

RESOLUTION NO. 94-2

A RESOLUTION OF CHINO BASIN WATERMASTER  
APPROVING THE FORMATION OF  
THE ASSOCIATION OF GROUND WATER AGENCIES (AGWA)  
AND AUTHORIZING PARTICIPATION

WHEREAS, Southern California is reliant upon imported water supplies to augment local water and provide an adequate supply of drinking water for the region; and

WHEREAS, Metropolitan Water District of Southern California, the agency charged with delivering such imported water to the region, is currently developing long-range programs to maximize water storage capabilities within its service area; and

WHEREAS, the management agencies of ground water basins in Southern California face many common issues and problems relating to water supply and water quality, and wish to develop uniform policies with regard to basin storage programs and other common issues;

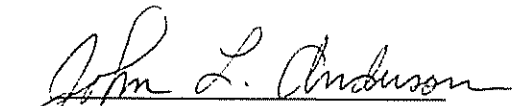
NOW, THEREFORE, BE IT RESOLVED BY THE CHINO BASIN WATERMASTER as follows:

- 1) The formation of the Association of Ground Water Agencies (AGWA) is hereby approved and endorsed; and
- 2) The Watermaster will designate a representative(s) to represent the Watermaster in such Association and to support the efforts of that organization.

Dated this 6th day of April, 1994.

  
Bill Hill, Chairman

ATTEST:


  
John L. Anderson  
Secretary

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

I, John L. Anderson, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Resolution being 94-2, was adopted at a regular meeting of Watermaster by the following vote:

AYES:	Dunihue, Anderson, Troxel, Hill
NOES:	None
ABSENT:	Borba

  
Secretary

ASSOCIATION OF GROUND WATER AGENCIES

STATEMENT OF PRINCIPLES  
FOR TERMS OF CONJUNCTIVE USE AGREEMENTS WITH  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA<sup>1/</sup>

PREAMBLE

1. The Association of Ground Water Agencies ("AGWA") consists of entities which, either by Court judgment or statute, are charged with responsibility for management of groundwater basins within the Southern California area.
  
2. The AGWA members recognize the value of the storage capacities within their basins as a resource for providing storage of water supplies to meet local needs. The AGWA members also recognize that conjunctive use of the available storage capacities within their basins by the Metropolitan Water District of Southern California ("Metropolitan") would be valuable to Metropolitan. As used in this Statement of Principles the term "conjunctive use" means use of underground basins for storage, and later extraction, of imported water. This includes water for use outside the geographical location of the basin of storage.

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<sup>1/</sup> This Statement of Principles is directed to agreements with Metropolitan. AGWA believes that these principles may also largely apply to conjunctive use agreements with entities other than Metropolitan.

3. Metropolitan has expressed an interest in using groundwater basins in Southern California for storage of imported water for the benefit of its entire service area. Metropolitan is in the process of preparing an Integrated Resources Plan which includes an assessment of the capacity of the Southern California region's groundwater basins for storage of imported water supplies.
4. Accordingly, the AGWA members have sought to identify common principles or guidelines for the use of groundwater storage space for conjunctive use projects in the region.
5. While specific terms of conjunctive use agreements with Metropolitan will vary from basin to basin depending upon local needs and conditions, this Statement of Principles is intended to provide certain common principles for conjunctive use agreements in the basins for which the AGWA members are responsible.
6. It is hoped that by utilizing these principles, AGWA members and Metropolitan will be able to enjoy a more coordinated, uniform and effective approach to the use of groundwater storage space.

#### MANAGEMENT OF CONJUNCTIVE USE OPERATIONS

7. Basin management resides and shall continue to reside with the AGWA members.

8. The AGWA members, by judgment or statute, have been given special management powers with respect to their particular groundwater basins. Although Metropolitan is authorized to store water, it lacks the special authority over particular basins that the AGWA members hold over their respective basins.
9. Conjunctive use agreements must recognize the AGWA member's responsibility for managing and controlling the use of the basin storage capacity, the need to conserve local water, and the priority of local rights to the storage space, while Metropolitan is appropriately protected as to the storage and recovery of its water.
10. Operations by Metropolitan and the agreement between the AGWA member and Metropolitan must be consistent with the terms of the any applicable judgment and the statutory and regulatory requirements governing the AGWA member and the basin.
11. Conjunctive use operations must be managed to ensure maximum protection of the water supply of the basin.
12. Other management issues:
  - a. A positive balance should be maintained in the conjunctive use storage account. A negative balance may be allowed only when it is agreeable to the AGWA

member and there are adequate assurances that the water will be replaced in a timely fashion.

- b. The AGWA member and other local basin interests should have priority relative to the storage space involved.
- c. Where competing demands exceed available storage, the AGWA member should have the discretion to determine the storing entity or entities with which it will contract, after first giving priority to storage for local basin use, based on a determination of which proposed use and proposed agreement will best benefit local basin interests.
- d. Imported water placed into storage should be of a quality which will not degrade basin supplies and which should meet or exceed Basin Plan requirements and objectives.
- e. Discretion to determine the storage capacity of the basin rests with the AGWA member.

#### CONSIDERATION TO LOCAL BASIN INTERESTS

- 13. Local basin interests are entitled to consideration for the use of their available storage capacity which recognizes the local rights to the basin storage space and the value of the storage to Metropolitan. Consideration may take the form of water, water quality improvements, reduction in the price of water, or cash.

14. All costs associated with the conjunctive use operation should be borne by Metropolitan.

#### LIABILITY

15. Basin interests should not be adversely affected by the conjunctive use operations of Metropolitan.

16. Conversely, Metropolitan should accept liability for any harm to local basin interests caused by its operations.

17. There should be a ready and efficient means, such as mediation, arbitration, or other alternative dispute resolution mechanism, for local producers to assert claims arising from conjunctive use operations.

18. There should be an efficient procedure to address disputes between the AGWA member and Metropolitan.

19. There should be indemnity for all claims made against the AGWA member arising from Metropolitan's conjunctive use operations and there should be adequate "hold harmless" provisions.

20. Metropolitan should provide some mechanism to react immediately to certain types of harm, such as the interference with production. Some alternative supply of water should be made available at the expense of Metropolitan to such adversely impacted producers for the protection of producers and the public.

21. Metropolitan should bear losses of stored water on a basis which recognizes the priority of local interests to the storage capacity of the basin involved.
22. At the option of the AGWA member, Metropolitan should be liable and responsible for (1) CEQA compliance, including, if required, preparation of an environmental impact report, (2) preparation of any other required environmental reports, (3) compliance with environmental regulatory requirements, (4) acquisition of required permits and licenses, and (5) all necessary mitigation measures.

#### FACILITIES

23. Facilities in the basin may be constructed, owned or leased by Metropolitan, but operations must be subject to and in accordance with control and approval of the AGWA member.

#### STORAGE RIGHTS

24. The rights of local basin interests to the storage capacity within that basin must be recognized by any agreement.
25. Such storage rights include:
  - a. The right of the AGWA member to the storage capacity of its basin for fulfillment of its regulatory requirements.



- b. Priority of use of storage capacity to meet local basin requirements.
  
- c. The storage rights of individual water right holders. Because groundwater rights are, essentially, rights to capture safe yield, these rights require the utilization of the storage capacity of the basin.