\_

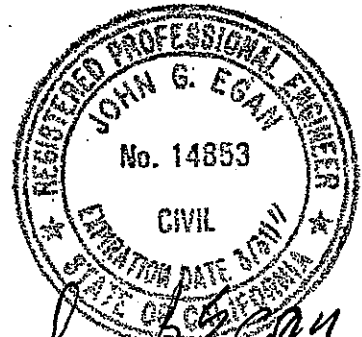
---

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Beginning at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South center line of said Section 6; thence North 79°43'47" West (record North 80°11'36" West) along the South line of said parcel of land a distance of 239.90 feet; thence North 09°41'59" East (record North 09°48'24" East) a distance of 10.22 feet to the South line of existing right-of-way per deed recorded June 15, 1933, in Book 896, Page 74, Official Records; thence North 80°18'01" West along the South line of Greenspot Road a distance of 125.65 feet to a point; thence South 09°41'59" West at right angles to said South line, a distance of 12.00 feet to the beginning of a non-tangent curve concave Southwesterly with a radius of 2048.00 feet; thence Southeasterly along said curve through a central angle of 02°47'52" a distance of 374.63 feet to a point on the North-South centerline of said Section 6; thence North 01°57'39" West along said North-South line a distance of 34.27 feet to the Point of Beginning.

APN: 297-011-07  
Contains 0.145 Acres



*John G. Egan*

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



$R = 2048.00'$   
 $\Delta = 02^{\circ}47'52''$   
 $T = 187.84'$   
 $L = 374.63'$

EXISTING R/W PER  
DEED NO. 85-273089

$N79^{\circ}43'47''W$   
 (REC. $N80^{\circ}11'36''W$ )  
 $239.90'$

AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

### LEGEND

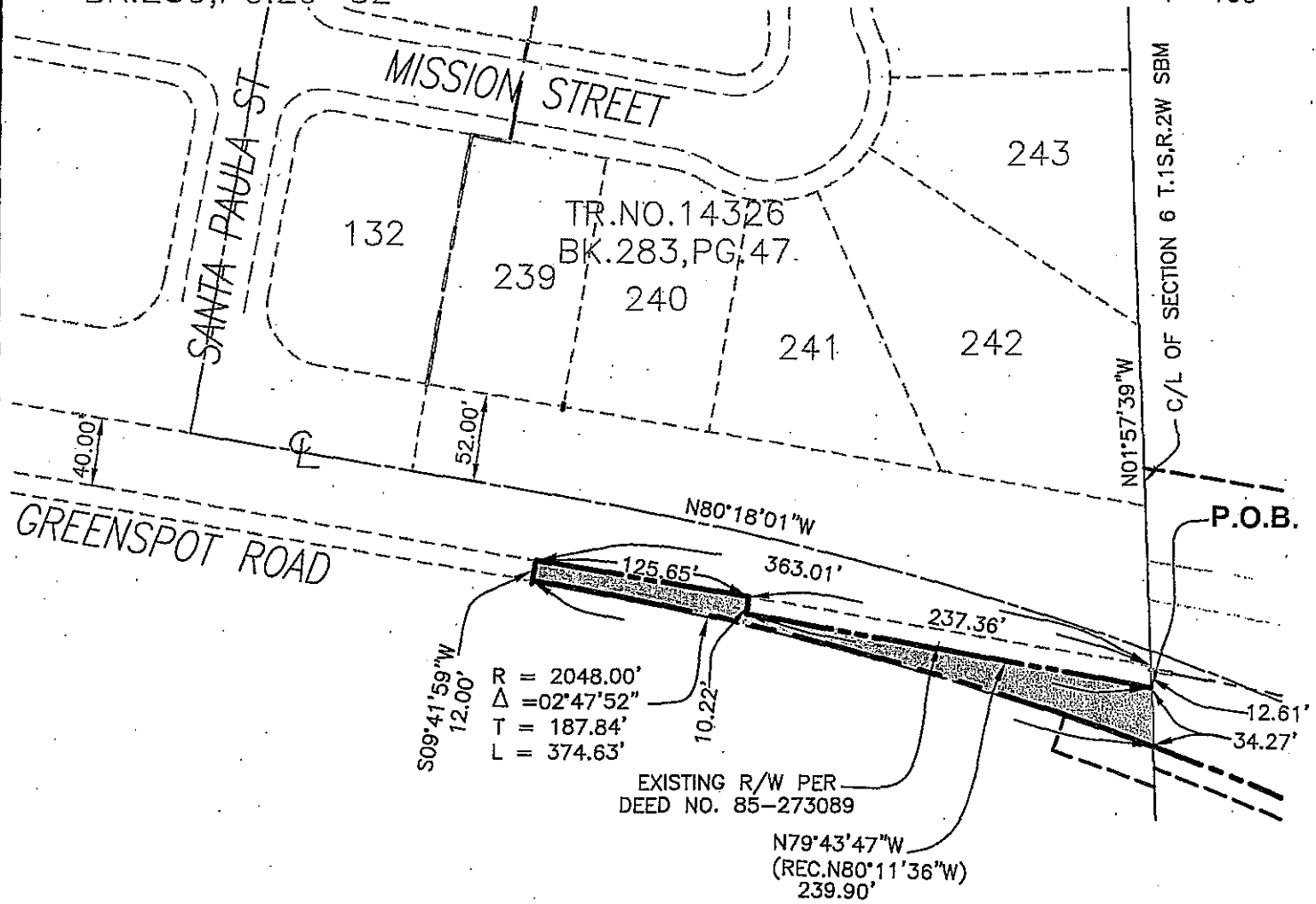
- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1"=100'

TR.NO.14326-2  
BK.280,PG.29-32

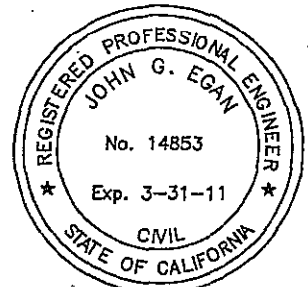


AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- - - - - EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- - - - - EASEMENT LINE



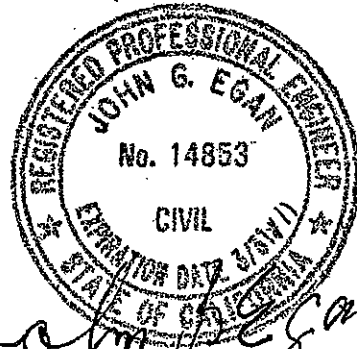
PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Commencing at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South centerline of said Section 6; thence South  $01^{\circ}57'39''$  East along said North-South line a distance of 34.27 feet to a point on the proposed South right-of-way line for Greenspot Road, said point is the Point of Beginning; thence continuing along the North-South line a distance of 23.77 feet to the beginning of a non-tangent curve having a radius of 2026.00 feet, concave Southwesterly; thence Northwesterly along said curve through a central angle of  $01^{\circ}46'27''$  a length of 62.73 feet; thence North  $08^{\circ}14'23''$  East a distance of 22.00 feet to a point on the proposed right-of-way line for Greenspot Road; thence Southeasterly along said proposed right-of-way line a length of 54.52 feet to the Point of Beginning.

APN: 297-011-07  
1,290 SF



*John G. Egan*

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



## EXHIBIT "C" EASEMENT APN 297-011-07



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE

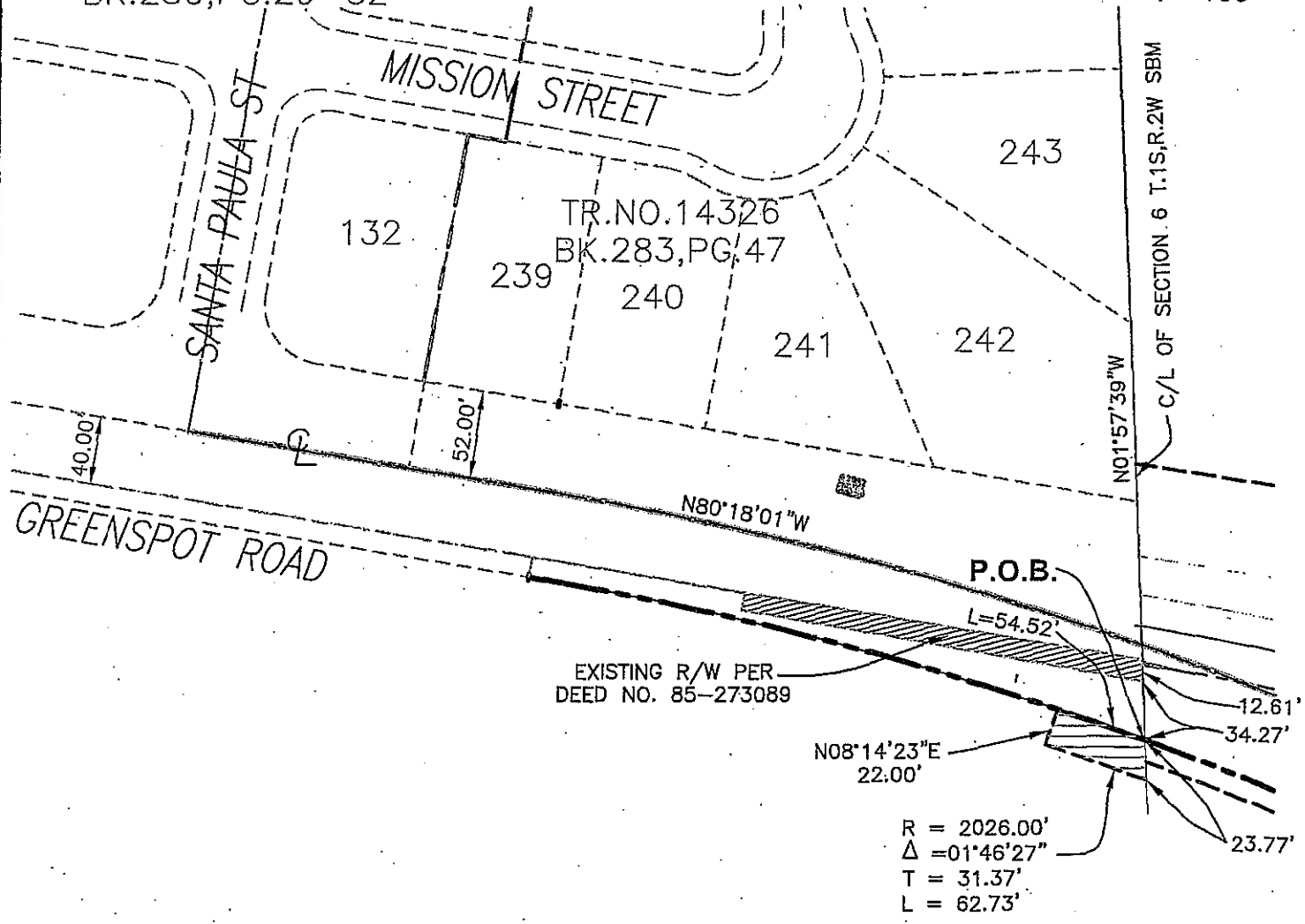
# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1"=100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



EXISTING R/W PER  
DEED NO. 85-273089

N08°14'23"E  
22.00'

R = 2026.00'  
Δ = 01°46'27"  
T = 31.37'  
L = 62.73'

## EXHIBIT "C" EASEMENT APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

Exhibit "3"  
Grant of Easements

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

BETTY HUGHES  
CITY CLERK  
CITY OF HIGHLAND  
27215 BASE LINE  
HIGHLAND, CA 92346

NO FEE PER G.C. 6103

APN: 297-011-07

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT OF EASEMENT  
(ROAD AND DRAINAGE)**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, San Bernardino Valley Water Conservation District, a body corporate and politic of the State of California,

hereby GRANT(S) to the City of Highland, a Municipal Corporation, an easement for roads, drainage and public utility purposes upon, under, over and across that real property in the County of San Bernardino, State of California, described as:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF

Dated: \_\_\_\_\_

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a Notary Public, personally  
appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(This area for official notarial seal)

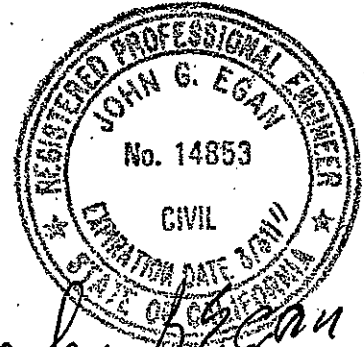
**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Beginning at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South center line of said Section 6; thence North  $79^{\circ}43'47''$  West (record North  $80^{\circ}11'36''$  West) along the South line of said parcel of land a distance of 239.90 feet; thence North  $09^{\circ}41'59''$  East (record North  $09^{\circ}48'24''$  East) a distance of 10.22 feet to the South line of existing right-of-way per deed recorded June 15, 1933, in Book 896, Page 74, Official Records; thence North  $80^{\circ}18'01''$  West along the South line of Greenspot Road a distance of 125.65 feet to a point; thence South  $09^{\circ}41'59''$  West at right angles to said South line, a distance of 12.00 feet to the beginning of a non-tangent curve concave Southwesterly with a radius of 2048.00 feet; thence Southeasterly along said curve through a central angle of  $02^{\circ}47'52''$  a distance of 374.63 feet to a point on the North-South centerline of said Section 6; thence North  $01^{\circ}57'39''$  West along said North-South line a distance of 34.27 feet to the Point of Beginning.

APN: 297-011-07

Contains 0.145 Acres



*John G. Egan*

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47

243

132

239

240

241

242

SANTA PAULA ST

MISSION STREET

C/L OF SECTION 6 T.1S,R.2W SBM

40.00'

52.00'

N01°57'39"W

GREENSPOT ROAD

N80°18'01"W

P.O.B.

S09°41'59"W  
12.00'

R = 2048.00'  
Δ = 02°47'52"  
T = 187.84'  
L = 374.63'

EXISTING R/W PER  
DEED NO. 85-273089

N79°43'47"W  
(REC.N80°11'36"W)  
239.90'



AREA= 0.145 ACRES

## EXHIBIT "B"

### APN 297-011-07



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE

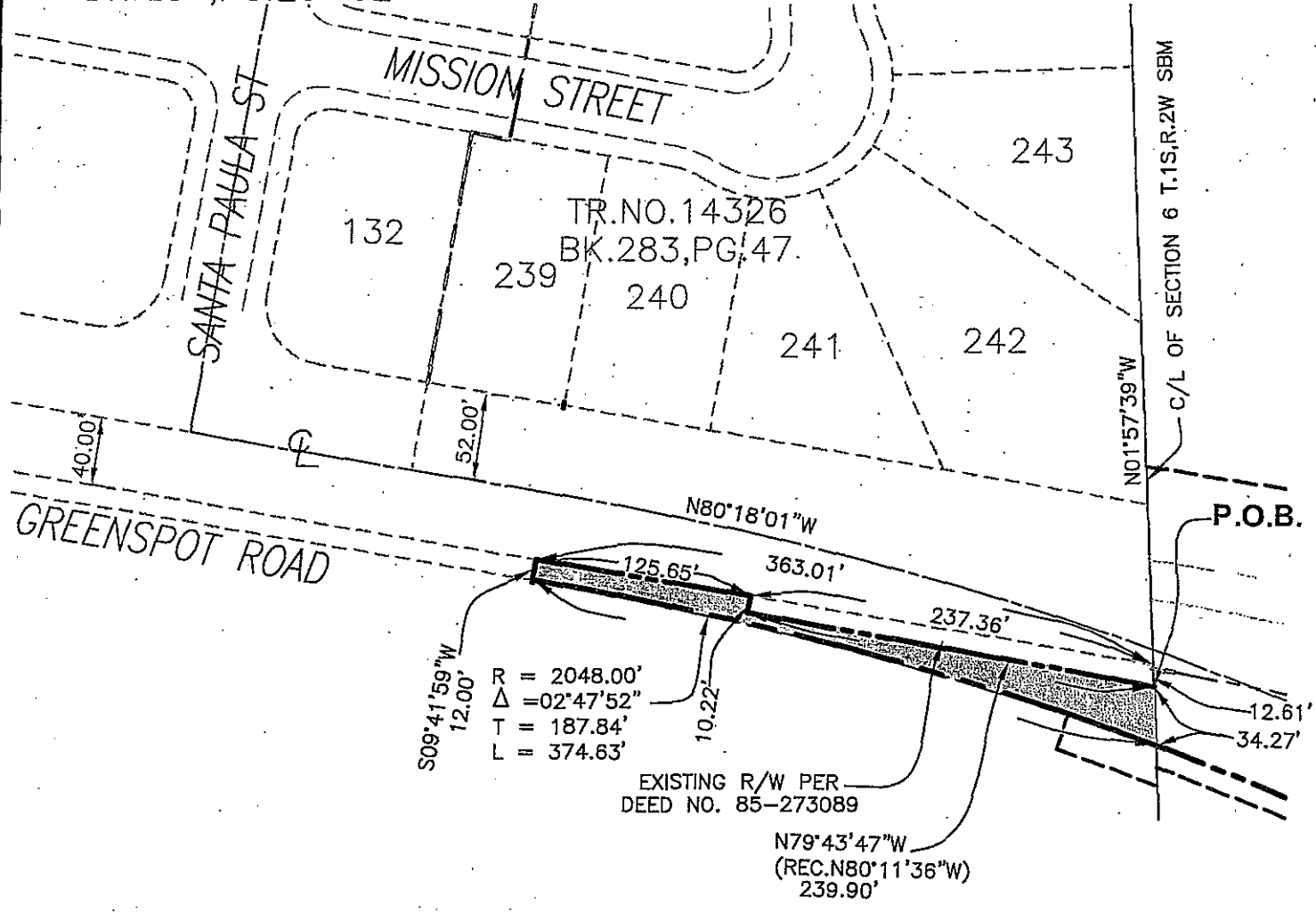
# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1"=100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



S09°41'59"W  
12.00'  
R = 2048.00'  
Δ = 02°47'52"  
T = 187.84'  
L = 374.63'

EXISTING R/W PER  
DEED NO. 85-273089

N79°43'47"W  
(REC.N80°11'36"W)  
239.90'

P.O.B.

AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

BETTY HUGHES  
CITY CLERK  
CITY OF HIGHLAND  
27215 BASE LINE  
HIGHLAND, CA 92346

NO FEE PER G.C. 6103

APN: 297-011-07

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT OF EASEMENT  
(SLOPE PURPOSES)**

**San Bernardino Valley Water Conservation District, a body corporate and politic of the  
State of California**

hereby GRANT(S) to the City of Highland, a Municipal Corporation, an easement for slope purposes over and across the following described real property in the County of San Bernardino, State of California, described as:

SEE EXHIBIT "A" LEGAL DESCRIPTION AND EXHIBIT "C" PLAT ATTACHED

The Grantor(s) also grant(s) to the City of Highland the privilege and right to extend and maintain 2:1 excavation slopes and 2:1 embankment slopes for the protection and support of the street the slope easement is coincident with, and also the privilege and right to plant and maintain grass, plants, and trees on said slopes.

Reserving unto the Grantors, the successors or assigns, the right at any time to remove such slopes, or portions thereof, upon removal of the necessity for maintaining such slopes, or portions thereof, or upon providing in place thereof other adequate support for the protection of aforesaid highway, the design and construction of which shall be first approved by said City.

Dated: \_\_\_\_\_

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a Notary Public, personally  
appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

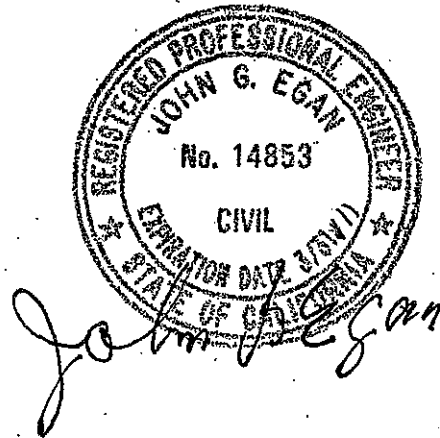
(This area for official notarial seal)

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Commencing at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South centerline of said Section 6; thence South  $01^{\circ}57'39''$  East along said North-South line a distance of 34.27 feet to a point on the proposed South right-of-way line for Greenspot Road, said point is the Point of Beginning; thence continuing along the North-South line a distance of 23.77 feet to the beginning of a non-tangent curve having a radius of 2026.00 feet, concave Southwesterly; thence Northwesterly along said curve through a central angle of  $01^{\circ}46'27''$  a length of 62.73 feet; thence North  $08^{\circ}14'23''$  East a distance of 22.00 feet to a point on the proposed right-of-way line for Greenspot Road; thence Southeasterly along said proposed right-of-way line a length of 54.52 feet to the Point of Beginning.

APN: 297-011-07  
1,290 SF



# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1"=100'



## EXHIBIT "C" EASEMENT APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

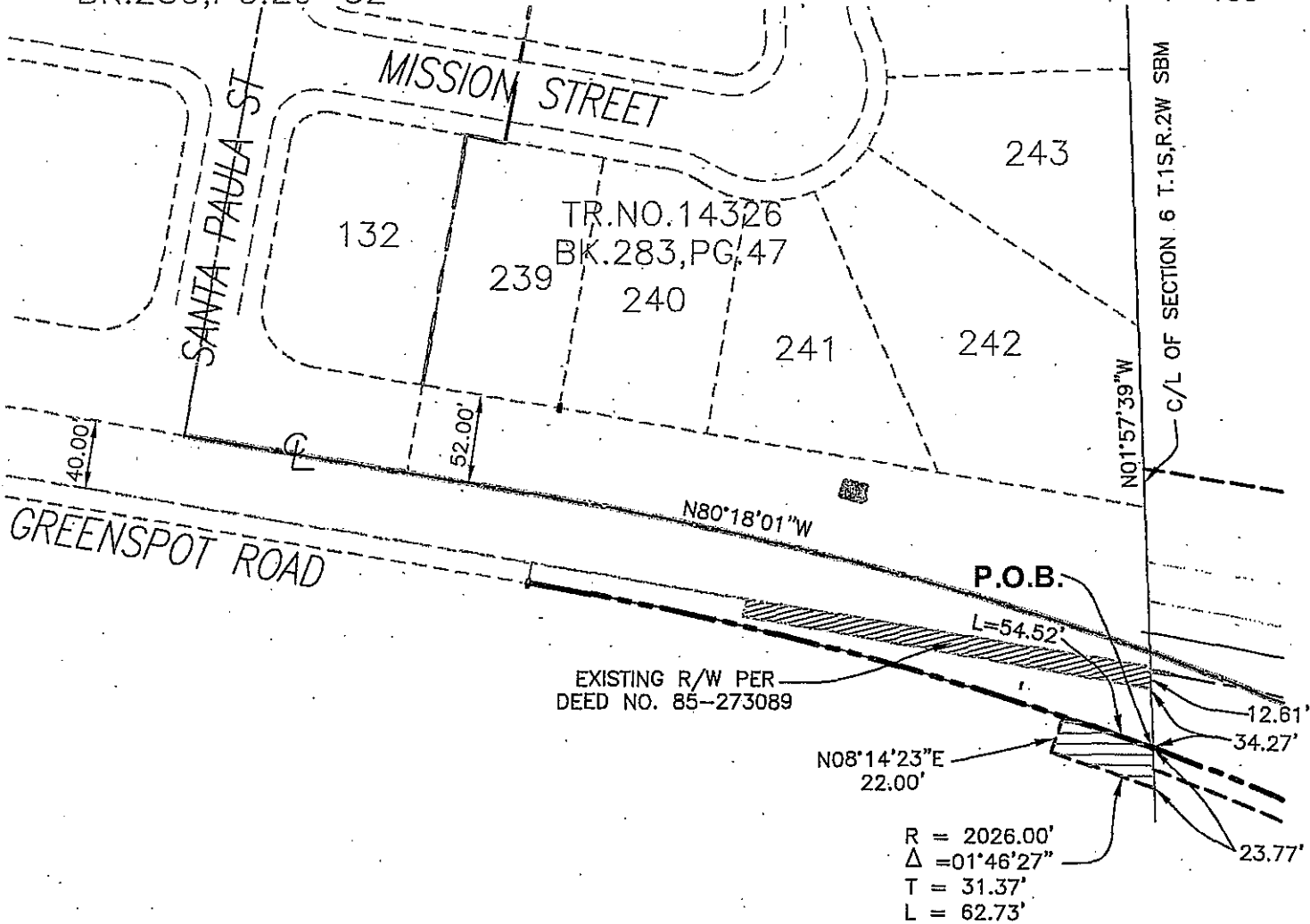
# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



## EXHIBIT "C" EASEMENT APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

Project Greenspot Rd. Realignment File No. STR 06001  
Parcels APN 297-011-07 Federal Project No. STPHL-5449(017)  
Limits From Santa Paula, +/- 3,680 ft. easterly

We, the undersigned, do hereby acknowledge that we have been fully informed of our rights under Federal law to receive just compensation for the Easements over that portion of our property shown shaded in red on the map attached hereto and made a part hereof, and that we have also been informed of our right to have an appraisal made of said property along with an offer of just compensation.

However, we do hereby waive these rights and agree to donate said Easements to the City of Highland for the improvement of Greenspot Rd. Realignment.

This acknowledgement is signed by us freely and without coercion of any kind.

Name \_\_\_\_\_  
(Print or Type)

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_  
(Print or Type)

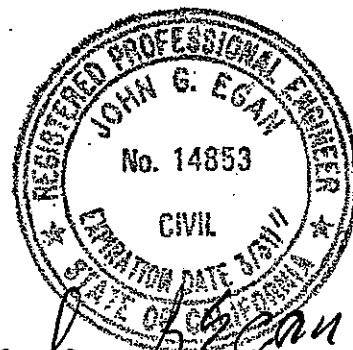
Signed \_\_\_\_\_ Date \_\_\_\_\_

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Beginning at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South center line of said Section 6; thence North  $79^{\circ}43'47''$  West (record North  $80^{\circ}11'36''$  West) along the South line of said parcel of land a distance of 239.90 feet; thence North  $09^{\circ}41'59''$  East (record North  $09^{\circ}48'24''$  East) a distance of 10.22 feet to the South line of existing right-of-way per deed recorded June 15, 1933, in Book 896, Page 74, Official Records; thence North  $80^{\circ}18'01''$  West along the South line of Greenspot Road a distance of 125.65 feet to a point; thence South  $09^{\circ}41'59''$  West at right angles to said South line, a distance of 12.00 feet to the beginning of a non-tangent curve concave Southwesterly with a radius of 2048.00 feet; thence Southeasterly along said curve through a central angle of  $02^{\circ}47'52''$  a distance of 374.63 feet to a point on the North-South centerline of said Section 6; thence North  $01^{\circ}57'39''$  West along said North-South line a distance of 34.27 feet to the Point of Beginning.

APN: 297-011-07  
Contains 0.145 Acres



*John G. Egan*

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1"=100'

TR.NO.14326-2  
BK.280,PG.29-32



AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

### LEGEND

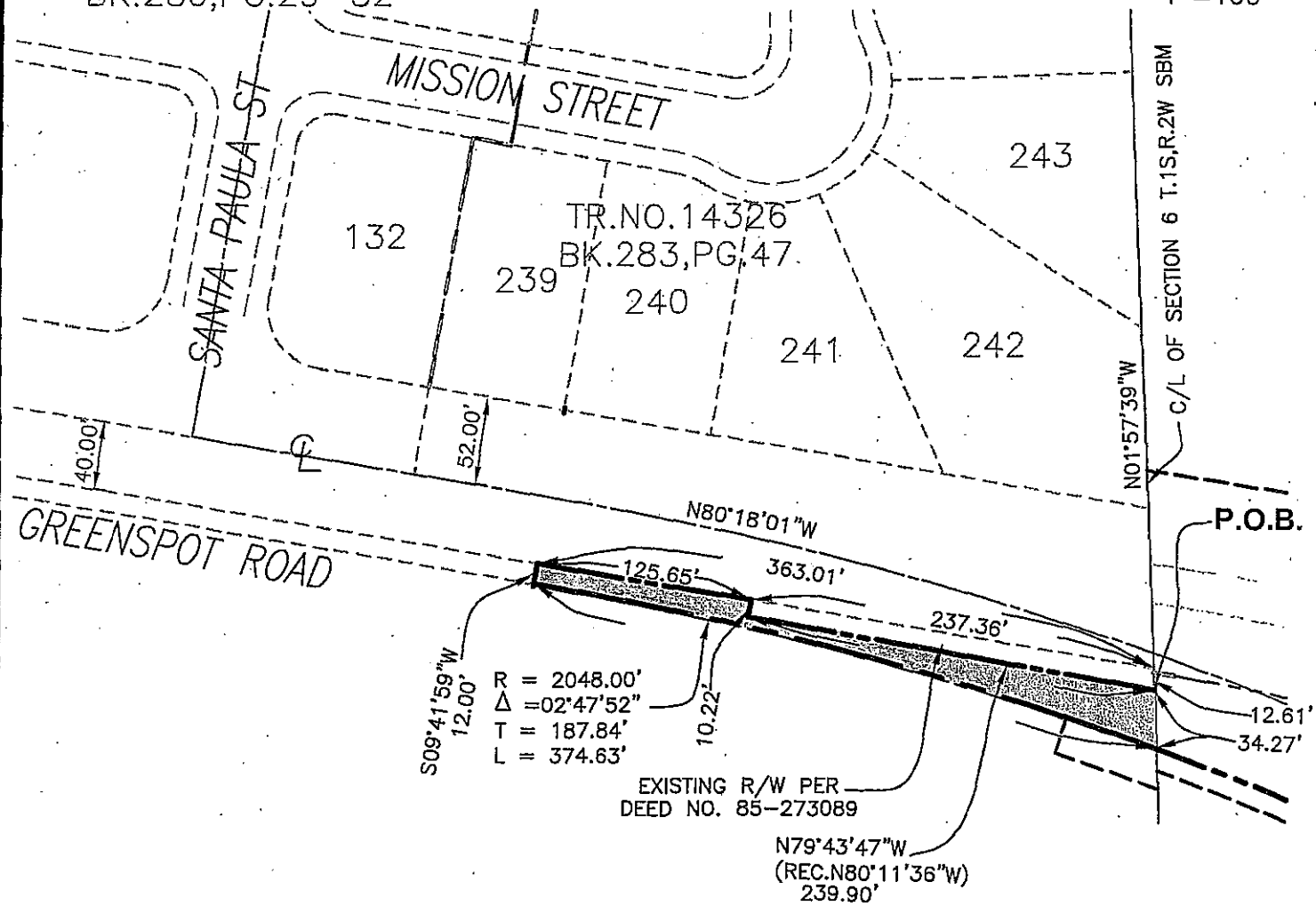
- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32



AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07



### LEGEND

- EXIST PROPERTY LINE
- - - - - EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- - - - - EASEMENT LINE

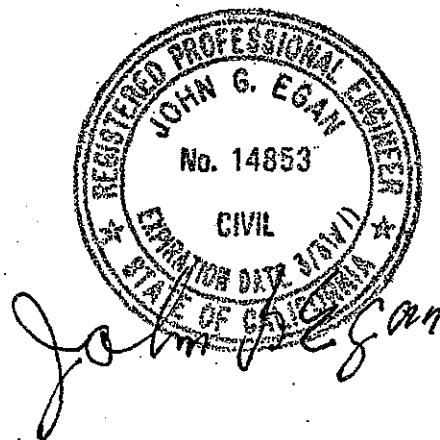
PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Commencing at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South centerline of said Section 6; thence South  $01^{\circ}57'39''$  East along said North-South line a distance of 34.27 feet to a point on the proposed South right-of-way line for Greenspot Road, said point is the Point of Beginning; thence continuing along the North-South line a distance of 23.77 feet to the beginning of a non-tangent curve having a radius of 2026.00 feet, concave Southwesterly; thence Northwesterly along said curve through a central angle of  $01^{\circ}46'27''$  a length of 62.73 feet; thence North  $08^{\circ}14'23''$  East a distance of 22.00 feet to a point on the proposed right-of-way line for Greenspot Road; thence Southeasterly along said proposed right-of-way line a length of 54.52 feet to the Point of Beginning.

APN: 297-011-07  
1,290 SF



CITY OF HIGHLAND  
 COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
 BK.280,PG.29-32

TR.NO.14326  
 BK.283,PG.47

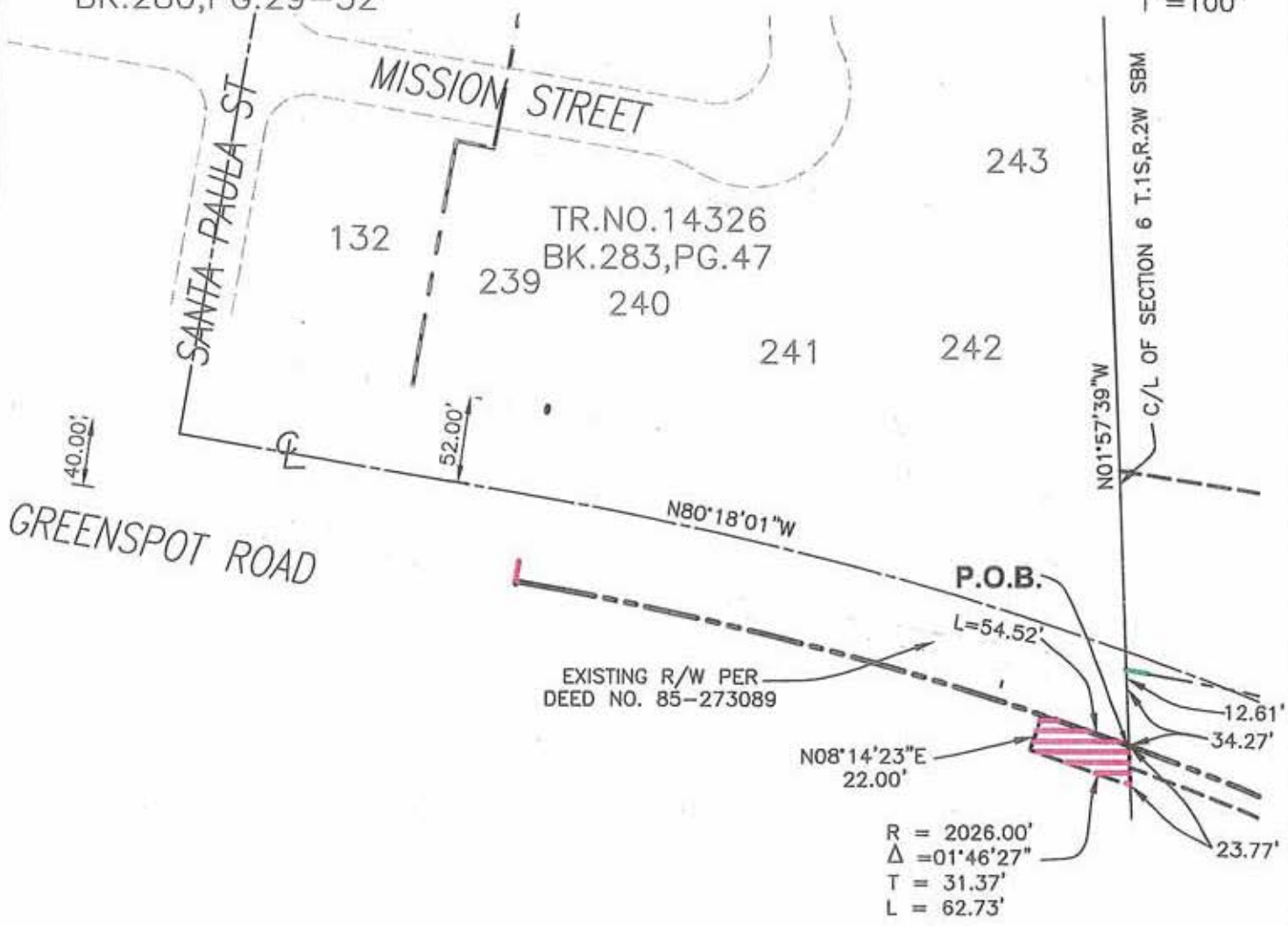


EXHIBIT "C" EASEMENT  
 APN 297-011-07

**LEGEND**

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
 ENGINEERING RESOURCES OF  
 SOUTHERN CALIFORNIA

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

BETTY HUGHES  
CITY CLERK  
CITY OF HIGHLAND  
27215 BASE LINE  
HIGHLAND, CA 92346

NO FEE PER G.C. 6103

APN: 297-011-07

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT OF EASEMENT  
(SLOPE PURPOSES)**

**San Bernardino Valley Water Conservation District, a body corporate and politic of the  
State of California**

hereby GRANT(S) to the City of Highland, a Municipal Corporation, an easement for slope purposes over and across the following described real property in the County of San Bernardino, State of California, described as:

SEE EXHIBIT "A" LEGAL DESCRIPTION AND EXHIBIT "C" PLAT ATTACHED

The Grantor(s) also grant(s) to the City of Highland the privilege and right to extend and maintain 2:1 excavation slopes and 2:1 embankment slopes for the protection and support of the street the slope easement is coincident with, and also the privilege and right to plant and maintain grass, plants, and trees on said slopes.

Reserving unto the Grantors, the successors or assigns, the right at any time to remove such slopes, or portions thereof, upon removal of the necessity for maintaining such slopes, or portions thereof, or upon providing in place thereof other adequate support for the protection of aforesaid highway, the design and construction of which shall be first approved by said City.

Dated: \_\_\_\_\_

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a Notary Public, personally  
appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

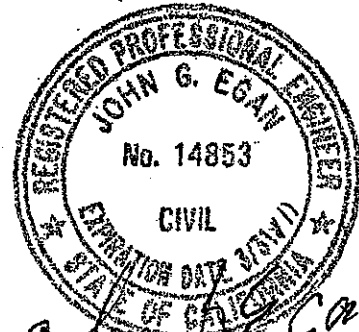
(This area for official notarial seal)

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Commencing at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South centerline of said Section 6; thence South  $01^{\circ}57'39''$  East along said North-South line a distance of 34.27 feet to a point on the proposed South right-of-way line for Greenspot Road, said point is the Point of Beginning; thence continuing along the North-South line a distance of 23.77 feet to the beginning of a non-tangent curve having a radius of 2026.00 feet, concave Southwesterly; thence Northwesterly along said curve through a central angle of  $01^{\circ}46'27''$  a length of 62.73 feet; thence North  $08^{\circ}14'23''$  East a distance of 22.00 feet to a point on the proposed right-of-way line for Greenspot Road; thence Southeasterly along said proposed right-of-way line a length of 54.52 feet to the Point of Beginning.

APN: 297-011-07  
1,290 SF



*John G. Egan*

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'



## EXHIBIT "C" EASEMENT APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

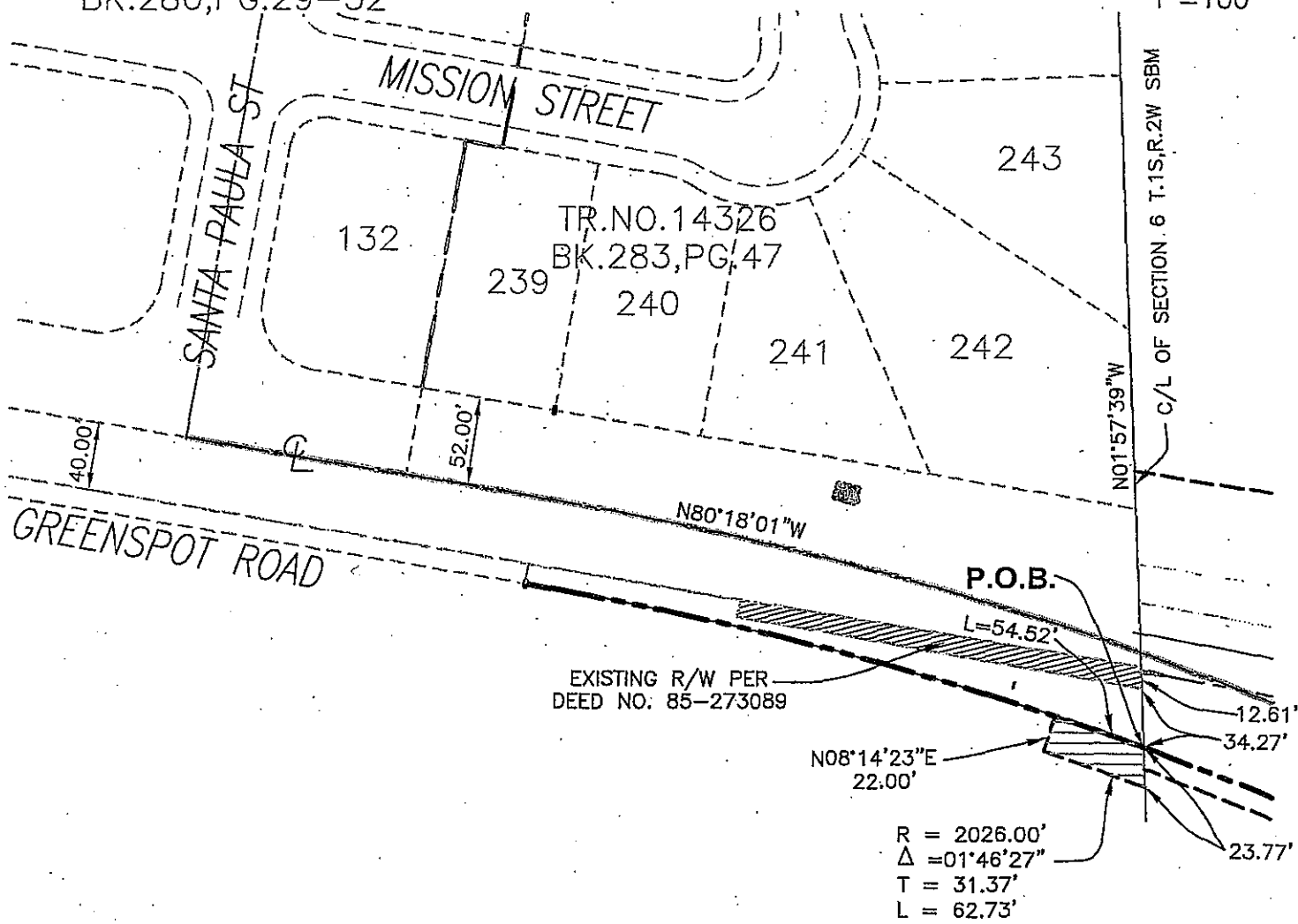
# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1"=100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



## EXHIBIT "C" EASEMENT APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

BETTY HUGHES  
CITY CLERK  
CITY OF HIGHLAND  
27215 BASE LINE  
HIGHLAND, CA 92346

NO FEE PER G.C. 6103

APN: 297-011-07

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT OF EASEMENT  
(ROAD AND DRAINAGE)**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, San Bernardino Valley Water Conservation District, a body corporate and politic of the State of California,

hereby GRANT(S) to the City of Highland, a Municipal Corporation, an easement for roads, drainage and public utility purposes upon, under, over and across that real property in the County of San Bernardino, State of California, described as:

SEE EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF

Dated: \_\_\_\_\_

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me,  
\_\_\_\_\_, a Notary Public, personally  
appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

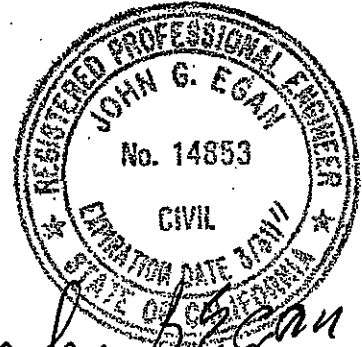
(This area for official notarial seal)

**EXHIBIT "A"**

That portion of the Southwest Quarter of Section 6, Township 1 South, Range 2 West, San Bernardino Meridian, being more particularly described as follows:

Beginning at the Southeast corner of that certain parcel of land described in deed recorded November 1, 1985, Instrument No. 85-273089, Official Records, said point being on the North-South center line of said Section 6; thence North  $79^{\circ}43'47''$  West (record North  $80^{\circ}11'36''$  West) along the South line of said parcel of land a distance of 239.90 feet; thence North  $09^{\circ}41'59''$  East (record North  $09^{\circ}48'24''$  East) a distance of 10.22 feet to the South line of existing right-of-way per deed recorded June 15, 1933, in Book 896, Page 74, Official Records; thence North  $80^{\circ}18'01''$  West along the South line of Greenspot Road a distance of 125.65 feet to a point; thence South  $09^{\circ}41'59''$  West at right angles to said South line, a distance of 12.00 feet to the beginning of a non-tangent curve concave Southwesterly with a radius of 2048.00 feet; thence Southeasterly along said curve through a central angle of  $02^{\circ}47'52''$  a distance of 374.63 feet to a point on the North-South centerline of said Section 6; thence North  $01^{\circ}57'39''$  West along said North-South line a distance of 34.27 feet to the Point of Beginning.

APN: 297-011-07  
Contains 0.145 Acres



*John G. Egan*

# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA

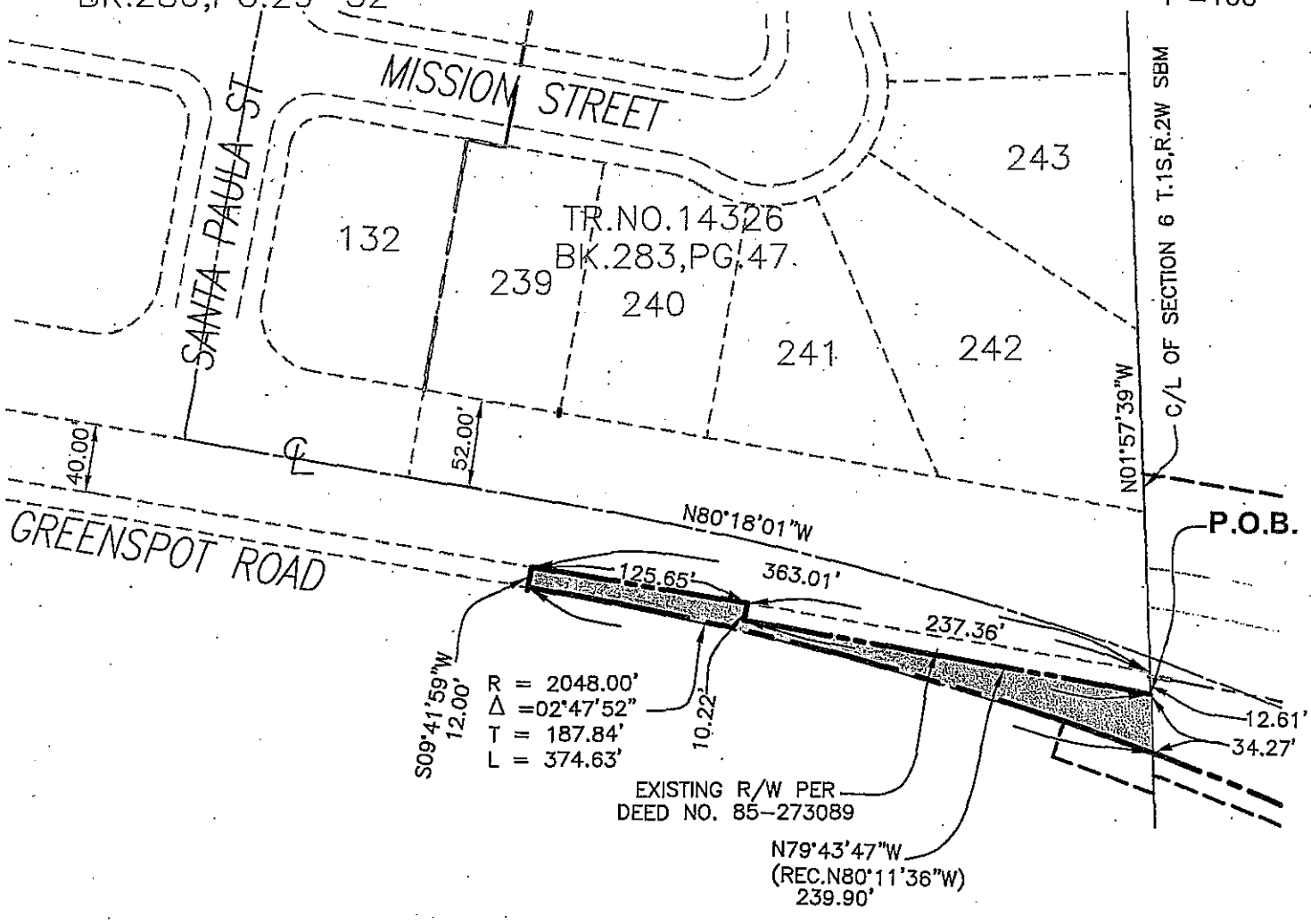
# CITY OF HIGHLAND COUNTY OF SAN BERNARDINO



1" = 100'

TR.NO.14326-2  
BK.280,PG.29-32

TR.NO.14326  
BK.283,PG.47



AREA= 0.145 ACRES

## EXHIBIT "B" APN 297-011-07

### LEGEND

- EXIST PROPERTY LINE
- EXIST RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EASEMENT LINE



PREPARED BY:  
ENGINEERING RESOURCES OF  
SOUTHERN CALIFORNIA



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A  
Redlands, CA 92373-8032  
(909) 793-2503  
Fax: (909) 793-0188

P.O. Box 1839  
Redlands, CA 92373-0581  
Email: [info@sbvwcd.dst.ca.us](mailto:info@sbvwcd.dst.ca.us)  
[www.sbvwcd.dst.ca.us](http://www.sbvwcd.dst.ca.us)

**To: Board of Directors**

**From: Claud Seal, Jr., AGM/District Engineer**

**Date: May 12, 2010**

**Subject: 2010 Addendum to the Engineering Investigation**

---

## RECOMMENDATION

Review and approve the 2010 Addendum to the Engineering Investigation.

## BACKGROUND

1. The original 2010 Engineering Investigation was presented to the Board of Directors on March 10, 2010.
2. Modifications have been made by the engineering staff to the report that has affected the predicted numerical values and conclusions of the entire report.
3. The EI report calculations and conclusions are based on well water withdrawal and static water levels reported by District and non-District entities throughout the Bunker Hill Basin during a 12-month time period. Over 50% of the wells that data have been gathered from are not within the District's boundaries and information is very seldom timely, or in some cases willingly provided.
4. The District's second invoicing period for a given water year is mailed after January 1st of each year. The reported water withdrawal quantities of well owners within the District's boundaries historically have not been complete in January, February, or March of the following year, when the new EI report is being prepared.
5. The 2010 EI Report preparation effort had the benefit of being investigated and compiled by Lisa Pierce, using updated well data acquired from San Bernardino Valley Municipal Water District's (SBVMWD) GIS staff. Ms. Pierce, under the direction of Claud Seal, the District's Engineer, was able to update the well production and water elevation values for over 200 wells. This was an increase over past years, and offers a more comprehensive view of the groundwater regime. Even given this updated method, Ms. Pierce, as persistent and persevering as she was, could not acquire, compile, and evaluate all the field data in time to provide an accurate EI Report for the March 10th, legally required public report period. More data were discovered, verified, compiled, and reported after March 10th that presented

---

BOARD  
OF  
DIRECTORS

Richard W. Corneille  
Clare Henry Day

Arnold L. Wright  
John Longville

David E. Raley  
Melody McDonald  
Manuel Aranda, Jr.

GENERAL  
MANAGER

R. Robert Neufeld

a more accurate picture for the 12-month reporting period. A revised addendum was required. This is the second year in a row that an addendum had to be issued due to late reporting and data acquisition.

6. All EI Report numerical values were affected in some form as a result of incorporating the additional data. The most significant change was the predicted District wide agricultural (“ag”) and non agricultural (“non-ag”) water that will be withdrawn during the ensuing year. The District’s proposed budget has been adjusted to the higher withdrawal levels.
7. In order to alleviate this reoccurring problem of not having enough time to acquire, collate, calculate, edit, print, and present future EI Reports in the prescribed time frames, the District needs to reevaluate its invoicing and reporting milestones to be able to report as accurate and up to date information as possible while maintaining adequate labor hours availability for data acquisition, evaluating, printing, and reporting. Staff recommendations for this topic will be presented at a future date, when more staff and Board of Directors time is available to consider the options.

### **FISCAL IMPACT**

1. The initial March 10, 2010 EI Report calculated the Ensuing Year (2010-11) agricultural and nonagricultural water production to be 13,488 af and 84,063 af respectively. The addendum shows recalculated values of 14,808 af and 107,179 af respectively. Those differentials increase the District’s projected groundwater related revenues from \$683,547 to \$1,007,138.
2. While mathematically the addendum EI Report indicates substantially higher potential revenues, the reality is those past years’ records indicate actual revenues received were about 70% to 80% of the predicted revenues. There is no reason to believe groundwater related revenues received during the ensuing water year will exceed past years’ performances.

### **AMPLIFYING INFORMATION**

Sometime within the next two to three months, staff will present recommended alternatives to the exiting groundwater charges invoicing, data gathering, and EI reporting procedures.



SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A  
Redlands, CA 92373-8032  
(909) 793-2503  
Fax: (909) 793-0188

P.O. Box 1839  
Redlands, CA 92373-0581  
Email: [info@sbvwcd.dst.ca.us](mailto:info@sbvwcd.dst.ca.us)  
[www.sbvwcd.dst.ca.us](http://www.sbvwcd.dst.ca.us)

# The Addendum to 2010 Engineering Investigation Will Be Distributed Prior to the Board Meeting

---

BOARD  
OF  
DIRECTORS

Richard W. Corneille  
Clare Henry Day

Arnold L. Wright  
John Longville

David E. Raley  
Melody McDonald  
Manuel Aranda, Jr.

GENERAL  
MANAGER

R. Robert Neufeld



# SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A  
Redlands, CA 92373-8032  
(909) 793-2503  
Fax: (909) 793-0188

P.O. Box 1839  
Redlands, CA 92373-0581  
Email: [info@sbvwcd.dst.ca.us](mailto:info@sbvwcd.dst.ca.us)  
[www.sbvwcd.dst.ca.us](http://www.sbvwcd.dst.ca.us)

**To:** Board of Directors

**From:** Robert Neufeld, General Manager  
David Cosgrove, General Counsel

**Date:** May 12, 2010

**Subject:** Groundwater Charge – for Water Year 2010 - 2011

---

## RECOMMENDATION:

Approve and adopt revised Resolution No. 458, establishing the Groundwater Charge for the 2010 – 2011 water year at the rates of \$7.85 for non-agricultural purposes, and \$2.18 per acre foot for agricultural purposes, subject to certain exemptions.

## BACKGROUND

Water Code Sections 75500 et seq. set out the authority and procedures for the Water Conservation District to establish an annual groundwater charge, based on production of groundwater from the portions of the Bunker Hill Basin underlying the District's boundary. The District conducted a public hearing on this year's proposal for a fifteen percent (15%) increase to the groundwater charge on April 28, 2010, following a public meeting on April 14, 2010. At the public hearing of April 28, 2010, the District took comment and testimony, closed the public hearing, and continued the matter to May 12, 2010, to do the following: 1) revise the annual Engineering Investigation, to revert the statistical analyses to a "water year" period of July 1 to June 30; and 2) to review the comments and protests received to the charge, to determine if there existed a "majority protest" under the provisions of Proposition 218.

## PROPOSITION 218 AND MAJORITY PROTEST

As elaborated in full detail in the staff report and public hearing presentation on April 28, 2010, staff believes the Conservation District's groundwater charge is not subject to Proposition 218. Notwithstanding this position, however, and given the still-developing nature of the applicable case law governing this area, staff has endeavored to comply in all material respects with the Proposition 218 procedures in presenting the proposed groundwater charge increase for public review, and for Board consideration. Such measures included providing mailed and published notice, conducting public hearings, and estimating the amount of the charge to be levied upon each reporting producer.

California Constitution, Art. 13, Sec. 6(A)(2), relating to "property related charges," also contains a majority protest provision. Specifically, it states:

---

BOARD  
OF  
DIRECTORS

Richard W. Corneille  
Clare Henry Day

Arnold L. Wright  
John Longville

David E. Raley  
Melody McDonald  
Manuel Aranda, Jr.

GENERAL  
MANAGER

R. Robert Neufeld

The agency shall conduct a public hearing upon the proposed fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed for imposition. At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

The protest provision therefore keys to the majority of the owners of the identified parcels.

Staff has analyzed the protests received, and how they relate the number of owners of the affected “properties.” This task is somewhat complicated by the incongruity between a true “property-related charge” as contemplated by Proposition 218, and the difficult grafting of this concept to a groundwater production charge, which is imposed not on property per se, but rather the act of producing groundwater from a well, located on a parcel of property, within the District. (This is the same incongruity the Third Appellate District is wrestling with in the North San Joaquin Water Conservation District v. Howard Jarvis Taxpayers’ Assn. case, discussed at length in the April 28, 2010 staff report.)

Written protests to the proposed increase in the groundwater charge for water year 2010-11 have been received from the following entities:

City of San Bernardino Municipal Water Department  
City of Redlands Municipal Utilities Department  
City of Riverside  
Gage Canal Company  
City of Loma Linda

Protest to the proposed increase was also received from East Valley Water District, though it was presented verbally, and no written confirmation has yet been received.<sup>1</sup>

Looking purely at the number of parcels of property owned by all those parties who received mailed notice of the proposed charge increase, and using assessor parcel numbered parcels as the base, a total of 71 parcels would be subject to the charge. Of these, those owned by protesting parties number 53 or 74.65%.

---

<sup>1</sup> Conservation District staff’s calculations count the East Valley protest towards the majority protest determination.

Alternatively, looking at the number of producing wells among those who received the mailed notices, the total well number is 83. Of these, 53 are owned or operated by protesting parties, resulting in 63.86%.

Under either scenario, it appears that a “majority of owners of the identified parcels” have protested the increase to the charge. If the Conservation District were to continue to follow the procedures of Proposition 218, therefore, under Article 13D, Sec. 6(a)(2), it may not proceed with the increase.<sup>2</sup>

Staff remains confident in its analysis that Proposition 218 does not apply, but believes that the legal and financial risks of proceeding with a charge increase, particularly in the face of the majority protest, outweigh any additional revenue that might be derived from the proposed increase.<sup>3</sup> Moreover, staff believes that the District can and should attempt to be responsive to those of its constituents who have objected to the increase, despite the budgetary pressures it might create for the upcoming fiscal year.

For all these reasons, staff recommends that the Board pass revised Resolution 458, holding the groundwater charge rate at the current rate for the July 1, 2010 to June 30, 2011 water year at \$2.18 for agricultural production, and \$7.85 for non-agricultural production, and foregoing any increase.

---

<sup>2</sup> The text of the provision actually says that the “the agency shall not impose the fee or charge.” Here, staff applies that to prohibit the increase proposed, not the entire groundwater charge. This is because Proposition 218 applies only to “new or increased” charges, and the groundwater charge predates the passage of the Proposition, such that it can only apply to charge increases. Further, the majority protests received were directed to the increase, and not the imposition of the charge per se.

<sup>3</sup> This was estimated at approximately \$137,000, at the higher proposed rates of \$2.51 per acre foot of agricultural production, and \$9.05 of non-agricultural production..

**RESOLUTION NO. 458**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT ESTABLISHING A GROUNDWATER CHARGE ON THE PRODUCTION OF GROUNDWATER WITHIN DISTRICT BOUNDARIES, AND MAKING CERTAIN FINDINGS RELATIVE THERETO**

**WHEREAS**, California Water Code, Division 21, Part 9 provides authority for the San Bernardino Valley Water Conservation District to consider and impose a groundwater charge on groundwater production within the District; and

**WHEREAS**, the California Legislature has found, in Water Code Section 75521, that such groundwater charges are in furtherance of District activities in the protection and augmentation of water supplies for users, which are necessary for the public health, welfare and safety; and

**WHEREAS**, Water Code Section 75523 allows for the use of proceeds from a groundwater charge for any District purposes, which may be authorized by law; and

**WHEREAS**, at the regular meeting of the Board of Directors on March 10, 2010, the District accepted an engineer's investigation and report, prepared by the Consultant Engineer and District Engineer, relating to groundwater conditions in the Bunker Hill Basin underlying the District boundaries; and

**WHEREAS**, an Addendum to that report was reviewed and considered by the Board on April 28, 2010, and May 12, 2010;

**WHEREAS**, the District provided mailed notice to all groundwater producers within its District boundaries of a public meeting held on April 14 2010, and a public hearing held on April 28, 2010, inviting all groundwater producers and all persons interested in the condition of groundwater or surface water supplies of the District to appear and submit evidence, and inviting all water producers to examine the engineering investigation report; and to comment on a proposed revision to the groundwater charge in the amount of \$2.51 per acre foot for agricultural water, and \$9.05 per acre foot for non-agricultural water production.

**WHEREAS**, the Engineering Investigation was presented to the Upper Santa Ana Water Resources Association on April 8, 2010; and

**WHEREAS**, the Board of Directors has conducted a public meeting on April 14 2010, and a public hearing on April 28, 2010, and has received both comment and evidence submitted by the public at such hearing; and has determined that to the extent it is legally relevant, the majority of the owners of the identified parcels have protested the proposed increase;

**WHEREAS**, the Board has considered the engineering report and investigation and the Addendum, and considered all comments and evidence presented to it at the public meetings and hearing; and

**WHEREAS**, the District's ad valorem tax revenues are limited and the District is experiencing a decrease in mining lease revenues and revenues from interest on reserves; and

**WHEREAS**, on the basis of all evidence presented, including the engineering investigation and report and such public comment, the Board has determined that it is appropriate and in the best interests of the District and all those water users who rely, directly or indirectly, on the District's services, to levy a groundwater charge as further provided herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT AS FOLLOWS:**

Section 1. As required by Water Code Section 75574, the Board hereby makes the following findings:

- A. Annual Change in Storage in those portions of the Bunker Hill Basin lying within the District's boundaries ("Bunker Hill Basin" herein), July 1, 2008 to June 30, 2009, is an increase of -35,600 acre-feet.
- B. Accumulated Change in Storage in the Bunker Hill Basin as of the Last Day of the Preceding Water Year (using 1993 as base year) is -397,600 acre-feet.
- C. Total Groundwater Production from the Bunker Hill Basin from the Preceding Water Year July 1, 2008 to June 30, 2009 is 188,951 acre-feet, of which 79,519 was within the District's boundaries.
- D. Estimate of the Annual Change in Storage for the Current Water Year (July 1, 2009 to June 30, 2010 in the Bunker Hill Basin is -12,638 acre-feet.
- E. Estimate of the Annual Change in Storage for the Ensuing Water Year (July 1, 2010 to June 30, 2011 in the Bunker Hill Basin is -12,638 acre-feet.
- F. Average Annual Change in Storage for the Immediate Past Ten Water Years in the Bunker Hill Basin is -33,051 acre-feet.
- G. Estimated Amount of Agricultural Water Withdrawn from the Groundwater Supplies of the District for the Ensuing Water Year (July 1, 2010 to June 30, 2011) is 14,808 acre-feet.
- H. Estimated Amount of Other-than-Agricultural Water Withdrawn from the Groundwater Supplies of the District for the Ensuing Water Year (July 1, 2010 to June 30, 2011) is 107,179 acre-feet.
- I. Estimated Amount of Water Necessary for Surface Distribution for the Ensuing Water Year (July 1, 2010 to June 30, 2011) within the Bunker Hill Basin is 71,405 acre feet, of which 59,527 acre feet is within the District boundaries.
- J. The Amount of Water which is Necessary for the Replenishment of the Groundwater Supplies of the Bunker Hill Basin to maintain constant groundwater supplies for the Ensuing Water Year (July 1, 2010 to June 30, 2011) is 181,082 acre-feet.
- K. The Amount of Water which is Necessary from all sources, including natural recharge to bring the basin back to its "full" condition of 1993 is 591,320 acre-feet.

Section 2. The Board of Directors hereby finds that the entire District constitutes a single zone of benefit for the imposition of this charge. The basis for this finding is that the entire portion of the basin underlying the District boundary is fed by the same naturally occurring surface flows. Although the basin may be divided into various subparts, because of hydrogeologic conditions these areas are interconnected, and water recharged by the District from its existing recharge facilities contributes to underground "flows" which eventually reach other subparts of the basin. Thus, the District's recharge inures to the benefit of users in other areas by enhancing the availability of water supplies throughout the basin. In addition, the District maintains both the availability of surface water flows for

groundwater recharge, and the facilities for accommodating the recharge, whether by the District or by other parties pursuant to collaborative regional groundwater management efforts.

Section 3. The Board finds that there is no past accumulation of the amount of water necessary to be replaced in the intake areas of the groundwater basins within the District to prevent the landward movement of salt water into the fresh groundwater body, or to prevent subsidence of the land within the District, either in the past water year or the proceeding 10 years, nor is there likely to be any amount of water necessary for these purposes in the ensuing water year. The Board further finds that the District is not obligated by contract to purchase any water. The Board also finds that further recharge of the basin is required based upon the findings related to change in storage stated in Section 1 above, to prevent depletion or degradation to the basin's groundwater supplies, to enhance both the availability and accessibility of such supplies, and to replenish, augment, and protect such supplies, and that the proceeds of the groundwater charge established hereon shall be used for such purposes.

Section 4. The Board of Directors hereby levies, assesses and affixes a groundwater charge in the amount of \$2.18 per acre-foot for agricultural water, and in the amount of \$7.85 per acre-foot for non-agricultural water. Notwithstanding the foregoing, for producers who can demonstrate either (1) that their production for the water year is restricted to basic, residential use limited to the property on which the applicable groundwater production facility is based; or (2) that their production for the water year is restricted to agricultural use limited to the property on which the applicable groundwater production facility is based, and total cumulative production for the applicable producer within the District is not in excess of two (2) acre feet over the course of the water year; such production shall be exempted from the groundwater charge. In establishing this exemption, the Board finds that the likely revenues to be derived from the groundwater production subject to the exemption is outweighed by the administrative burdens in administering and collecting the charge.

Section 5. In connection with fixing the groundwater charge as set forth in Section 4 above, the Board of Directors makes the following findings:

- A. The groundwater charge is imposed upon the action of extraction of groundwater from the basin underlying the District's boundaries, and not on property or groundwater extraction facilities as such. The groundwater charge will be incurred by groundwater producers through their voluntary action of groundwater production. The groundwater charge is not one for direct retail water delivery by the District to groundwater extractors, but rather relates to the District's service of maintaining groundwater supplies, recharge facilities, and management of both for groundwater extractors within the District. The District maintains no pipes, canals or other facilities directly connecting District facilities to the groundwater extractors' property or pumping facilities. In addition, parties subject to the groundwater charge are not property owners, per se, but predominantly either public or private entities involved in the business of providing water, or persons or entities involved in irrigation, for agricultural-related activities, and for uses of water exceeding what would be required for basic residential use of the property.
- B. The District has provided notice of the proposal for imposition of the groundwater charge through a number of different avenues. Mailed notice was provided to all operators reflected on the District's records as containing active groundwater production facilities within the District, on March 12 and again on April 21, 2010. In addition, published notice was provided in the San Bernardino Sun on March 14, March 21, and March 22, 2010. All such notices identified the prior and proposed existing rate for agricultural and non-agricultural water, the estimated total revenue to be collected from the charge, and the time and place for public hearing at a public meeting at which parties objecting to the charge could appear and be heard.
- C. The proposed groundwater charge, and engineering investigation prepared by the District, were reviewed at a public meeting held April 14, 2010, and a public hearing held April 28, 2010. In addition, the engineering investigation prepared by the District was presented to and reviewed with

the Board of Directors at a public meeting on March 10, 2010, and was presented to the Upper Santa Ana Resources Association on April 8, 2010, and reviewed at the public hearing on April 28, 2010.

- D. The groundwater charge is being levied to assist in offsetting the costs of the District's service in providing groundwater supplies, groundwater recharge facilities, and recharge management and administration for the benefit of groundwater producers within the District. The services include, but are not limited to, the following:
1. Making available the District's water rights, in an amount no less than 10,400 acres per feet per year, for recharge into the Bunker Hill Basin;
  2. Conducting groundwater recharge activities by diverting both Santa Ana River and Mill Creek water supplies into District recharge facilities;
  3. Applying the District's experience and expertise in directing groundwater recharge effectively and efficiently, administering the physical recharge of groundwater both directly for the District and its water supplies, and recharging on behalf of other entities, including exchanges under the Santa Ana River/Mill Creek Cooperative Water Project Agreement;
  4. Maintaining and operating the District's diversion works, recharge basins and canals to insure the availability of sufficient infrastructure to accommodate needed groundwater recharge; and defense and protection of the District's water rights and manner of operations;
  5. Investigation and implementation of improvements to groundwater recharge infrastructure;
  6. Reporting to groundwater producers and other interested parties of groundwater recharge activities and conditions, including but not limited to the daily flow report;
  7. Conducting engineering analyses, such as the District's annual engineering investigation, designed to provide information regarding the District's groundwater basin and groundwater recharge facilities; and
  8. Serving as Lead Agency in the conduct and implementation of the Upper Santa Ana Wash Land Management Plan ("Wash Plan"), which will harmonize groundwater recharge operations with competing uses in portions of the Upper Santa Ana River particularly suited for groundwater recharge, including preserving both existing and potential future sites for groundwater recharge facilities; and
  9. Administrative support and training for all the above-listed activities.
- E. The total amount of estimated revenues from the groundwater charge is estimated at approximately \$1,007,138.03. These revenues will not exceed the costs of providing the services as detailed above, in that the District's currently proposed budget for the upcoming fiscal year proposes equipment purchases, facility maintenance costs, and capital improvement expenditures in excess of \$3,000,000.00, exclusive of any considerations of consultant, administrative, or overhead cost factors that might otherwise be attributable to the full cost of such matters.
- F. The amount of groundwater charge paid by each individual payor will not exceed the benefit of the Conservation District's services to such parties, because the structure of the groundwater charge is such that the amount paid varies in direct proportion to the amount of groundwater supplies extracted, and therefore is proportional to the benefit each individual payor receives from the District's services, and the rate differential between agricultural and non-agricultural use does not exceed the differential

in production within the District for such uses, and is within the limits dictated by Water Code Section 75594.

- G. The District's services are immediately available to all parties subject to the charge, because the charge is limited to those extracting groundwater, and therefore able to take advantage of the District's services relative to groundwater recharge activities, facilities, and programs.
- H. The District's services are directed toward groundwater production and extractors, and are not generally available to parties not involved with groundwater extraction, as are other general governmental services such as police, fire, library, or other broad governmental services. The District's service is directed toward, and of benefit to, parties utilizing and extracting groundwater in the District.

Section 6. District staff is directed to prepare a report at the end of the water year for which the charge levied herein is imposed, detailing the revenues collected from the groundwater charge, and describing the purposes and expenses to which such revenues were applied toward the services detailed in Section 5(D) above.

Section 7. The Board of Directors further finds that the groundwater charge adopted herein is statutorily exempt from CEQA under Title 14, California Code of Regulations Sections 15273, 15301, and 15306. The action contemplated herein constitutes a structuring and establishment of a charge which will be used in part for meeting operating expenses and for purchasing or leasing equipment and materials. To the extent the groundwater charge revenues will be applied to groundwater testing, these activities fit within Title 14, California Code of Regulations Section 15306. Such activities involve the occasional taking of groundwater samples by means of temporary equipment, which will not cause any alteration to the land, and consist solely of information gathering. To the extent any portion of the funds is directed to maintenance, operation, or repair of existing facilities, involving no or negligible expansion of existing uses, these activities fit within Title 14, California Code of Regulations Section 15301. To the extent any portion of the funds is directed to construction or establishment of new facilities, environmental review of such facilities will occur at such time those facilities are proposed, and the nature, location, scope, and function of such potential future facilities becomes known. Under each of the above-referenced exemptions, therefore, the Board of Directors finds that the levy and implementation of the groundwater charge is therefore properly exempt from CEQA.

Section 8. The General Manager is hereby authorized and directed to provide notice to operators of the levy of the groundwater charge, as provided for in Water Code Section 75610.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors this 12th day of May 2010, by the following roll-call vote:

YES:	DIRECTORS:
NO:	DIRECTORS:
ABSTAIN:	DIRECTORS: WRIGHT
ABSENT:	DIRECTORS:

ATTEST:

\_\_\_\_\_  
Clare Henry Day, President

---

R. Robert Neufeld, Secretary