



# THE 1969 JUDGMENT & RIVERSIDE'S WATER RIGHTS

## Public Utilities

**Water Committee**  
May 11, 2022

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## EVENTS LEADING TO THE 1969 JUDGMENT

1. The community of Riverside started diverting flows from the Santa Ana River in 1871.
2. As the Community and Watershed flourished in the 1900s, water security and water development became increasingly important.
3. 1945 - Start of a 20-year drought
4. 1951 - Orange County Water District (OCWD) filed suit against San Bernardino, Riverside, Redlands & Colton claiming they were responsible for surface flow declines
5. 1957 - court sided with OCWD & after appeal process in 1961, the court ordered limits on water use.



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## EVENTS LEADING TO THE 1969 JUDGMENT

1. 1963 - Western Municipal Water District (Western) on behalf of the Riverside entities filed suit against San Bernardino entities seeking an adjudication of water rights within the SBBA as a result of increasing withdrawals in the basin.
2. 1963 - OCWD filed a complaint seeking an adjudication of water rights against water users in the area tributary to Prado Dam.
3. By 1968, 13 cross-complaints were filed extending the adjudication to the area downstream of Prado and including 4,000 parties throughout the watershed.
  - a. Western represented Riverside entities, OCWD represented Orange County entities, Valley District represented San Bernardino entities & IEUA represented Chino Basin entities
4. April 17, 1969 - Settlement reached in both the Western-San Bernardino suit and the Orange County suit.



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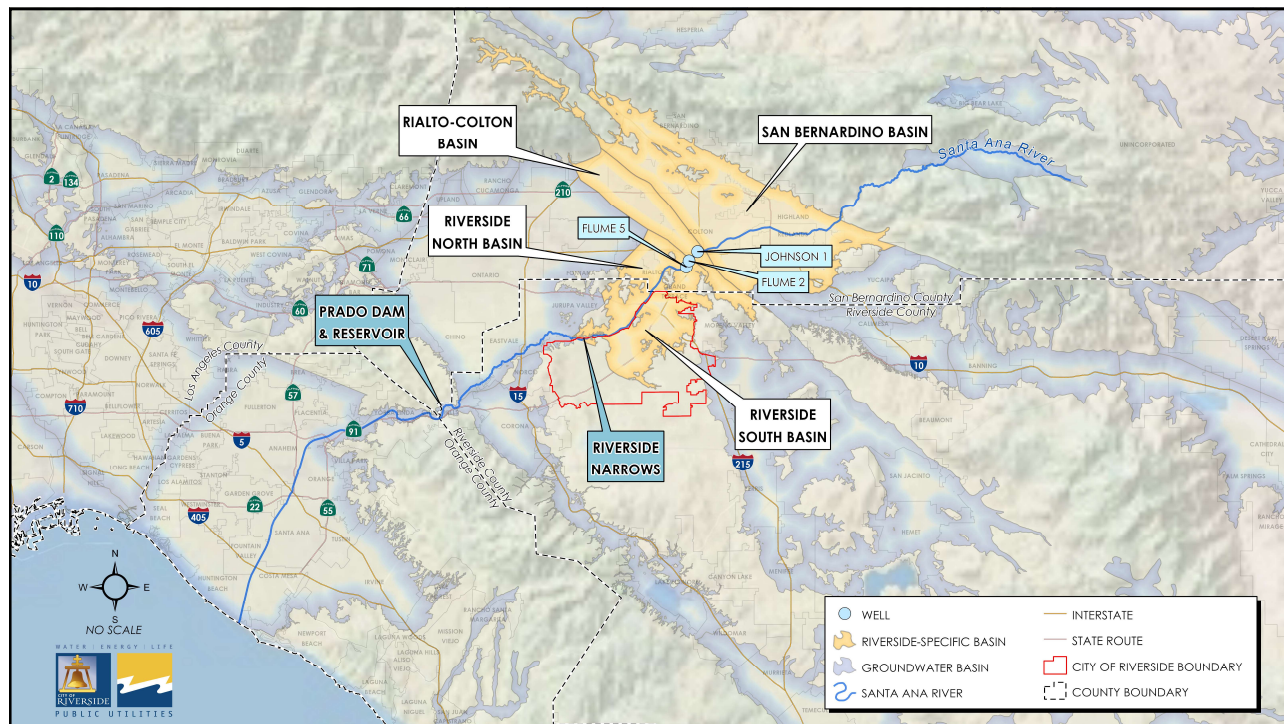
## ORANGE COUNTY JUDGMENT

1. Implemented by a 5-member Watermaster
  - a. 2 members from OCWD, 1 member from IEUA, 1 member from Western & 1 member from Valley District
2. OCWD is entitled to base flow obligations plus all stormflows reaching Prado Dam.
3. Base flow obligations are adjusted according to quality (TDS).
4. Upper Districts are enjoined from exporting water from Lower Districts.
5. OCWD is enjoined from restraining pumping, exporting, or causing water to flow from upper areas to lower areas.



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## RIVER BASE FLOW OBLIGATIONS

1. Obligations reduced if credits available
  - a. 3,746,723 credits at Prado
  - b. 1,388,091 credits at Narrows
2. Riverside holds a 1968 agreement with Western to commit municipal effluent

Surface Water Entity	Obligation	Minimum
<b>At Riverside Narrows</b>		
Valley District	15,250	12,420
<b>Supplemental Agreements</b>		
Valley - SBMWD	16,000	
Valley - Colton	2,450	
<b>At Prado</b>		
IEUA & WMWD	42,000	34,000
<b>Supplemental Agreements</b>		
IEUA	16,875	
WMWD - Riverside	15,250	12,420
WMWD - Corona	1,625	1,330

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## WESTERN-SAN BERNARDINO JUDGEMENT

1. Determined how surface and groundwater resources in the SBBA would be divided and how the San Bernardino and Riverside entities would comply with their respective Santa Ana River flow obligations under the Orange County Judgment
2. Riverside Entities (Plaintiffs) – Represented by Western
  - a. City of Riverside, Gage Canal, Agua Mansa Water Co, Meeks & Daley Water Co, Riverside Highland Water Co, UC Riverside
3. San Bernardino Entities (Non-Plaintiffs) – Represented by Valley District
  - a. East Valley Water District, West Valley Water District, San Bernardino, Redlands, Colton, Loma Linda, Rialto, Bear Valley Mutual Water Co, Fontana Union Water Co & other overlying water producers



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## WESTERN-SAN BERNARDINO JUDGEMENT

1. Riverside desired having a fixed amount of water while San Bernardino desired management flexibility
2. Base Period Pumping 1959-1963, was used in SBBA, Rialto-Colton, Riverside N. & Riverside S. to establish pumping foundation for Judgment
3. Safe Yield established for SBBA in 1971 using hydrology records from 1934 - 1960
4. SBBA Base Period production was proportionally reduced to match safe yield while other basins continued relying on base period production to regulate extractions
5. Extractions and use between SBBA and Riverside Narrows are regulated to provide assurances for the Orange County Judgment
6. Uses 5-year rolling periods to compare actual pumping volumes to entitlements
  - a. Example: Annual right = 10, or 50 over 5 years      Actual: 9,11,10,10,10 = 50<sub>8</sub>



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## SAN BERNARDINO BASIN AREA

### Plaintiffs/Western

1. Annual right 64,862 AFY / 27.95%
  - a. Riverside 52,199 AFY / 22.49% (49,542 AFY export)
  - b. Riverside owns shares in M&D, RHWCo (3,348 AFY)
  - c. UCR Agreement (536 AFY)
2. 30% peaking
3. Enjoined from extracting more than permitted
  - a. Past agreements to extract more
4. New Conservation

### Non-Plaintiffs/Valley District

1. Annual right 167,238 AFY / 72.05%
2. Valley District must replenish with imported water for any extractions greater than permitted
3. Accumulates credits from underproduction or excess deliveries
4. Receives credit from return flows



\* Numbers represent adjusted rights and do not include New Conservation from Seven Oaks Dam

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## RIALTO-COLTON BASIN

### Plaintiffs/Western

1. Base period 3,349 AFY
  - a. Riverside 2,433 AFY (2,418 export)
  - b. Riverside owns shares in M&D, 310 AFY
2. 20% peaking
3. Must replenish if produce greater than peaking factor or extract more than entitlement
4. Accumulate credits that can be used for replenishment obligation

### Non-Plaintiffs/Valley District

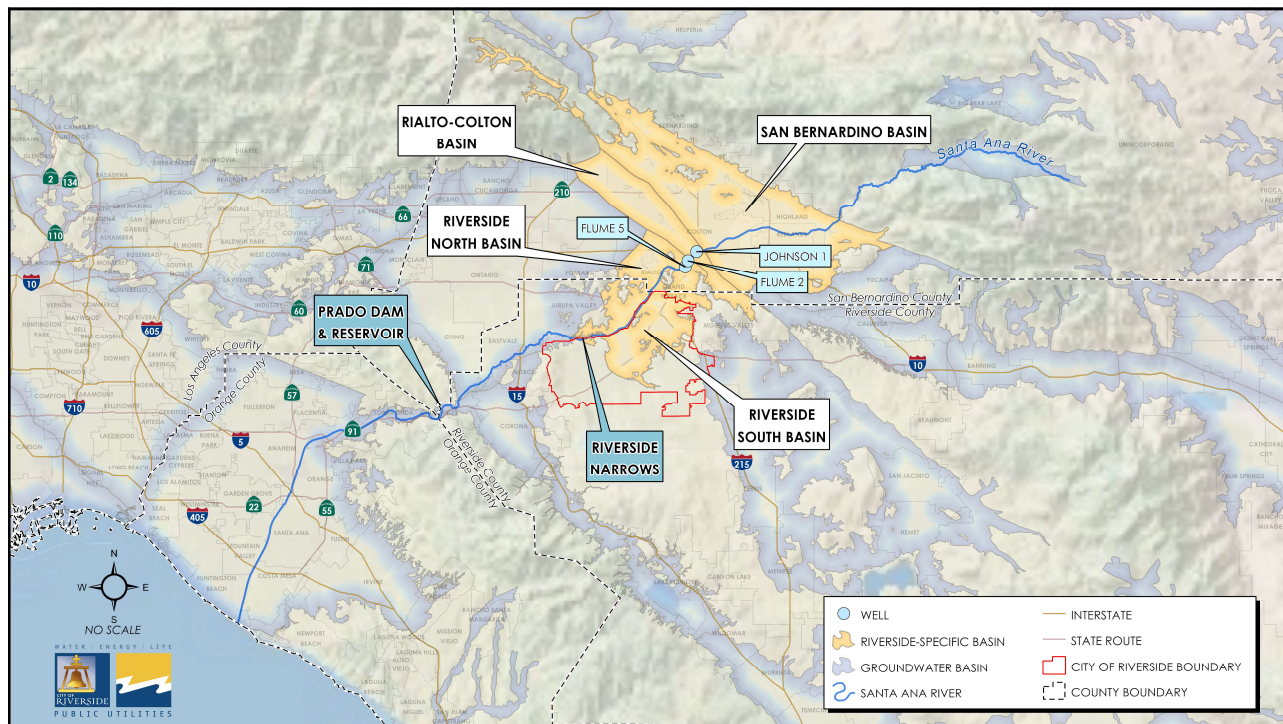
1. Unlimited extractions provided water level is maintained at key wells
  - a. Base period 8,235 AFY
2. Water levels fell below the threshold (822.04') in 2018
3. Valley must hold an agreement with San Bernardino City to discharge 16,000 AFY of treated effluent across San Jacinto Fault
  - a. Re-located discharge to Rapid Infiltration & Extraction facility in 1996



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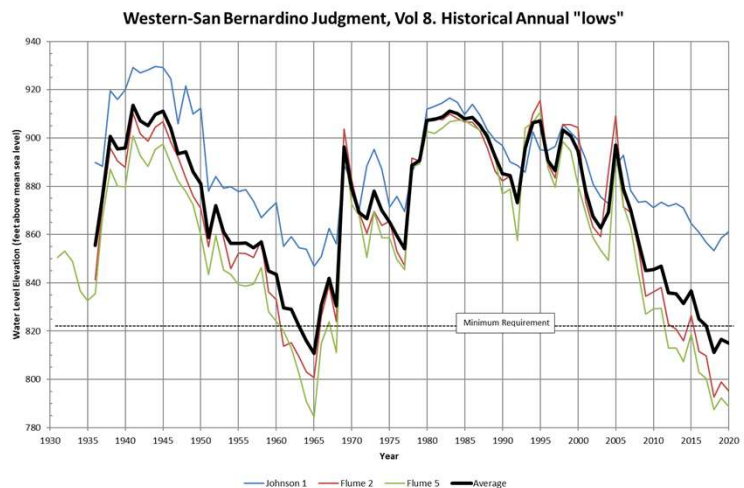
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## RIVERSIDE NORTH

1. Regulated same as Rialto-Colton Basin
2. Plaintiff Base period 24,120afy
  - a. Riverside 11,656afy (export 10,902)
3. Non-Plaintiff Base period 9,609afy



## RIVERSIDE SOUTH

1. Base period 29,633afy
  - a. Riverside 16,880afy
2. 20% peaking
3. Must replenish if produce greater than peaking factor or extract more than entitlement
4. Accumulate credits that can be used for replenishment obligation



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## WESTERN-SAN BERNARDINO JUDGMENT

1. Limitations on exports relative to Riverside Narrows and Prado
  - a. Watermaster tracks where water is used relative to Riverside Narrows
2. The Rialto-Colton Basin & Riverside Basin could be regulated on a safe yield basis if needed
3. Continuing Jurisdiction of the Court key items
  - a. May review the hydrologic condition of any/all basins to determine from time to time the natural safe yield of the SBBA
  - b. May proportionally change the adjusted rights and replenishment obligations of each party.
  - c. May review the credit allowed for return flow in the SBBA



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## ONGOING MATTERS

1. Annual Report of the Santa Ana River Watermaster issued every April
2. Annual Report of the Western-San Bernardino Watermaster issued every August
  - a. <https://www.wmwd.com/204/Watermaster-Reports>
3. Riverside North replenishment efforts
4. Western-San Bernardino Watermaster Collaborative efforts
  - a. Occurring through the Basin Technical Advisory Committee



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## STRATEGIC PLAN ALIGNMENT

### Envision Riverside 2025 Strategic Plan Priority

#### #4 Environmental Stewardship

Goal 4.2 – Sustainably manage local water resources to maximize reliability and advance water reuse to ensure safe, reliable and affordable water to our community

#### Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability &amp; Resiliency



Equity



Innovation



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## RECOMMENDATIONS

That the Board of Public Utilities Water Committee receive an update on the 1969 Judgment and Riverside's water rights.

