

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**PROPOSAL NO.: LAFCO 3173**

**HEARING DATE: OCTOBER 21, 2015**

## **RESOLUTION NO. 3204**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3173 – SPHERE OF INFLUENCE AMENDMENT FOR THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT (Expansion to encompass the jurisdiction of the San Bernardino Valley Municipal Water District in San Bernardino County and additional surrounding area).**

**On motion of Commissioner Cox, duly seconded by Commissioner Ramos, and carried, the Local Agency Formation Commission adopts the following resolution:**

**WHEREAS**, a sphere of influence amendment was initiated by the San Bernardino Valley Water Conservation District in San Bernardino County and was filed with the Executive Officer of the Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by this Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in any order or orders continuing the hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

**WHEREAS**, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this sphere of influence amendment is statutorily exempt from CEQA and such exemption was adopted by this Commission on October 21, 2015. The Commission directed its Executive Officer to file a Notice of Exemption within five working days of its adoption; and,

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the sphere of influence for San Bernardino Valley Water Conservation District should be expanded by approximately 270 square miles to encompass the jurisdiction of the San Bernardino Valley Municipal Water District in

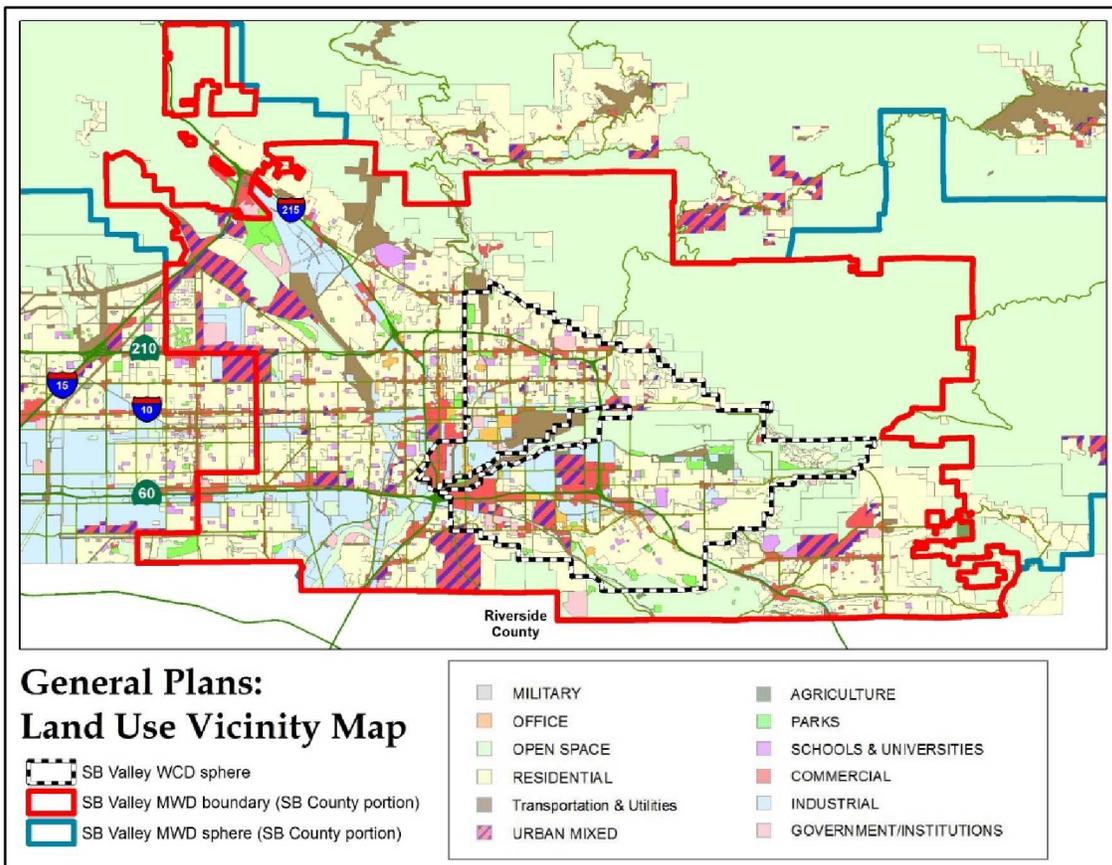
**RESOLUTION NO. 3204**

San Bernardino County and additional surrounding area, as more specifically described on the attached Exhibit “A” and “A-1”; and,

**WHEREAS**, the following determinations are made:

**1. The present and planned land uses in the area, including agricultural and open space lands;**

The map below illustrates the land use designations of the city and county jurisdictions within the study area. As shown, the full range of land uses vary and include densely developed residential uses, industrial, San Bernardino International Airport and its airport land use plan, open space uses within the floodway of the Santa Ana River, and the San Bernardino National Forest.



**2. The present and probable need for public facilities and services in the area;**

**Present Need**

The population within the San Bernardino Valley Municipal Water District (“MUNI”) sphere and San Bernardino Valley Water Conservation District (“SB Valley WCD” or “District”) increased 14% and 8%, respectively, from 1990 to 2000. The 2015 estimated population is 679,858 (MUNI sphere) and 231,357 (SB Valley WCD sphere), and projections identify the areas to grow at marked lesser rate of 0.5% annually through 2020.

## RESOLUTION NO. 3204

There are five basins, or portions of, within the East Valley. As part of the California Statewide Groundwater Elevation Monitoring Program and pursuant to the California Water Code §10933, DWR is required to prioritize California groundwater basins to help identify, evaluate, and determine the need for additional groundwater level monitoring. As identified by the DWR, the Bunker Hill and Riverside-Arlington basins have been designated as High Priority basins (high cumulative ratings as shown in the chart below) and the Rialto-Colton, San Timoteo, and Yucaipa basins as Medium Priority basins for future monitoring.

For the first time in California's history, urban water suppliers are required to comply with new mandatory restrictions aimed at achieving a statewide 25 percent reduction in potable urban water use. The Governor's Executive Order comes as water supplies continue to decline due to the severe drought gripping the state. The need for water conservation resources has intensified due to this circumstance.

### **Probable Need**

It is not until 2025 that the growth rate is projected to increase. LAFCO uses a 30-year horizon for its population projections, and its analysis in conjunction with Southern California Associated Governments ("SCAG") projections provides a projected population of roughly 918,000 in 2045 for the current MUNI sphere of influence and roughly 310,000 for the current SB Valley WCD boundary. For the MUNI sphere, which includes the territory of the SB Valley WCD, the 2045 figure would be 80% larger than that of 1990 with an evident corresponding increase in population density.

The population projections identified above do not include the heavy daily business, commercial, education and industrial activities. Further, the transient traffic on Interstate 10 (one of four interstates that exit Southern California to the east) has significantly increased in volume each decade and is anticipated to continue to do so. All of this signals that the East Valley Region is densely populated, with heavy travel and that the need for water conservation resources will only intensify for the already impacted groundwater basins.

Over the next 25 years, the subject area population is expected to significantly increase. It is paramount that the agencies recognize the need to develop and promote programs that protect existing water resources for the region's sustainability and future growth. Conservation and the efficient use of water is the most cost-effective source of water supply reliability and are essential to meeting the region's current and future demand.

### **3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;**

#### **Surface Water Capture**

The following agencies actively recharge the groundwater basins (not limited to stormwater/runoff) or account for recharge within the general East Valley. MUNI encompasses the whole of the agencies under LAFCO review and is the court-appointed watermaster for the San Bernardino Basin Area which includes the Bunker Hill Basin in San Bernardino County, which extends into Riverside County.

## RESOLUTION NO. 3204

- Primary Agencies
  - San Bernardino Valley Municipal Water District
  - San Bernardino Valley Water Conservation District
  - San Bernardino County Flood Control District
  
- Secondary Agencies
  - Beaumont-Cherry Valley Water District
  - City of San Bernardino Municipal Water Department
  - East Valley Water District
  - West Valley Water District
  - Yucaipa Valley Water District

Numerous existing groundwater recharge facilities (spreading grounds or spreading basins) are located in the San Bernardino Basin Area, Rialto-Colton, and Yucaipa basins. The maps from the staff report for LAFCO 3173 illustrate the agencies that actively capture surface and storm water and the associated recharge sites in the East Valley. The maps on pages 14-17 identify the landowner of the recharge basins in the East Valley.

### San Bernardino Basin Area

The Bunker Hill Basin and surrounding areas comprise the San Bernardino Basin Area. The Bunker Hill Basin is an adjudicated groundwater basin through a 1969 judgment in Western Municipal Water District v. East San Bernardino County Water District which appointed MUNI and Western Municipal Water District as Watermasters for the San Bernardino Basin Area. As Watermaster, MUNI is required to monitor and replenish the basin when surface diversions and groundwater extractions exceed the determined safe yield. Groundwater extraction and replenishment activities must be carefully balanced in the Bunker Hill Basin due to the unique hydrogeology of the basin. As its primary mission, SB Valley WCD is also responsible for replenishment of the Bunker Hill Basin which it accomplishes through a network of canals, diversion structures, and percolation basins.

MUNI and SB Valley WCD cooperatively monitor and report on surface and groundwater for the Bunker Hill Basin. SB Valley WCD provides the Daily Flow Report for surface water and annual Engineering Investigation Report for groundwater levels and change in storage as required by the Water Code Section 75601. According to MUNI, groundwater storage in the San Bernardino Basin Area is currently 650,000 acre-feet lower than it was in the base year, 1934. This new, historic low storage level is about 78,000 acre-feet lower than the previous, historic low storage level recorded in 1965.

### San Bernardino Valley Municipal Water District

MUNI is responsible for long-range water supply management, including importing supplemental water, and is responsible for most of the groundwater basins within its boundaries and for groundwater extraction over the amount specified in the judgments. It has specific responsibilities for monitoring groundwater supplies in the San Bernardino and Colton-Rialto basins and maintaining flows at the Riverside Narrows on the Santa Ana River. It fulfills its responsibilities in a variety of ways, including importing water through the State Water Project (“SWP”) for direct delivery and groundwater recharge and by coordinating water deliveries to retail agencies throughout its service area.

## RESOLUTION NO. 3204

MUNI receives delivery of SWP water at the Devil Canyon Power Plant Afterbay, which is located just within its northern boundary. Water is conveyed 17 miles eastward to various spreading grounds, agricultural, and wholesale domestic delivery points in the San Bernardino Basin, which are shown in the figure below. Water is also conveyed westward for direct delivery and recharge in the Colton-Rialto basin.

### San Bernardino Valley Water Conservation District

SB Valley WCD and its predecessors have conducted groundwater recharge activities since 1912 or earlier in two areas that overlie the Bunker Hill groundwater basin in the San Bernardino Valley. These areas are at the upper end of the Santa Ana River wash area and on Mill Creek just upstream of the confluence with the Santa Ana River (collectively, the wash area). The SB Valley WCD diverts surface water flows during both storm and normal runoff from the Santa Ana River and Mill Creek and channels the flows into two separate systems of recharge basins. From there, it percolates into the groundwater basin for later pumping and use by local entities and private producers.

To accomplish the recharge, the District maintains 71 water percolation basins in the Mill Creek and Santa Ana River spreading grounds. The District also plans for, maintains or leases over 3,600 acres in the Santa Ana River Wash at and below the confluence of the Santa Ana River and Mill Creek. With water years 2013 and 2014 being dry years, the District recharged all water that was available; 7,946 acre feet of water successfully recharged into the groundwater basin for the water year ending September 30, 2013, and 8,153 acre feet for the water year ending September 30, 2014.

SB Valley WCD has two water right licenses that allow for up to 10,400 acre feet of Santa Ana River water to be diverted for groundwater recharge during certain periods during the year. SB Valley WCD also claims to hold certain quantities of pre-1914 water rights on the Santa Ana River and Mill Creek.

### *Agreement to Develop and Operate Enhanced Recharge Facilities*

In 2012 an agreement to develop and operate enhanced recharge facilities was entered into by the SB Valley WCD, MUNI, and Western Municipal Water District (Riverside County entity which is a party to the adjudication). The purpose for the agreement is to allow for collaboration by increasing opportunities to recharge local surface water supplies, as well as State Project Water, in the San Bernardino Basin Area by reducing the time and cost required to permit and construct essential public infrastructure (such as spreading basins); and by working together to achieve an efficient division of labor in the operation and maintenance of water infrastructure.

The goal of the agreement is to harmonize their water resource activities with other uses of lands in the area, for the optimization of coordinated use by all. The other uses in the area include the mining of sand and gravel mineral deposits pursuant to existing leases, and habitat conservation and management, pursuant to a series of multi-agency cooperative initiatives (as yet unapproved) involving local, state, and federal resource management and control agencies. The parties agreed that they must increase groundwater storage in the basin in order to meet current and future demands for water among their constituents. The agreement term is for 25 years with optional renewals.

## RESOLUTION NO. 3204

### **Upper Santa Ana River Habitat Conservation Plan (Wash Plan)**

A key planning and management effort is the Upper Santa Ana River Habitat Conservation Plan (also known as the "Wash Plan"). Located at the confluence of the Santa Ana River and Mill Creek, the Wash Plan is generally bounded on south by the Santa Ana River, on the north and east by Greenspot Road, and continues west to Alabama Street. This plan is a long term environmental, infrastructure, and management approach to create a comprehensive program to manage the Wash Area. A map showing the Wash Plan sub-components is shown on page 21 of LAFCO 3173 staff report.

The development of this plan continues to be difficult and requires the participation of a Task Force, made up of stakeholder communities and partners as well as resource agencies, U.S. Fish and Wildlife Service, the Bureau of Land Management ("BLM"), and the California Department of Fish and Wildlife. The Task Force intends to have an approved program by the end of calendar year 2015.

In 2012 and 2013 the SB Valley WCD was able to work with the U.S. Fish and Wildlife Service to refocus efforts and increase progress toward completion of the Wash Plan Habitat Conservation Plan. The plan supports a land exchange between SB Valley WCD and the BLM to improve water recharge thereby enhancing local supplies and continuing to supply the region aggregate for local construction projects. This plan will contribute significant environmental improvements to habitat for several endangered species including the San Bernardino Kangaroo Rat and the Santa Ana River Woolly Star plant in the wash. The plan also allows expanded water conservation facilities, mining, transportation and trails.

### **Education and Demonstration**

#### San Bernardino Valley Municipal Water District

MUNI offers large water users (1,500 ccf per year, or higher) a financial incentive to invest in weather stations and weather based irrigation controllers, and has developed a brochure that offers a variety of water efficient plants that do well in the Southern California climate.

As a wholesaler, MUNI is not responsible for the demand reductions required by the Water Conservation Act of 2009 – SBX7-7 (10% demand reduction by 2015 and 20% by 2020) but is responsible for helping the retail agencies within its boundary achieve their water use reductions (Water Code §10608.36). MUNI's water use efficiency program is designed to help the retail agencies within its service area achieve their demand reductions.

#### San Bernardino Valley Water Conservation District

The District currently budgets very limited funding toward conservation education and outreach efforts. Instead, it focuses on water recharge efforts in cooperation with other agencies. SB Valley WCD also participates with the Inland Empire Resource Conservation District (IERCD) in its Elementary School Education efforts. By partnering with the IERCD the District can convey messages about conservation and its efforts to help while supporting the existing programs. This cost effective program shares staff and facilities, and achieves multiple goals at a low cost.

SB Valley WCD is the local sponsor (with the Basin Technical Advisory Committee, Conservation Subcommittee) to provide QWEL (Qualified Water Efficient Landscaper Board) training for landscapers. Instructors are drawn from local district conservation staff and IERCD staff. The District co-sponsored the cost of the training for participants from the service area.

**RESOLUTION NO. 3204**

The training was held in cooperation with Chino Basin Water Conservation District at their facilities in December 2014. SB Valley WCD states that it works closely with agricultural and commercial groundwater producers to address conservation opportunities and is an active participant in the regional iEfficient program and helps fund the program.

**4. The existence of any social or economic communities of interest in the area;**

Within the study area are the following social communities of interest: all or portions of the Bunker Hill, Rialto-Colton, Riverside-Arlington, San Timoteo, and Yucaipa Groundwater Basins; the Cities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Highland, Grand Terrace, and Yucaipa; and unincorporated communities of Bloomington, Mentone, Muscoy, and Oak Glen.

Economic communities of interest are vast and varied. To illustrate this point, the subject area includes heavy business, commercial, education, and industrial activities, as well as an international airport. Further, the transient and freight traffic on Interstate 10 (one of four interstates that exit Southern California to the east) has significantly increased in volume each decade and is anticipated to continue to do so. All of this signals that the area includes dense population and heavy travel.

**5. OTHER FINDINGS**

- A. As required by State Law notice of the hearing was provided through publication in a newspaper of general circulation, *The Sun*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in Commission policy, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
- B. As required by State Law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individual requesting mailed notice.
- C. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.

**WHEREAS**, pursuant to the provisions of Government Code Section 56425(i) the range of services provided by San Bernardino Valley Water Conservation District shall be limited to the following:

<b>San Bernardino Valley Water Conservation District</b>	Water Conservation	Appropriation, acquisition, and conservation of water and water rights for any useful purpose. Acquisition and construction of dams, reservoirs, canals, conduits, spreading basins, and sinking basin in order to conserve, store, spread and sink water.
	Surveys of Water Supply and Resources	Make surveys and investigation of the water supply and resources of the Water Conservation District.

RESOLUTION NO. 3204

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall consider the territory described in Exhibit "A" as being within the sphere of influence of San Bernardino Valley Water Conservation District, it being fully understood that amendment of such a sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission for San Bernardino County, State of California, does hereby determine that San Bernardino Valley Water Conservation District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this sphere establishment, including any reimbursement of legal fees and costs incurred by the Commission.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

- AYES: COMMISSIONERS: Bagley, Cox, Curatalo, Lovingood, McCallon  
Ramos, Williams
- NOES: COMMISSIONERS: None
- ABSENT: COMMISSIONERS: None

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STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of October 21, 2015.

DATED: October 21, 2015

  
KATHLEEN ROLLINGS-McDONALD  
Executive Officer



**LAFCO 3173 – SPHERE OF INFLUENCE REVIEW FOR THE  
SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT**

Portions of Township 2 North, Range 6 West; Township 1 North, Range 6 West; Township 1 South, Range 6 West; Township 2 North, Range 5 West; Township 1 North, Range 5 West; Township 1 South, Range 5 West; Township 2 South, Range 5 West; Township 2 North, Range 4 West; Township 1 North, Range 4 West; Township 1 South, Range 4 West; Township 2 South, Range 4 West; Township 2 North, Range 3 West; Township 1 North, Range 3 West; Township 1 South, Range 3 West; Township 2 South, Range 3 West; Township 1 North, Range 2 West; Township 1 South, Range 2 West; Township 2 South, Range 2 West; Township 1 North, Range 1 West; Township 1 South, Range 1 West; and Township 2 South, Range 1 West; all of San Bernardino Meridian, in the County of San Bernardino, State of California, described as follows:

**Beginning** at the intersection of the common countyline between the Counties of Riverside and San Bernardino and the west line of Section 36, Township 1 South, Range 6 West;

1. Thence northerly along said west line of Section 36 to the northwest corner thereof,
2. Thence easterly along the north line of said Section 36 and continuing easterly along the north line of Section 31, Township 1 South, Range 5 West, S. B. M., to the southwest corner of Section 29;
3. Thence northerly along the west line of said Section 29 and continuing northerly along the west line of Section 20, to the northwest corner of said Section 20;
4. Thence easterly along the north line of said Section 20 and continuing easterly along the north line of Section 21 to the southwest corner of Section 15;
5. Thence northerly along the west line of said Section 15 and continuing northerly along section lines to the southeast corner of Section 28, Township 1 North, Range 5 West, S. B. M.;
6. Thence westerly along the south line of said Section 28 and continuing easterly along section lines to the southwest corner of Section 30;
7. Thence northerly along the west line of said Section 30 and continuing northerly along section lines to the south line of the north half of Section 12, Township 1 North, Range 6 West, S. B. M.;
8. Thence westerly along said line to the west line of said north half of said Section 12;
9. Thence northerly along said line to the southeast corner of Section 2;
10. Thence westerly along the south line of said Section 2 to the southwest corner thereof;

## EXHIBIT A

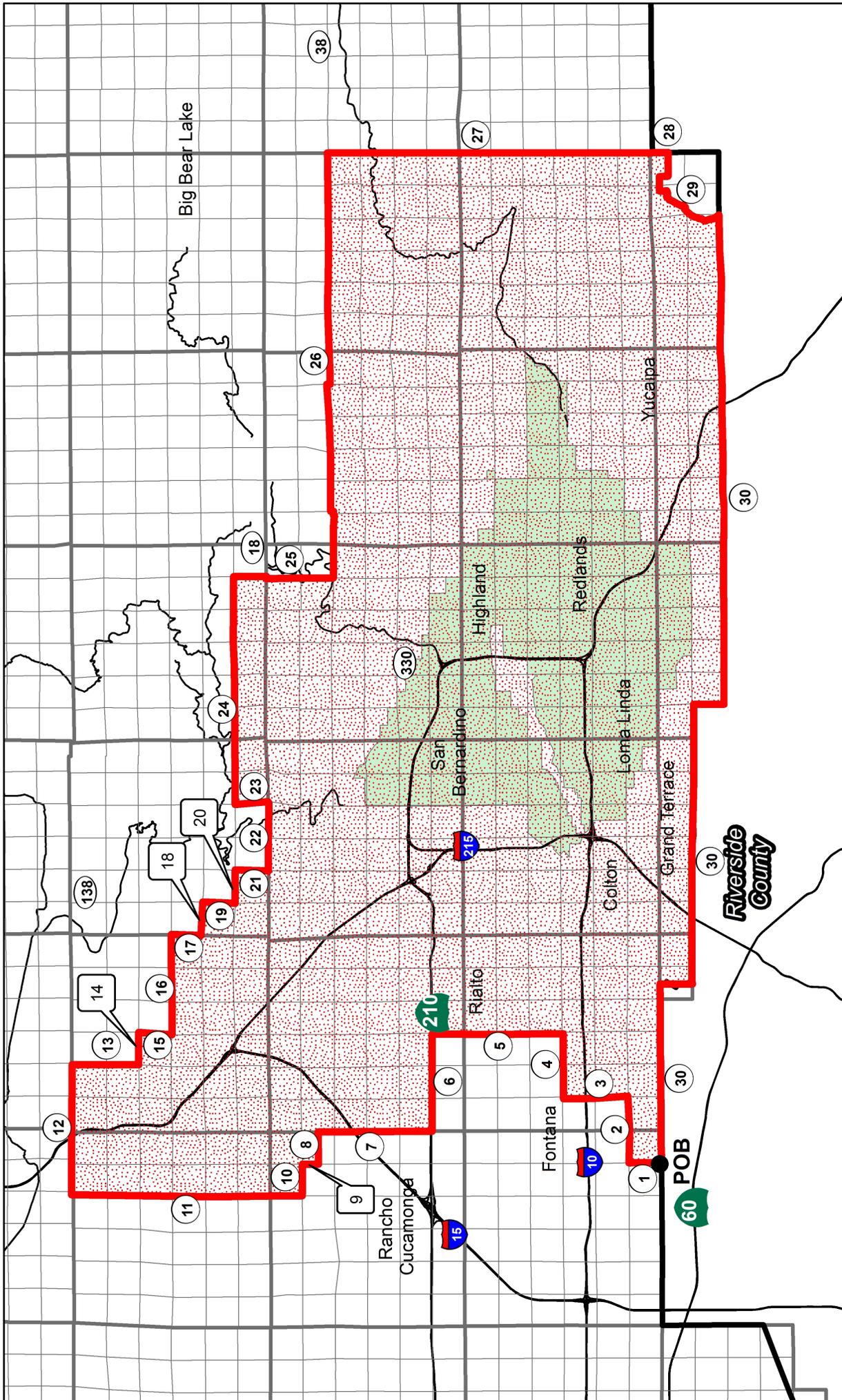
11. Thence northerly along the west line of said Section 2 and continuing northerly along section lines to the northwest corner of Section 2, Township 2 North, Range 6 West, S. B. M.;
12. Thence easterly along the north line of said Section 2 and continuing easterly along section lines to the northeast corner of Section 5, Township 2 North, Range 5 West, S. B. M.;
13. Thence southerly along the east line of said Section 5 and continuing southerly along the east line of Section 8 to the northwest corner of Section 16;
14. Thence easterly along the north line of said Section 16 to the northeast corner thereof;
15. Thence southerly along the east line of said Section 16 to the northwest corner of Section 22;
16. Thence easterly along the north line of said Section 22 and continuing easterly along section lines to the northeast corner of Section 24;
17. Thence southerly along the east line of said Section 24 to the northwest corner of Section 30, Township 2 North, Range 4 West, S. B. M.;
18. Thence easterly along the north line of said Section 30 to the northeast corner of said Section 30;
19. Thence southerly along the east line of said Section 30 to the northwest corner of Section 32;
20. Thence easterly along the north line of said Section 32 to the northeast corner thereof;
21. Thence southerly along the east line of said Section 32 to the northwest corner of Section 4, Township 1 North, Range 4 West, S. B. M.;
22. Thence easterly along the north line of said Section 4 and continuing easterly along the north line of Section 3 to the southwest corner of Section 35, Township 2 North, Range 4 West, S. B. M.;
23. Thence northerly along the west line of said Section 35 to the northwest corner thereof;
24. Thence easterly along the north line of said Section 35 and continuing easterly along section lines to the northeast corner of Section 35, Township 2 North, Range 3 West;
25. Thence southerly along the east line of said Section 35 and continuing southerly along section lines to the northwest corner of Section 13, Township 1 North, Range 3 West;

## EXHIBIT A

## EXHIBIT A

26. Thence easterly along the north line of said Section 13 and continuing easterly along section lines to the northeast corner of Section 13, Township 1 North, Range 1 West;
27. Thence southerly along the east line of said Section 13 and continuing southerly along section lines to the northeast corner of Section 1, Township 2 South Range 1 West, also being the common countyline between the Counties of Riverside and San Bernardino;
28. Thence continuing along the east line of said Section 1 and said common countyline to the southeast corner of the northeast quarter of Section 1, Township 2 South, Range 1 West, also being the southeast corner of Government Lot 8 of said Section 1 and also the common Sphere of Influence boundary between the San Bernardino Valley Municipal Water District and the San Gorgonio Pass Water Agency per LAFCO 3141;
29. Thence leaving said common countyline westerly along the southerly boundary of said Government Lot 8 and continuing along said common Sphere of Influence boundary per LAFCO 3141 through its various courses in a generally westerly and southerly direction to the south line of Section 10, also being the common countyline between the Counties of Riverside and San Bernardino;
30. Thence following along said common countyline through its various courses, in a generally westerly, northerly, westerly, northerly, and westerly direction to the **Point of Beginning**.

The area contains 408 square miles, more or less.



LAFCO 3173 - Sphere of Influence Amendment for the San Bernardino Valley Water Conservation District

- (x) Course Number
- San Bernardino Valley Water Conservation District Sphere of Influence
- Township Lines
- Section Lines
- San Bernardino Valley Water Conservation District Boundary

