



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: DECEMBER 3, 2024

FROM: CITY ATTORNEY'S OFFICE & PUBLIC UTILITIES WARDS: ALL

SUBJECT: THE 1969 JUDGMENT AND RIVERSIDE'S WATER RIGHTS

ISSUE:

Consider receiving an overview of the 1969 Judgment and Riverside's water rights.

RECOMMENDATION:

That the City Council receive an overview of the 1969 Judgment and Riverside's water rights.

That the City Council consider waiving the attorney client/work product privilege for the Memoranda dated November 19, 2024, and September 6, 2023.

BACKGROUND:

The 1969 Judgment consists of two lawsuits, the Orange County Judgment and the Western-San Bernardino Judgment, which were both settled in April of 1969. The Orange County Judgment established water delivery requirements from the upper basin agencies that ensure a specific volume of water flow in the Santa Ana River to Prado Dam every year for Orange County's use. Western Municipal Water District holds an agreement with Riverside to discharge a specific volume of effluent "wastewater" from its municipal wastewater treatment plant in support of this Judgment. The Western-San Bernardino Judgment adjudicated groundwater rights for Riverside and San Bernardino County entities within the San Bernardino Basin Area (SBBA), Rialto-Colton Basin, Riverside North Basin, and Riverside South Basin.

Adjudication of the SBBA, the largest of the groundwater basins, was partly based on the determination of the natural safe yield of the basin using the hydrological period from 1934 to 1960. San Bernardino entities were given the flexibility to manage their pumping efforts supplemented by imported water while the Riverside entities were given fixed rights to extract and export groundwater from the basin and to use surplus groundwater. Specifically, the City of Riverside is entitled to 52,199 acre-feet per year or, 22.49% of the 232,100 acre-feet per year calculated natural safe yield.

Extractions from the Rialto-Colton, Riverside North, and Riverside South basins were based on the 1959-1963 average base period extractions that were established during the litigation efforts coupled with efforts written in the Judgment that provide a level of flexibility while also ensuring that the volume of groundwater stored in the basins could continue to support the flow obligations

of the more regional Orange County Judgment.

Both the Orange County Judgment and the Western-San Bernardino Judgment are administered and enforced by a court appointed Watermaster. The Santa Ana River Watermaster oversees the Orange County Judgment and is comprised of 5 appointed representatives, 2 from Orange County Water District and an appointed member from Inland Empire Utilities Agency, Western Municipal Water District, and San Bernardino Valley Municipal Water District. The Western-San Bernardino Watermaster oversees the Western-San Bernardino Judgment and is comprised of two appointed members from the San Bernardino Valley Municipal Water District and the Western Municipal Water District. Both Watermasters submit an annual report to the court which describes compliance with each Judgment. The Watermasters hold regular meetings to discuss pertinent and ongoing watershed issues.

DISCUSSION:

City Attorney's Office and RPU Water staff will provide a presentation that will serve as an informational overview of the 1969 Judgment and the City of Riverside's water rights.

STRATEGIC PLAN ALIGNMENT: The 1969 Judgment and the City of Riverside's water rights support Envision Riverside 2025 Strategic Plan **Priority No. 4 - Environmental Stewardship** and **Goal 4.2** – Sustainably manage local water resources to maximize and advance water reuse to ensure safe, reliable and affordable water to our community.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – RPU is transparent in providing information about its water rights and supplies under the 1969 Judgment.
2. **Equity** – RPU is supportive of the City's racial, ethnic, religious, sexual orientation, identity, geographic, and other attributes of diversity. All Riverside ratepayers share in and receive the same water supply, which is pumped from local groundwater basins and blended together before being distributed throughout the City.
3. **Fiscal Responsibility** – Riverside's water and legal staff fought hard to ensure the City's water rights would be properly described and accounted for in the 1969 Judgment, and these efforts have provided the foundation for the affordable and reliable supplies enjoyed by our ratepayers.
4. **Innovation** – Forty-five years prior to California's efforts to regulate groundwater under the Sustainable Groundwater Management Act of 2014, Riverside and the water agencies of the Santa Ana Watershed went through the painstaking effort of equitably dividing the region's water supplies to enable the development and reliability that we see today.
5. **Sustainability & Resiliency** – The 1969 Judgment was created in such a way to ensure that local water supplies would remain sustainable and resilient. The Judgment provides enough flexibility to adapt to changing landscapes and environments and has continued to stand the test of time, ensuring a resilient supply.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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Approved by: Jack Liu, Interim City Attorney

Attachments:

1. Judgment (Superior Court Documents)
2. Presentation