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REPORT ON

WATER SUPPLY ASSESSMENT
VULCAN MATERIALS COMPANY AREA Q PROJECT
2400 WEST HIGHLAND AVENUE
SAN BERNARDINO, CALIFORNIA

by Haley & Aldrich, Inc.
Walnut Creek, California

for Harrison, Temblador, Hungerford & Johnson LLP
Sacramento, California

File No. 132051-003
March 2020

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31 March 2020
File No. 132051-003

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Attention: Mr. Adam Guernsey
aguernsey@hthjlaw.com

Subject: Water Supply Assessment
Vulcan Materials Company Area Q Project
2400 West Highland Avenue
San Bernardino, California

Ladies and Gentlemen:

Haley & Aldrich, Inc. (Haley & Aldrich) has completed this Water Supply Assessment (WSA) according to the requirements of Section 10910 of the California Water Code. This WSA was completed in support of the Vulcan Materials Company, Area Q Project in the County of San Bernardino, California.

The Area Q Project is located in unincorporated San Bernardino County, east of Cajon Creek and north of the community of Muscoy (Site). The project Site is bounded by residential neighborhoods to the south, a Union Pacific rail line to west, Cajon Boulevard to the east and Vulcan's existing Cajon Creek aggregates mine, with Area L to the north and Area M to the northwest. The Project site is located approximately 2.5 miles away from Vulcan's existing San Bernardino facility where material processing occurs (Main Plant), which is located directly north of State Route 210 and Highland Avenue. Nearby communities include Muscoy, the City of San Bernardino (adjacent to the east/north), and the City of Rialto (1.25 miles west).

The Area Q Project calls for aggregate material extraction and ancillary activities on 187.6 acres within the 196.0-acre Area Q property, with extraction to be relocated to Area Q once extraction in Area L is complete. Future water demands at Area Q will result in no change to existing water demand at Area L. The proposed water source for Area Q is the existing well currently used to supply water to Area L.

This WSA concludes that the existing water supply is sufficient to meet the projected future demand. The County of San Bernardino (County) has determined that the Area Q Project is a project as defined by Water Code Section 10912, is subject to the California Environmental Quality Act (CEQA) and requires a WSA. The objective of this water supply analysis is to determine its availability during normal, single dry, and multiple dry water years during a 20-year projection, which will meet the projected water demand associated with the proposed Area Q Project, in addition to the area's existing and planned future uses,

including agricultural and manufacturing uses pursuant to the requirements of California Senate Bill (SB) 610.

Sincerely yours,
HALEY & ALDRICH, INC.

Katy Decker

Katy Decker, P.G.
Project Manager

Wojciech Bajsarowicz

Voytek Bajsarowicz
Senior Client Leader

Enclosures

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1. Introduction

Haley & Aldrich, Inc. (Haley & Aldrich) has prepared this Senate Bill 610 (SB 610) Water Supply Assessment (WSA) on behalf of Vulcan Materials Company (Vulcan) according to the requirements of Section 10910 of the California Water Code. This WSA was completed to assist San Bernardino County by providing analysis of the water supply for the Area Q Project, located in the County of San Bernardino, California (Figure 1). No public water systems are anticipated or needed to provide service for the Area Q Project. Existing residential public water system connections located within the bounds of the proposed Area Q Project will be removed, and no public water system connections will be present on the project site.

1.1 BACKGROUND

Vulcan owns and operates the Cajon Creek Quarry, located on the northwest side of the City of San Bernardino. The Cajon Creek Quarry is currently providing high-quality aggregates to Vulcan's San Bernardino processing facility (Main Plant), located approximately 2.5 miles south of the quarry. Upon depletion of aggregate resources currently extracted from the Cajon Creek Quarry (referred to as Area L), Vulcan is proposing to relocate the mining operations into an adjacent site, referred to as Area Q (the "Project").

Area Q occupies 196.0 acres of land within unincorporated San Bernardino County. The Project site is roughly triangular in shape and is bounded by Area L to the north, Cajon Boulevard to the northeast, a concrete-lined trapezoidal drainage channel known as the Devil Creek Diversion Channel to the southeast, and Southern Pacific Railroad Tracks to the west (Figure 2). Cajon Wash and Lytle Creek, tributaries of the Santa Ana River, are present opposite the Southern Pacific Railroad. Aggregate material extraction and ancillary activities will occur on a 187.6-acre portion of the Area Q property.

The Project would be initiated once extraction at Area L is completed. The Project would not involve any change to the existing mining and/or processing operations other than relocating material extraction from Area L to Area Q. The Project would not change the mining methods currently associated with Area L. The aggregate from Area Q would be transferred via a pit conveyor system to the existing transfer conveyance infrastructure already in place at Area L. Material will then be processed and shipped from Vulcan's existing and/or permitted locations in the same manner and using the same equipment/haul trucks with which the aggregate is currently being managed. No on-road haul trucks would enter or exit the Project site from public roads.

It is expected that a total of 40,000,000 tons of sand and gravel would be extracted over approximately 30 years, depending on market demand and at what point the extraction at Area L is completed. The Project would provide a high-quality source of local aggregate materials to serve the regional market, and would allow the continued operation of Vulcan's Cajon Creek and San Bernardino facilities by providing a continuing source of materials.

Water use associated with the existing Area L extraction operations is considered "baseline" for purposes of this analysis. Currently, the existing Area M groundwater well is used for dust control on the Area L pit line, Area L roads, the Area L mine pit floor, and will be used for reclamation. When

extraction activities relocate to Area Q at the completion of mining in Area L, all water use is expected to remain consistent with historical water use with regard both to type of beneficial use and volume. Groundwater use at Area L provides evidence of the Project's expected water use. Given that Project activities will not commence until the exhaustion of reserves at Area L, the Project will not result in additional water use above baseline.

Based on this assessment, there is adequate water available to supply the proposed Project throughout its life, without interfering with existing or future groundwater uses. As respects this analysis, the Project simply calls for the continued use of water for dust control purposes as is currently occurring, but in an adjacent area. The Project water supplies are sufficient to serve the demand generated over the full life of the Project under average normal year, single dry year, and multiple dry year conditions.

The Project is independent from Vulcan's existing operations in the area with regard to this analysis.

In summary, the Project will not generate new water demand. The Project's water use will continue in the same manner that the water is currently being used in Area L.

1.2 REGULATORY FRAMEWORK

California Water Code section 10912(a) requires preparation of a Water Supply Assessment if a proposed project meets any of the following criteria:

1. A proposed residential development of more than 500 dwelling units;
2. A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
3. A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
4. A proposed hotel or motel, or both, having more than 500 rooms;
5. A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
6. A mixed-use project that includes one or more of the projects defined above; or
7. A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

The Project does not include any residential development, will not employ more than 1,000 persons, does not include any structures with more than 500,000 square feet of floor space, and does not include any hotel or motel structure. The Project is a "project" within the meaning of Water Code section 10912(a), however, because the Project is for an aggregate mine located on approximately 182.1 acres, meeting the definition of an "industrial plant"[1] that occupies more than 40 acres of land.

This WSA has been compiled following the requirements of California Water Code section 10910. This WSA provides the information required for an SB 610 Water Supply Assessment, as described in the

[1] The Water Code does not define the term "industrial plant" but "the term 'plant' is commonly defined as including the *land*, as well as buildings, machinery and fixtures, used in carrying out a trade or industrial business." (*Center for Biological Diversity v. County of San Bernardino* (2010) 184 Cal.App.4th 1342, 1361).

Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 to Assist Water Suppliers, Cities, and Counties in Integrating Water and Land Use Planning (October 2003).

The Water Code requires a WSA to determine if available water supplies are sufficient to serve the Project-related demand. Water supply adequacy for the Project and surrounding area must be evaluated for a reasonably foreseeable demand over the next 20 years under average normal year, single dry year, and multiple dry year conditions.

More specifically, a WSA must include the following components:

- A discussion with regard to whether the total projected water supplies during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses;
- An identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system;
- For water supplies including groundwater, a review of information contained in the urban water management plan relevant to the water supply, and the following additional points shall be addressed:
  - A description of the groundwater basin from which the project will be supplied;
  - For basins that have been adjudicated, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the city or the county has the legal right to pump;
  - For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted if present management conditions continue, and, if so, a description of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.
  - A detailed description and analysis of the amount and location of groundwater pumped for the project over the past 5 years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historical use records.
  - An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project

This WSA compares the Project's projected water demand with projected water supply in order to conduct an analysis of sufficiency. For matters relating to regional supply and demand, and relating to the groundwater basin, the 2015 San Bernardino Valley Regional Urban Water Management Plan, amended in 2017 (SBVRUWMP), which was prepared by Water Systems Consulting, Inc. was referenced.

2. Water Supply

This section addresses the water supply source identified for the Project and associated regional supply.

2.1 SUPPLY SOURCE AND QUANTITY

The Project will be supplied by the existing groundwater well (Figure 2) on Vulcan's separate parcel of land, Area M. The Area M groundwater well currently supplies, among other things, the active mine pit in Area L. When extraction is complete in Area L and mining in Area Q begins, the Project will be supplied with water trucks filled at the Area M well.

The Area M supply well was installed in December of 1997 under Permit Number 09049701 issued by San Bernardino County to CalMat, Inc. CalMat was acquired by Vulcan in 1999. The Area M supply well was drilled to a depth of 416 feet below ground surface (bgs). Decomposed granite bedrock was encountered at 380 feet. The well was installed to a total depth of 370 feet bgs through the overlying fine to coarse sand with gravel. A 0.08-inch slot screen was installed over the interval from 220 to 360 ft bgs. The steel casing has an internal diameter of 15.375 inches, and the borehole diameter is 26 inches. At the time of installation, the static water level was 155 feet bgs, and the recorded drawdown over a 26.5 hour pump test was 14 feet. The Area M supply well continues to be used according to its original intent as a water supply well for the aggregate mining operation. The well is equipped with a pressure gauge with the ability to measure groundwater level; the static water level at the end of 2019 was 236 ft bgs. Changes in groundwater elevation are related to changes in precipitation effecting recharge to the groundwater basin.

Table 1, below, provides data on the annual volume of groundwater pumped from the Area M well for the 19 years between 1999 and 2017, in addition to Area L pit-specific usage. These total usage values were presented to illustrate the total groundwater demand from the existing groundwater well. These data also serve to document available supply over the past 19 years. Groundwater supply extracted from the Area M well for all uses has ranged from 92 acre feet to 197 acre feet per year over the past 19 years. The average supply extracted over the past 10 years is 129.8 acre feet per year, equating to a 5-year supply volume of approximately 650 acre feet.

Table 1 also provides data on groundwater usage specific to extraction activities at Area L; this column represents activities which will be relocated to Area Q following exhaustion of Area L reserves. Area L water usage comprises approximately 15% of the total Area M well production volume. Area L groundwater use has ranged from 13.8 acre feet to 29.4 acre feet per year over the past 19 years. Over the past 10 years, the average groundwater use at Area L has been approximately 19.5 acre feet per year, equating to a 5-year baseline volume of 97.5 acre feet.

The Area M well will continue to be used for industrial supply purposes only. The well does not and will not supply any drinking water connections and is not subject to water quality testing.

Table 1: Vulcan Historical Area M Well Production and Area L Groundwater Usage

Year	Area M Well Production[1] (Acre Feet)	Area L Mine Pit Groundwater Usage[2] (Acre Feet)	Normal/Wet/Dry Year[3]
1998	18	2.7	Wet
1999	138	20.7	Dry
2000	140	21	Dry
2001	130	19.5	Normal
2002	140	21	Dry
2003	197	29.6	Normal
2004	197	29.6	Dry
2005	196	29.4	Wet
2006	196	29.4	Wet
2007	196	29.4	Dry
2008	196	29.4	Dry
2009	196	29.4	Dry
2010	103	15.5	Dry
2011	107	16.1	Wet
2012	92	13.8	Dry
2013	101	15.2	Dry
2014	135	20.3	Dry
2015	105	15.8	Dry
2016	110	16.5	Dry
2017	153	23	Dry

Notes:

[1] Area M supply well production volumes from Integrated Resource Management, Inc. document, 2018.

[2] Area L Groundwater Usage conservatively assumed to be 15% of the total Area M well water use.

[3] Data to assess whether the calendar year was wet vs. normal vs. dry was downloaded from the California Data Exchange Center (CDEC) website. Monthly data was assessed from 1905 through 2004 (when the data set ended) from station SBD from the San Bernardino Medical Center. Years with precipitation between the 40th and 60th percentile of this data set (13.4 to 16.4 annual inches) are classified as normal, with years above or below this classified as wet or dry, respectively. For 2005 through 2017, daily data from station SCY, San Bernardino County Yard was assessed against the standard developed from the SBD data for classification.

Because the Project will be supplied by groundwater, information regarding the Site's groundwater basin is provided in this section, along with an evaluation of whether the groundwater basin can be used as a reliable source for the Project.

2.2 GROUNDWATER BASIN

The Project Site is located within the Bunker Hill Groundwater Basin, a portion of the San Bernardino Basin Area (SBBA). The Bunker Hill Groundwater Basin consists of the alluvial materials that underlie the San Bernardino Valley. This basin is bounded by contact with rocks of the San Gabriel Mountains, San Bernardino Mountains, and Crafton Hills, and by several faults. The southern boundary is the Banning fault, the east boundary is the Redlands fault, the San Andreas fault is roughly the northern boundary, the Glen Helen fault abuts the northwest boundary, and the southwest boundary is the San Jacinto fault.

The Bunker Hill Groundwater Basin contains in excess of 5 million acre feet of high-quality water of which approximately 1.5 million acre feet of water is extractable. Annual precipitation ranges between 13 to 31 inches. Recharge to the Bunker Hill Groundwater Basin historically has resulted from infiltration of runoff from the San Gabriel and San Bernardino Mountains. Combined, the Santa Ana River, Mill Creek, and Lytle Creek contribute more than 60 percent of the total recharge to the groundwater system. Lesser contributors include Cajon Creek, San Timoteo Creek, and most of the creeks flowing southward out of the San Bernardino Mountains. The sub-basin is also replenished by deep percolation of water from precipitation and resulting runoff, percolation from delivered water, and water spread in streambeds and spreading grounds. Water can also be artificially recharged by rerouting stream flows to recharge percolation basins and thorough State Water Project (SWP) turnouts.

2.3 CERTAINTY OF SUPPLY

As shown in Table 2, below, the SBVRUWMP documents a projected adequate water supply in excess of regional demand between 2020 and 2040, including in dry and multiple dry years. These excess supply values have already accounted for a 10% buffer above projected regional demand values.

However, when analyzed separately from the total regional supplies (i.e., not including surface water, recycled water, and imported water), the SBVRUWMP projects that the SBBA may have potential extractions above the basin safe yield of between 44,255 and 74,419 acre feet per year between 2020 and 2040. After accounting for return flows from over-extraction volumes, return flows from imported water deliveries, and direct deliveries, the SBVRUWMP projects a required imported water volume of between 18,226 and 37,081 acre feet between 2020 and 2040. The San Bernardino Valley Municipal Water District (Valley District) manages the groundwater basin outflows and imports water from the SWP for basin recharge as necessary. Based on the excess overall supply as documented in the SBVRUWMP (and reproduced in Table 2), the Valley District will be able to obtain additional sources beyond the SWP water for basin recharge.

Table 2: SBVRUWMP Regional Water Supply and Demand Projections

Water Year Type	Projection Totals	2020	2025	2030	2035	2040
Normal Year	Supply Totals	337,769	345,359	352,552	359,780	366,608
	Demand Totals	246,307	257,530	268,609	278,931	285,954
	Difference (Supply minus Demand)	91,462	87,829	83,943	80,849	80,654
Wet Year	Supply Totals	385,319	392,909	400,102	407,330	414,158
	Demand Totals	230,775	241,044	251,078	260,462	266,879
	Difference (Supply minus Demand)	154,544	151,865	149,024	146,868	147,279
Dry Year	Supply Totals	327,444	335,034	342,227	349,455	356,283
	Demand Totals	248,237	259,804	271,670	282,887	290,612
	Difference (Supply minus Demand)	79,207	75,230	70,557	66,568	65,671
Multiple Dry Years, Year 1	Supply Totals	327,444	335,034	342,227	349,455	356,283
	Demand Totals	244,699	256,169	267,939	279,061	286,802
	Difference (Supply minus Demand)	82,745	78,865	74,288	70,394	69,481
Multiple Dry Years, Year 2	Supply Totals	327,444	335,034	342,227	349,455	356,283
	Demand Totals	240,812	251,901	263,169	273,770	281,147
	Difference (Supply minus Demand)	86,632	83,133	79,058	75,685	75,136
Multiple Dry Years, Year 3	Supply Totals	327,444	335,034	342,227	349,455	356,283
	Demand Totals	235,333	245,997	256,719	266,757	273,769
	Difference (Supply minus Demand)	92,111	89,037	85,508	82,698	82,514

Note: All volumes are reported in acre feet per year.All data was provided in the SBVRUWMP.

2.4 GROUNDWATER MANAGEMENT

Management of the Bunker Hill Groundwater Basin is coordinated through the Valley District, which was formed in 1954 to plan long-range water supply for the San Bernardino Valley Area including the Bunker Hill Groundwater Basin. The Valley District's responsibility for long-range water supply planning includes importing supplemental water and management of the groundwater basins within its boundaries. The Valley District purchases water from the SWP for basin recharge if the Basin extraction is above the safe yield level. The framework for the basin management is provided by a 1969 court action called the Western Judgment.

The Western Judgment can be found in Appendix A. Other adjudications affecting the management of this basin include City of San Bernardino v. City of Riverside, County of San Bernardino Case No. 13754; Orange County Water District v. City of Chino, County of Orange Case No. 117628 (the Orange County Judgment); and a Consent Decree (Decree) entered in City of San Bernardino v. United States of America, United States District Court Central District, CV 96-8867 and CV 96-5205 (consolidated) among the US Environmental Protection Agency, the US Department of the Army, the City of San Bernardino, and the California Department of Toxic Substances Control.

2.5 GROUNDWATER RIGHTS

Within San Bernardino Valley's boundaries, the adjusted right is 167,238 acre feet per year, with the remainder of the water rights assigned to plaintiff agencies outside of its service area. Under the Western Judgment, the production rights of individual agencies within the San Bernardino Valley's service area are not allocated. As neither Vulcan nor any of its predecessors is party to the Western Judgment, Vulcan does not have a specific allocated water right.

Vulcan has been using groundwater from the Bunker Hill Basin within the SBBA since the Area M well was put into operation in late 1998, and before that from a prior well near the Main Plant on Highland Avenue. While there is no written documentation of a groundwater right, it can be considered to be an acquired right via long-standing beneficial use. Furthermore, the SBVRUWMP includes an acknowledgment of additional pumping from "Other/Private" sources. This value would include Vulcan's industrial use of this water. Vulcan's projected future use, including the Project use, which will replace existing use in Area L, will remain within the historical range of groundwater use.

The Area M groundwater well was installed under Permit Number 09049701 from San Bernardino County. Although the well is currently located within the City of San Bernardino, the County authorization does not require concurrence from the City of San Bernardino to proceed with well use. While the well permit was issued to CalMat, Inc., now a dba of Vulcan, the permit does not restrict who may use the water. Accordingly, any entity may use this water supply toward eventual reclamation of the Project site as appropriate.

3. Project Water Demand

Historical water use associated with Area L can be used to project future water for the Project, because future extraction activities in Area Q will be the same as current extraction activities at Area L, once mining is relocated following exhaustion of Area L. Section 2.3 provides a summary of the regional water supply from the SBVRUWMP. Data on historical water use used to estimate Project future demand are provided in Section 2.1.

3.1 DEMAND IN NORMAL, SINGLE DRY YEAR, AND MULTIPLE DRY YEARS

The Project will consist of material extraction followed by reclamation of the Site. Project water use will consist of dust control on the Area Q pit conveyor, internal roads, pit floor, and reclamation. Because water use at Area L will be relocated to Area Q following completion of extraction in Area L, Area L groundwater usage is the environmental baseline for this analysis.

Project water demand will consist of water for dust control on the Area Q pit floor and pit roads, as well as dust control on a short pit conveyor to transfer material from the Area Q pit to the Area L pit, and reclamation. The proposed Project water demand is expected to be equivalent to the existing Area L demand, so there will be no increase in water demand from the baseline. Table 1, in Section 2.1, provides historical well production data for the Area M groundwater well, as well as the estimated historical use data for Area L (approximately 15% of the overall Area M well production).

As shown in Table 1, there is not a clear pattern in water usage in wet versus dry versus normal years. For this reason, fluctuations in demand associated with the Project associated with dry or multiple dry years, or with increased frequency of droughts due to climate change, are not anticipated. Drought and climate change will affect groundwater recharge and may lower the water table level, independent of Project demand.

The regional cumulative water demands (as well as projected water supply), are included in Table 2, in Section 2.3, which was compiled from tables within the SBVRUWMP. As shown, the region is projected to have adequate water supply to meet projected demand between 2020 and 2040, even during multiple dry years. Table 2 also includes 'wet year' projections, as the excess supply created during wet years can be used to recharge the groundwater basins to improve supply reliability during dry or multiple dry years.

There are no Site-specific water conservation measures proposed associated with the Project. Water demand associated with Area Q will be used for dust control and reclamation. Local and/or regional conservation measures, including public outreach, metering, conservation pricing, and water waste prevention ordinances are in place and will continue to be observed.

3.2 WATER USE SECTORS

The SBVRUWMP identifies water use sectors only under each participating public water system section; cumulative totals are not included. Because the Project is not served by a public water system, there is no industrial use total to compare the Project total to. However, the existing Area L water demand and

future Project water demand that would replace it are included in the projected demand listed in the "Other/Private" section. The SBVRUWMP estimates projected water demand from the "Other/Private" section ranging down from 19,600 acre feet to 19,000 acre feet per year between 2020 and 2040. The Project, however, will not result in any new water demand in excess of the existing baseline condition.

4. Sufficiency Analysis

Water Code Section 10910(c)(4) requires the WSA to "include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and future planned uses, including agricultural and manufacturing uses." The sufficiency of water supply for the proposed Project during average years is addressed in this section.

This assessment finds that the available supply is adequate to meet the projected demand.

As shown on Table 1, annual water extraction from the Area M well for all uses has ranged from 92 acre feet to 197 acre feet per year, with an average of approximately 149 acre feet over the last 19 years. Historical Area L groundwater usage, which will be the same as the proposed Project, has ranged from approximately 13.8 acre feet per year to 29.6 acre feet per year during that same timeframe. Over the past 10 years, the average groundwater use at Area L has been approximately 19.5 acre feet per year, which has been used as the environmental baseline for this analysis.

The Project is anticipated to require a total of approximately 19.5 acre feet per year. The 19.5 acre feet results in no change to baseline usage, as it will be relocated from current use at Area L and will not result in additional water use for Area Q onsite.

Even if Project water use increased by 10%, the projected demand is well within the historical supply produced by the well and accounted for in the SBVRUWMP as "Other/Private" usage.

The SBVRUWMP documents that there is excess supply available regionally projected between 2020 and 2040 under normal year, single dry year, and multiple dry years, as reproduced here in Table 2. While groundwater demands on the SBBA are projected to exceed the safe yield level between 2020 and 2040, the excess supply in the Valley District will allow for recharge of the SBBA.

5. Conclusions

Based on evaluation of the water demand and supply associated with the Project, this assessment offers the following conclusions:

- Vulcan Materials Company is the owner of the well and has the legal right for the beneficial use of groundwater consistent with the historic use and volume. Baseline groundwater use is approximately 19.5 acre feet per year. The Project is anticipated to require an average of approximately 19.5 acre feet per year over 30 years. Water for the proposed Project will be provided by the existing groundwater supply well located on Area M. Upon completion of reclamation, there will be no remaining demand for water.
- Based on this assessment, there is adequate water available to supply the proposed Project throughout its life, without interfering with existing or future groundwater uses. The Project water supply is sufficient to serve the demand generated over the full life of the Project under normal year, single dry year, and multiple dry year conditions, in addition to the area's existing and planned future uses, including agricultural and manufacturing uses pursuant to the requirements of California Senate Bill (SB) 610.

6. References

California Department of Water Resources, 2003. *Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 to Assist Water Suppliers, Cities, and Counties in Integrating Water and Land Use Planning*, October 2003.

California Department of Water Resources, 2018. *California Data Exchange Center – Stations SBD and SCY.* Accessed 18 September 2018.

C*enter for Biological Diversity v. County of San Bernardino* (2010) 184 Cal.App.4th 1342, 1361.

Integrated Resource Management, Inc., 14 September 2018.

Water Systems Consulting, Inc, 2017. *San Bernardino Valley Regional Urban Water Management Plan*, 2015, amended June 2017.

Western Municipal Water District et al. v. East San Bernardino County Water District (1969) Case No. 78426.

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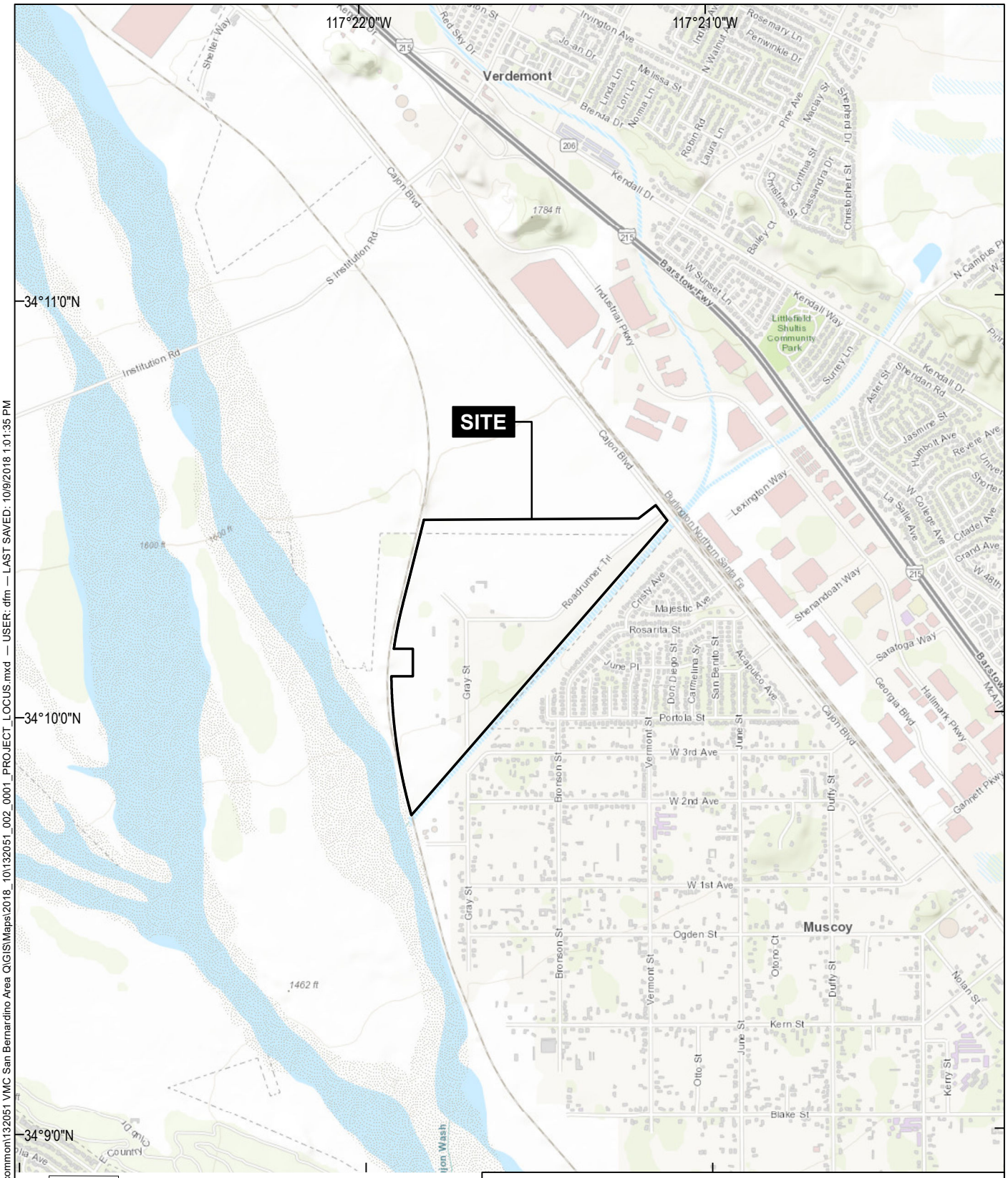
FIGURES



MAP SOURCE: ESRI
SITE COORDINATES: 34°10'13"N, 117°21'36"

HALEY ALDRICH

VULCAN MATERIALS COMPANY
SAN BERNARDINO MINE - AREA Q EXPANSION
2400 W. HIGHLAND AVENUE
SAN BERNARDINO, CALIFORNIA

PROJECT LOCUS

JUNE 2019

FIGURE 1

GIS FILE PATH: \\haleyaldrich\share\wnc_common\132051 VMC San Bernardino Area Q\GIS\Maps\2018_10\132051_002_0001_PROJECT_LOCUS.mxd — USER: dfm — LAST SAVED: 10/9/2018 1:01:35 PM

LEGEND

AREA M SUPPLY WELL LOCATION

NOTES

1. BASEMAP SOURCE PROVIDED BY SESPE CONSULTING, INC., JUNE 2019

HALEY ALDRICH

VULCAN MATERIALS COMPANY
SAN BERNARDINO MINE - AREA Q EXPANSION
2400 W. HIGHLAND AVENUE
SAN BERNARDINO, CALIFORNIA

SITE MAP WITH WELL LOCATION AND PROPOSED MINE LIMITS

SCALE: AS SHOWN
JUNE 2019

FIGURE 2

Saved by: MOBINI, DARIUSH Printed: 6/11/2019 3:25 PM Sheet: FIG-2 WSA
\\HALEYALDRICH\SHARE\WNC_COMMON\132051 VMC SAN BERNARDINO AREA Q\CAD\132051_002 FIGURE 2_V2.DWG

APPENDIX A

Western Judgment

FILED
RIVERSIDE COUNTY

APR 17 1969

DONALD O. SULLIVAN, Clerk
By _____ Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY, et al., Plaintiff, v. EAST SAN BERNARDINO COUNTY WATER DISTRICT, et al., Defendants.	No. 74726 (78424) STIPULATION FOR JUDGMENT

The undersigned, as counsel for the indicated parties in the above-entitled action, hereby stipulate and agree as follows:

(1) That judgment, substantially in the form attached hereto as Exhibit "A", may be entered by the Court herein.

(2) That the limitation periods specified in Sections 581 and 583 of the Code of Civil Procedure are by this stipulation extended to and including the date hereof.

(3) Each party to this stipulation expressly

CLAYSON, STARK, ROTHROCK & MANN
ATTORNEYS AT LAW
LAW BUILDING
601 SOUTH MAIN STREET
P. O. BOX 670
CORONA, CALIFORNIA 91720
737-1910
689-7241

waives findings of fact and conclusions of law in support of the Judgment, and specifically waives any right to appeal therefrom; provided that nothing herein contained shall be deemed to restrict or impair the rights of any parties in relation to any proceeding which may hereafter be undertaken in connection with the exercise of the Court's reserved jurisdiction or determinations of the Watermaster.

Dated: April 17, 1969.

SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

By _____ President

and _____ Secretary

Approved _____ Attorney

BEST, BEST & KRIEGER

By _____ for Western Municipal Water District of Riverside County

JOHN WOODHEAD, City Attorney
LELAND J. THOMPSON, JR.

By _____ for City of Riverside, for itself and as successor in interest to Gage Canal Company

CLAYSON, STARK, ROTHROCK & MANN

By _____ for Agua Mansa Water Company and Meeks & Daley Water Company

REDWINE & SHERRILL

By _____ for Riverside Highland Water Company

THOMAS J. CUNNINGHAM
JOHN P. SPARROW
ROBERT C. FIELD

By _____ for The Regents of the University of California

COR UWMP 09/16/2005

JUDGMENT

FILED
RIVERSIDE COUNTY

APR 17 1969

DONALD D. SULLIVAN, Clerk
By _____ Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE

WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY, a municipal water district; CITY OF RIVERSIDE, a municipal corporation; THE GAGE CANAL COMPANY, a corporation; AGUA MANSA WATER COMPANY, a corporation, MEEKS & DALEY WATER COMPANY, a corporation; RIVERSIDE HIGHLAND WATER COMPANY, a corporation, and THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, Plaintiffs, -vs- (A) EAST SAN BERNARDINO COUNTY WATER DISTRICT, et al., Defendants	No. 784726 JUDGMENT

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APPENDIX A -- Map showing San Bernardino Basin Area, Colton Basin Area, and Riverside Basin Area situated within San Bernardino County; Riverside Basin Area within Riverside County; Bunker Hill Dike; Riverside Narrows; and

Boundaries of San Bernardino Valley Municipal Water District & Western Municipal Water District of Riverside County

APPENDIX B -- Extractions by Plaintiffs from San Bernardino Basin Area.

APPENDIX C -- Exports for Use on Lands not Tributary to Riverside Narrows

APPENDIX D -- Miscellaneous Data

RECITALS

(a) Complaint. The complaint in this action was filed by certain parties exporting water from the area defined herein as the San Bernardino Basin Area for use within Western, and sought a general adjudication of water rights.

(b) Orange County Water District Action. Subsequently the Orange County Water District filed an action for the adjudication of the water rights of substantially all water users in the area tributary to Prado Dam in the Santa Ana River Watershed. A decree of physical solution has been entered in such action whereby individual water users were dismissed, and San Bernardino Valley and Western assumed responsibility for the deliveries of certain flows at Riverside Narrows and Prado respectively.

(c) Physical Solution. The Judgment herein will further implement the physical solution in the Orange County Water District action, as well as determine the rights of the hereinafter named Plaintiffs to extract water from the San Bernardino Basin Area, and provide for replenishment of the area above Riverside Narrows. Such Judgment is fair and equitable, in the best interests of the parties, and in furtherance of the water policy of the State. San Bernardino Valley has the statutory power and resources to effectuate this Judgment and accordingly the other defendants may be dismissed.

(d) Stipulation. The parties named herein through their respective counsel have proposed and filed a written stipulation agreeing to the making and entry of this Judgment. By reason of such stipulation, and good cause appearing

therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

I

ACTIVE PARTIES

(a) The parties to this Judgment are as follows:

(1) Plaintiff Western Municipal Water District of Riverside County, a California municipal water district, herein often called "Western", appearing and acting pursuant to Section 71751 of the Water Code;

(2) Plaintiff City of Riverside, a municipal corporation;

(3) Plaintiffs Riverside Highland Water Company, Agua Mansa Water Company and Meeks & Daley Water Company, each of which is a mutual water company and a California corporation;

(4) Plaintiff The Regents of the University of California, a California public corporation;

(5) Defendant San Bernardino Valley Municipal Water District, a California municipal water district, herein often called "San Bernardino Valley", appearing and acting pursuant to Section 71751 of the Water Code;

(b) This Judgment shall inure to the benefit of, and be binding upon, the successors and assigns of the parties.

II

DISMISSED PARTIES

All parties other than those named in the preceding Paragraph I are dismissed without prejudice.

III

PRIOR JUDGMENTS

(a) The Judgment dated and entered on May 13, 1959, in that certain action filed in the Superior Court of the State of California in and for the County of San Bernardino, entitled and numbered "San Bernardino Valley Water Conservation District, a State Agency, Plaintiff v. Riverside Water Company, a corporation, et al., Defendants", No. 97031, is superseded effective January 1, 1971, and for so long as this Judgment remains in effect as to any party hereto that was a party to that action, and as to any party hereto that is a successor in interest to the rights determined in that action.

(b) The Judgment dated June 23, 1965, and entered on April 21, 1966, in that certain action filed in the Superior Court of the State of California in and for the County of San Bernardino entitled and numbered "San Bernardino Valley Water Conservation District, a State Agency, Plaintiff, v. Riverside Water Company, a corporation, et al., Defendants," No. 111614, is superseded effective January 1, 1971, and for so long as this Judgment remains in effect as to any party hereto that was a party to that action, and as to any party hereto that is a successor in interest to any rights determined in that action.

(c) As used in this Paragraph III only, "party" includes any person or entity which stipulates with the parties hereto to accept this Judgment.

IV

DEFINITIONS

The following ground water basins and tributary areas are situated within the Santa Ana River watershed upstream from Riverside Narrows and are tributary thereto, and their approximate locations and boundaries for purposes of this Judgment are shown upon the map attached hereto as Appendix "A"; San Bernardino Basin Area (the area above Bunker Hill Dike, but excluding certain mountainous regions and the Yucaipa, San Timoteo, Oak Glen and Beaumont Basins); Colton Basin Area, Riverside Basin Area within San Bernardino County, and Riverside Basin Area within Riverside County.

As used herein the following terms shall have the meanings herein set forth:

(a) Bunker Hill Dike - The San Jacinto Fault, located approximately as shown on Appendix "A", and forming the principal downstream boundary of the San Bernardino Basin Area.

(b) Riverside Narrows - That bedrock narrows in the Santa Ana River indicated on Appendix "A".

(c) Extractions - Any form of the verb or noun shall include pumping, diverting, taking or withdrawing water, either surface or subsurface, by any means whatsoever, except extractions for hydroelectric generation to the extent that such flows are returned to the stream, and except for diversions for replenishment.

(d) Natural Precipitation - Precipitation which falls naturally in the Santa Ana River watershed.

(e) Imported Water - Water brought into the Santa Ana River watershed from sources of origin outside such watershed.

(f) Replenishment - Artificial recharge of the ground water body achieved through the spreading or retention of water for the purpose of causing it to percolate and join the underlying ground water body, or injection of water into the ground water resources by means of wells; provided that as used with reference to any obligation of Western to replenish the Riverside Basin Area in Riverside County, the term replenishment shall include any water caused to be delivered by Western for which credit is received by San Bernardino Valley against its obligation under the Orange County Judgment to provide base flow at Riverside Narrows.

(g) Safe Yield - Safe yield is that maximum average annual amount of water that could be extracted from the surface and subsurface water resources of an area over a period of time sufficiently long to represent or approximate long-time mean climatological conditions, with a given areal pattern of extractions, under a particular set of physical conditions or structures as such affect the net recharge to the ground water body, and with a given amount of usable underground storage capacity, without resulting in long-term, progressive lowering of ground water levels or other undesirable result. In determining the operational criteria to avoid such adverse results, consideration shall be given to maintenance of adequate ground water quality, subsurface outflow, costs of pumping, and other relevant factors.

The amount of safe yield is dependent in part upon the amount of water which can be stored in and used from the ground water reservoir over a period of normal water supply under a given set of conditions. Safe yield is thus related to factors which influence or control ground water recharge, and

to the amount of storage space available to carry over recharge occurring in years of above average supply to years of deficient supply. Recharge, in turn, depends on the available surface water supply and the factors influencing the percolation of that supply to the water table.

Safe yield shall be determined in part through the evaluation of the average net groundwater recharge which would occur if the culture of the safe yield year had existed over a period of normal native supply.

(h) Natural Safe Yield - That portion of the safe yield of the San Bernardino Basin Area which could be derived solely from natural precipitation in the absence of imported water and the return flows therefrom, and without contributions from new conservation. If in the future any natural runoff tributary to the San Bernardino Basin Area is diverted away from that Basin Area so that it is not included in the calculation of natural safe yield, any replacement made thereof by San Bernardino Valley or entities within it from imported water shall be included in such calculation.

(i) New Conservation - Any increase in replenishment from natural precipitation which results from operation of works and facilities not now in existence, other than those works installed and operations which may be initiated to offset losses caused by increased flood control channelization.

(j) Year - A calendar year from January 1 through December 31. The term "annual" shall refer to the same period of time.

(k) Orange County Judgment - The final judgment in Orange County Water District v. City of Chino, et al., Orange County Superior Court No. 117628, as it may from time to

time be modified.

(l) Return Flow - That portion of the water applied for use in any particular ground water basin which subsequently reaches the ground water body in that basin.

(m) Five Year Period - a period of five consecutive years.

V

EXTRACTIONS FROM THE SAN BERNARDINO BASIN AREA

(a) For Use by Plaintiffs. The average annual extractions from the San Bernardino Basin Area delivered for use in each service area by each Plaintiff for the five year period ending with 1963 are hereby determined to be as set forth in Table B-1 of Appendix "B". The amount for each such Plaintiff delivered for use in each service area as set forth in Table B-1 shall be designated, for purposes of this Judgment, as its "base right" for such service area.

(b) For Use by Others. The total actual average annual extractions from the San Bernardino Basin Area by entities other than Plaintiffs for use within San Bernardino County for the five year period ending with 1963 are assumed to be 165,407 acre feet; the correct figure shall be determined by the Watermaster as herein provided.

VI

SAN BERNARDINO BASIN AREA RIGHTS AND REPLENISHMENT

(a) Determination of Natural Safe Yield. The natural safe yield of the San Bernardino Basin Area shall be computed by the Watermaster, reported to and determined initially by supplemental order of this Court, and thereafter

shall be subject to the continuing jurisdiction thereof.

(b) Annual Adjusted Rights of Plaintiffs.

1. The annual "adjusted right" of each Plaintiff to extract water from the San Bernardino Basin Area for use in each service area designated in Table B-1 shall be equal to the sum of the following:

(a) its base right for such service area, until the natural safe yield of the San Bernardino Basin Area is determined, and thereafter its percentage of such natural safe yield determined by the methods used in Table B-2; and (b) an equal percentage for each service area of any new conservation, provided the conditions of the subparagraph 2 below have been met.

2. In order that the annual adjusted right of each such Plaintiff shall include its same respective percentage of any new conservation, such Plaintiff shall pay its proportionate share of the costs thereof. Each Plaintiff shall have the right to participate in new conservation projects, under procedures to be determined by the Watermaster for notice to Plaintiffs of the planned construction of such projects. With respect to any new conservation brought about by Federal installations, the term "costs" as used herein shall refer to any local share required to be paid in connection with such project. Each Plaintiff shall make its payment at times satisfactory to the constructing agency, and new conservation shall be credited to any participating Plaintiff as such conservation is effected.

3. In any five year period, each Plaintiff shall have the right to extract from the San Bernardino Basin Area for use in each service area designated in Table B-1 an amount of water equal to five times its adjusted right for such service area; provided, however, that extractions by each Plaintiff in any year in any service area shall not exceed such Plaintiff's adjusted right for that service area by more than 30 percent.

4. If the natural safe yield of the San Bernardino Basin Area has not been determined by January 1, 1972, the initial determination thereof shall be retroactive to that date and the rights of the Plaintiffs, and the replenishment obligation of San Bernardino Valley as hereinafter set forth, shall be adjusted as of such date. Any excess extractions by Plaintiffs shall be charged against their respective adjusted rights over the next five year period, or in the alternative, Plaintiffs may pay to San Bernardino Valley the full cost of any replenishment which it has provided as replenishment for such excess extractions. Any obligation upon San Bernardino Valley to provide additional replenishment, by virtue of such retroactive determination of natural safe yield, may also be discharged over such next five year period.

5. Plaintiffs and each of them and their agents and assigns are enjoined from extracting any more water from the San Bernardino Basin Area than is permitted under this Judgment. Changes in place

of use of any such water from one service area to another shall not be made without the prior approval of Court upon a finding of compliance with Paragraph XV(b) of this Judgment. So long as San Bernardino Valley is in compliance with all its obligations hereunder, and Plaintiffs are allowed to extract the water provided for in this Judgment, Plaintiffs are further enjoined from bringing any action to limit the water extracted from the San Bernardino Basin Area for use within San Bernardino Valley.

6. Nothing in this Judgment shall prevent future agreements between San Bernardino Valley and Western under which additional extractions may be made from the San Bernardino Basin Area, subject to the availability of imported water not required by San Bernardino Valley, and subject to payment satisfactory to San Bernardino Valley for replenishment required to compensate for such additional extractions.

(c) San Bernardino Valley Replenishment. San Bernardino Valley shall provide imported water for replenishment of the San Bernardino Basin Area at least equal to the amount by which extractions therefrom for use within San Bernardino County exceed during any five year period the sum of: (a) five times the total average annual extractions determined under Paragraph V(b) hereof, adjusted as may be required by the natural safe yield of the San Bernardino Basin Area; and (b) any new conservation to which users within San Bernardino Valley are entitled. Such replenishment shall be

supplied in the year following any five year period; provided that during the first five year period, San Bernardino Valley shall supply annual amounts on account of its obligations hereunder, and such amounts shall be not less than fifty percent of the gross amount of excess extractions in the previous year.

1. Against its replenishment obligation over any five year period San Bernardino Valley shall receive credit for that portion of such excess extractions that returns to the ground water of the San Bernardino Basin Area.

2. San Bernardino Valley shall also receive credit against any future replenishment obligations for all replenishment which it provides in excess of that required herein, and for any amounts which may be extracted without replenishment obligation, which in fact are not extracted.

(d) In this subparagraph (d), "person" and "entity" mean only those persons and entities, and their successors in interest, which have stipulated with the parties to this Judgment within six months after its entry to accept this Judgment.

San Bernardino Valley agrees that the base rights of persons or entities other than Plaintiffs to extract water from the San Bernardino Basin Area for use within San Bernardino Valley will be determined by the average annual quantity extracted by such person or entity during the five year period ending with 1963. After the natural safe yield of the San Bernardino Basin Area is determined hereunder, such

base rights will be adjusted to such natural safe yield; the adjusted right of each such person or entity shall be that percentage of natural safe yield as determined hereunder from time to time which the unadjusted right of such person or entity is of the amount determined under Paragraph V(b).

San Bernardino Valley further agrees that in the event the right to extract water of any of such persons or entities in the San Bernardino Basin Area is adjudicated and legal restrictions placed on such extractions which prevent extracting of water by said persons or entities in an amount equal to their base rights, or after natural safe yield is determined, their adjusted rights, San Bernardino Valley will furnish to such persons or entities or recharge the ground water resources in the area of extraction for their benefit with imported water, without direct charge to such persons or entities therefor, so that the base rights, or adjusted rights, as the case may be, may be taken by the person or entity.

Under the provisions hereof relating to furnishing of such water by San Bernardino Valley, such persons or entities shall be entitled to extract in addition to their base rights or adjusted rights any quantities of water spread for repumping in their area of extractions, which has been delivered to them by a mutual water company under base rights or adjusted base rights included by the Watermaster under the provisions of Paragraph V (b) hereof. Extractions must be made within three years of spreading to so qualify.

VII

WATER DISCHARGED ACROSS THE BUNKER HILL DIKE

San Bernardino Valley shall keep in force an agreement with the City of San Bernardino that the present annual quantity of municipal sewage effluent discharged across Bunker Hill Dike, assumed for all purposes herein to be 16,000 acre feet annually, shall be committed to the discharge of the downstream obligations imposed on San Bernardino Valley under this Judgment or under the Orange County Judgment, and that such effluent shall comply with the requirements of the Santa Ana River Basin Regional Water Quality Control Board in effect December 31, 1968.

VIII

EXTRACTIONS FROM COLTON BASIN AREA AND RIVERSIDE BASIN AREA IN SAN BERNARDINO COUNTY.

(a) The average annual extractions from the Colton Basin Area and that portion of the Riverside Basin Area within San Bernardino County, for use outside San Bernardino Valley, for the five year period ending with 1963 are assumed to be 3,349 acre feet and 20,191 acre feet, respectively; the correct figures shall be determined by the Watermaster as herein provided.

(b) Over any five year period, there may be extracted from each such Basin Area for use outside San Bernardino Valley, without replenishment obligation, an amount equal to five times such annual average for the Basin Area; provided, however, that if extractions in any year exceed such average by more than 20 percent, Western shall provide replenishment in the following year equal to the excess

extractions over such 20 percent peaking allowance.

(c) To the extent that extractions from each such Basin Area for use outside San Bernardino Valley exceed the amounts specified in the next preceding Paragraph (b), Western shall provide replenishment. Except for any extractions in excess of the 20 percent peaking allowance, such replenishment shall be supplied in the year following any five year period, and shall not be from reclaimed water produced within San Bernardino Valley. Such replenishment shall also be of a quality at least equal to the water extracted from the Basin Area being recharged; provided, that water from the State Water Project shall be deemed to be of acceptable quality. Replenishment shall be supplied to the Basin Area from which any excess extractions have occurred and in the vicinity of the place of the excess extractions to the extent required to preclude influence on the water level in the three wells below designated; provided that discharge of imported water into the Santa Ana River or Warm Creek from a connection on the State Aqueduct near the confluence thereof, if released in accordance with a schedule approved by the Watermaster to achieve compliance with the objectives of this Judgment, shall satisfy any obligation of Western to provide replenishment in the Colton Basin Area, or that portion of the Riverside Basin Area in San Bernardino County, or the Riverside Basin Area in Riverside County.

(d) Extractions from the Colton Basin Area and that portion of the Riverside Basin Area within San Bernardino County, for use within San Bernardino Valley, shall not be limited. However, except for any required replenishment by Western, San Bernardino Valley shall provide the water to maintain the static water levels in the area, as determined by wells numbered

1S 4W 21 Q3, 1S 4W 29 H1, and 1S 4W 29 Q1 at an average level no lower than that which existed in the Fall season of 1963. Such 1963 average water level is hereby determined to be 822.04 feet above sea level. In future years, the level shall be computed by averaging the lowest static water levels in each of the three wells occurring at or about the same time of the year, provided that no measurements will be used which reflect the undue influence of pumping in nearby wells, or in the three wells, or pumping from the Riverside Basin in Riverside County in excess of that determined pursuant to Paragraph IX(a) hereof.

(e) Extractions by Plaintiffs from the Colton Basin Area and the portion of the Riverside Basin Area in San Bernardino County may be transferred to the San Bernardino Basin Area if the level specified in Paragraph (d) above is not maintained, but only to the extent necessary to restore such 1963 average water level, provided that Western is not in default in any of its replenishment obligations. San Bernardino Valley shall be required to replenish the San Bernardino Basin Area in an amount equal to any extractions so transferred. San Bernardino Valley shall be relieved of responsibility toward the maintenance of such 1963 average water level to the extent that Plaintiffs have physical facilities available to accommodate such transfers of extractions, and insofar as such transfers can be legally accomplished.

(f) The Colton Basin Area and the portion of the Riverside Basin Area in San Bernardino County constitute a major source of water supply for lands and inhabitants in both San Bernardino Valley and Western, and the parties hereto have a mutual interest in the maintenance of water quality in these Basin Areas and in the preservation of such supply. If

the water quality in such Areas, as monitored by the City of Riverside wells along the river, falls below the Objectives set therefor by the Santa Ana River Basin Regional Water Quality Control Board, the Court shall have jurisdiction to modify the obligations of San Bernardino Valley to include, in addition to its obligation to maintain the average 1963 water level, reasonable provisions for the maintenance of such water quality.

(g) The primary objectives of Paragraph VIII and related provisions are to allow maximum flexibility to San Bernardino Valley in the operation of a coordinated replenishment and management program, both above and below Bunker Hill Dike; to protect San Bernardino Valley against increased extractions in the area between Bunker Hill Dike and Riverside Narrows, which without adequate provision for replenishment might adversely affect base flow at Riverside Narrows, for which it is responsible under the Orange County Judgment; and to protect the area as a major source of ground water supply available to satisfy the historic extractions therefrom for use within Western, without regard to the method of operation which may be adopted by San Bernardino Valley for the San Bernardino Basin Area, and without regard to the effect of such operation upon the historic supply to the area below Bunker Hill Dike.

If these provisions should prove either inequitable or unworkable, the Court upon the application of any party hereto shall retain jurisdiction to modify this Judgment so as to regulate the area between Bunker Hill Dike and Riverside Narrows on a safe yield basis; provided that under such method of operation, (1) base rights shall be determined on the basis of total average annual extractions for use within San Bernardino Valley and Western, respectively, for the five year period ending

with 1963; (2) such base rights for use in both Districts shall be subject to whatever adjustment may be required by the safe yield of the area, and in the aggregate shall not be exceeded unless replenishment therefor is provided; (3) in calculating safe yield, the outflow from the area at Riverside Narrows shall be determined insofar as practical by the base flow obligations imposed on San Bernardino Valley under the Orange County Judgment; and (4) San Bernardino Valley shall be required to provide replenishment for any deficiency between the actual outflow and the outflow obligation across Bunker Hill Dike as established by safe yield analysis using the base period of 1934 through 1960.

IX

EXTRACTIONS FROM THE PORTION OF RIVERSIDE BASIN AREA IN RIVERSIDE COUNTY WHICH IS TRIBUTARY TO RIVERSIDE NARROWS.

(a) The average annual extractions from the portion of the Riverside Basin Area in Riverside County which is tributary to Riverside Narrows, for use in Riverside County, for the five year period ending with 1963 are assumed to be 30,044 acre feet; the correct figures shall be determined by the Watermaster as herein provided.

(b) Over any five year period, there may be extracted from such Basin Area, without replenishment obligation, an amount equal to five times such annual average for the Basin Area; provided, however, that if extractions in any year exceed such average by more than 20 percent, Western shall provide replenishment in the following year equal to the excess extractions over such 20 percent peaking allowance.

(c) To the extent that extractions from such Basin Area exceed the amounts specified in the next preceding

Paragraph (b), Western shall provide replenishment. Except for any extractions in excess of the 20 percent peaking allowance, such replenishment shall be supplied in the year following any five year period, and shall be provided at or above Riverside Narrows.

(d) Western shall also provide such replenishment to offset any reduction in return flow now contributing to the base flow at Riverside Narrows, which reduction in return flow results from the conversion of agricultural uses of water within Western to domestic or other uses connected to sewage or waste disposal systems, the effluent from which is not tributary to the rising water at Riverside Narrows.

X

REPLENISHMENT TO OFFSET NEW EXPORTS OF WATER TO AREAS NOT TRIBUTARY TO RIVERSIDE NARROWS.

Certain average annual amounts of water extracted from the San Bernardino Basin Area and the area downstream therefrom to Riverside Narrows during the five year period ending in 1963 have been exported for use outside of the area tributary to Riverside Narrows and are assumed to be 50,667 acre feet annually as set forth in Table C-1 of Appendix "C"; the correct amount shall be determined by the Watermaster as herein provided. Western shall be obligated to provide replenishment at or above Riverside Narrows for any increase over such exports by Western or entities within it from such areas for use within areas not tributary to Riverside Narrows. San Bernardino Valley shall be obligated to provide replenishment for any increase over the exports from San Bernardino Valley for use in any area not within Western nor tributary to Riverside Narrows as set forth in Table C-2 of

Appendix "C", such amounts being subject to correction by the Watermaster, or for any exports from the San Bernardino Basin Area for use in the Yucaipa, San Timoteo, Oak Glen and Beaumont Basins.

XI

REPLENISHMENT CREDITS AND ADJUSTMENT FOR QUALITY

(a) All replenishment provided by Western under Paragraph IX and all credits received against such replenishment obligation shall be subject to the same adjustments for water quality applicable to base flow at Riverside Narrows, as set forth in the Orange County Judgment.

(b) Western shall receive credit against its replenishment obligations incurred under this Judgment for the following:

1. As against its replenishment obligation under Paragraph VIII, any return flow to the Colton Basin Area or the portion of the Riverside Basin Area within San Bernardino County, respectively, resulting from any excess extractions therefrom; and as against its replenishment obligation under Paragraph IX, any return flow to the portion of the Riverside Basin Area in Riverside County, which contributes to the base flow at Riverside Narrows, resulting from any excess extractions therefrom, or from the Riverside Basin Area in San Bernardino County, or from the Colton Basin Area.

2. Subject to adjustment under Paragraph (a) hereof, any increase over the present amounts of sewage effluent discharged from

treatment plants within Riverside County which are tributary to Riverside Narrows, and which results from the use of imported water.

3. Any replenishment which may be provided in excess of that required; any amounts which hereunder are allowed to be extracted from the Colton and Riverside Basin Areas without replenishment obligation by Western, and which in fact are not extracted; any storm flows conserved between Bunker Hill Dike and Riverside Narrows by works financed solely by Western, or entities within it, which would not otherwise contribute to base flow at Riverside Narrows; and any return flow from imported water used in Riverside County which contributes to base flow at Riverside Narrows; provided, however, that such use of the underground storage capacity in each of the above situations does not adversely affect San Bernardino Valley in the discharge of its obligations at Riverside Narrows under the Orange County Judgment, nor interfere with the accomplishment by San Bernardino Valley of the primary objectives of Paragraph VIII, as stated in Subdivision (g).

(c) The replenishment obligations of Western under this Judgment shall not apply during such times as amounts of base flow at Riverside Narrows and the amounts of water stored in the ground water resources below Bunker Hill Dike and tributary to the maintenance of such flow are found by Order of the Court to be sufficient to satisfy any obligation which San Bernardino Valley may have under this Judgment, or under the

Orange County Judgment, and if the Court further finds by Order that during such times any such increase in pumping, changes in use or exports would not adversely affect San Bernardino Valley in the future.

(d) The replenishment obligations of San Bernardino Valley under Paragraph X of this Judgment for increase in exports from the Colton and Riverside Basin Areas within San Bernardino Valley below the Bunker Hill Dike shall not apply during such times as the amounts of water in the ground water resources of such area are found by Order of the Court to be sufficient to satisfy the obligations which San Bernardino Valley may have to Plaintiffs under this Judgment, and if the Court further finds by Order that during such times any such increases in exports would not adversely affect Plaintiffs in the future.

XII

CONVEYANCE OF WATER BY SAN BERNARDINO VALLEY TO RIVERSIDE NARROWS.

If San Bernardino Valley determines that it will convey reclaimed sewage effluent, or other water, to or near Riverside Narrows, to meet its obligations under this or the Orange County Judgment, the City of Riverside shall make available to San Bernardino Valley for that purpose any unused capacity in the former Riverside Water Company canal, and the Washington and Monroe Street storm drains, without cost except for any alterations or capital improvements which may be required, or any additional maintenance and operation costs which may result. The use of those facilities shall be subject to the requirements of the Santa Ana River Basin Regional Water Quality Control Board and of the State Health Department, and compliance

therewith shall be San Bernardino Valley's responsibility.

XIII

WATERMASTER

(a) This Judgment and the instructions and subsequent orders of this Court shall be administered and enforced by a Watermaster. The parties hereto shall make such measurements and furnish such information as the Watermaster may reasonably require, and the Watermaster may verify such measurements and information and obtain additional measurements and information as the Watermaster may deem appropriate.

(b) The Watermaster shall consist of a committee of two persons. San Bernardino Valley and Western shall each have the right to nominate one of such persons. Each such nomination shall be made in writing, served upon the other parties to this Judgment, and filed in Court. Such person shall be appointed by and serve at the pleasure of and until further order of this Court. If either Western or San Bernardino Valley shall at any time nominate a substitute appointee in place of the last appointee to represent it, such appointee shall be appointed by the Court in place of such last appointee.

(c) Appendix "D" to this Judgment contains some of the data which have been used in preparation of this Judgment, and shall be utilized by the Watermaster in connection with any questions of interpretation.

(d) Each and every finding and determination of the Watermaster shall be made in writing certified to be by unanimous action of both members of the Watermaster committee. In the event of failure or inability of such Watermaster Committee to reach agreement, the Watermaster committee may determine to submit the dispute to a third person to be selected

by them, or if they are unable to agree on a selection, to be selected by the Court, in which case the decision of the third person shall be binding on the parties; otherwise the fact, issue, or determination in question shall forthwith be certified to this Court by the Watermaster, and after due notice to the parties and opportunity for hearing, said matter shall be determined by order of this Court, which may refer the matter for prior recommendation to the State Water Resources Control Board. Such order of the Court shall be a determination by the Watermaster within the meaning of this Judgment.

(e) The Watermaster shall report to the Court and to each party hereto in writing not more than seven (7) months after the end of each year, or within such other time as the Court may fix, on each determination made by it pursuant to this Judgment, and such other items as the parties may mutually request or the Watermaster may deem to be appropriate. All of the books and records of the Watermaster which are used in the preparation of, or are relevant to, such reported data, determinations and reports shall be open to inspection by the parties hereto. At the request of any party this Court will establish a procedure for the filing and hearing of objections to the Watermaster's report.

(f) The fees, compensation and expenses of each person on the Watermaster shall be borne by the District which nominated such person. All other Watermaster service costs and expenses shall be borne by San Bernardino Valley and Western equally.

(g) The Watermaster shall initially compute and report to the Court the natural safe yield of the San Bernardino Basin Area, said computation to be based upon the cultural

conditions equivalent to those existing during the five calendar year period ending with 1963.

(h) The Watermaster shall as soon as practical determine the correct figures for Paragraphs V(b), VI(b)1, VIII(a), IX(a) and X, as the basis for an appropriate supplemental order of this Court.

XIV

CONTINUING JURISDICTION OF THE COURT

(a) The Court hereby reserves continuing jurisdiction of the subject matter and parties to this Judgment, and upon application of any party, or upon its own motion, may review and redetermine, among other things, the following matters and any matters incident thereto:

1. The hydrologic condition of any one or all of the separate basins described in this Judgment in order to determine from time to time the safe yield of the San Bernardino Basin Area.

2. The desirability of appointing a different Watermaster or a permanent neutral member of the Watermaster, or of changing or more clearly defining the duties of the Watermaster.

3. The desirability of providing for increases or decreases in the extraction of any particular party because of emergency requirements or in order that such party may secure its proportionate share of its rights as determined herein.

4. The adjusted rights of the Plaintiffs as required to comply with the provisions hereof with respect to changes in the natural safe yield of the San Bernardino Basin

Area. If such changes occur, the Court shall adjudge that the adjusted rights and replenishment obligations of each party shall be changed proportionately to the respective base rights.

5. Conforming the obligations of San Bernardino Valley under this Judgment to the terms of any new judgment hereafter entered adjudicating the water rights within San Bernardino Valley, if inconsistencies of the two judgments impose hardship on San Bernardino Valley.

6. Adjusting the figures in Paragraphs V(b), VI(b) 1, VIII(a) IX(a), and X, to conform to determination by the Watermaster.

7. Credit allowed for return flow in the San Bernardino Basin Area if water levels therein drop to the point of causing undue hardship upon any party.

8. Other matters not herein specifically set forth which might occur in the future and which would be of benefit to the parties in the utilization of the surface and ground water supply described in this Judgment, and not inconsistent with the respective rights of the parties as herein established and determined.

(b) Any party may apply to the Court under its continuing jurisdiction for any appropriate modification of this Judgment if its presently available sources of imported water are exhausted and it is unable to obtain additional supplies of imported water at a reasonable cost, or if there is any substantial delay in the delivery of imported water through the State Water Project.

XV

SAVING CLAUSES

(a) Nothing in this Judgment precludes San Bernardino Valley, Western, or any other party from exercising such rights as it may have or obtain under law to spread, store underground and recapture imported water, provided that any such use of the underground storage capacity of the San Bernardino Basin Area by Western or any entity within it shall not interfere with any replenishment program of the Basin Area.

(b) Changes in the place and kind of water use, and in the transfer of rights to the use of water, may be made in the absence of injury to others or prejudice to the obligations of either San Bernardino Valley or Western under Judgment or the Orange County Judgment.

(c) If any Plaintiff shall desire to transfer all or any of its water rights to extract water within San Bernardino Valley to a person, firm, or corporation, public or private, who or which is not then bound by this Judgment, such Plaintiff shall as a condition to being discharged as hereinafter provided cause such transferee to appear in this action and file a valid and effective express assumption of the obligations imposed upon such Plaintiff under this Judgment as to such transferred water rights. Such appearance and assumption of obligation shall include the filing of a designation of the address to which shall be mailed all notices, requests, objections, reports and other papers permitted or required by the terms of this Judgment.

If any Plaintiff shall have transferred all of its said water rights and each transferee not theretofore bound by this Judgment as a Plaintiff shall have appeared in this action

and filed a valid and effective express assumption of the obligations imposed upon such Plaintiff under this Judgment as to such transferred water rights, such transferring Plaintiff shall thereupon be discharged from all obligations hereunder. If any Plaintiff shall cease to own any rights in and to the water supply declared herein and shall have caused the appearance and assumption provided for in the third preceding sentence with respect to each voluntary transfer, then upon application to this Court and after notice and hearing such Plaintiff shall thereupon be relieved and discharged from all further obligations hereunder. Any such discharge of any Plaintiff hereunder shall not impair the aggregate rights of defendant San Bernardino Valley or the responsibility hereunder of the remaining Plaintiffs or any of the successors.

(d) Non-use of any right to take water as provided herein shall not result in any loss of the right. San Bernardino Valley does not guarantee any of the rights set out herein for Western and the other Plaintiffs as against the claims of third parties not bound hereby. If Western or the other Plaintiffs herein should be prevented by acts of third parties within San Bernardino County from extracting the amounts of water allowed them by this Judgment, they shall have the right to apply to this Court for any appropriate relief, including vacation of this Judgment, in which latter case all parties shall be restored to their status prior to this Judgment insofar as possible.

(e) Any replenishment obligation imposed hereunder on San Bernardino Valley may be deferred until imported water first is available to San Bernardino Valley under its contract with the California Department of Water Resources and the

obligation so accumulated may be discharged in five approximately equal annual installments thereafter.

(f) No agreement has been reached concerning the method by which the cost of providing replenishment will be financed, and no provision of this Judgment, nor its failure to contain any provision, shall be construed to reflect any agreement relating to the taxation or assessment of extractions.

XVI

EFFECTIVE DATE

The provisions of Paragraphs III and V to XII of this Judgment shall be in effect from and after January 1, 1971; the remaining provisions are in effect immediately.

XVII

COSTS

No party shall recover its costs herein as against any other party.

THE CLERK WILL ENTER THIS JUDGMENT FORTHWITH.

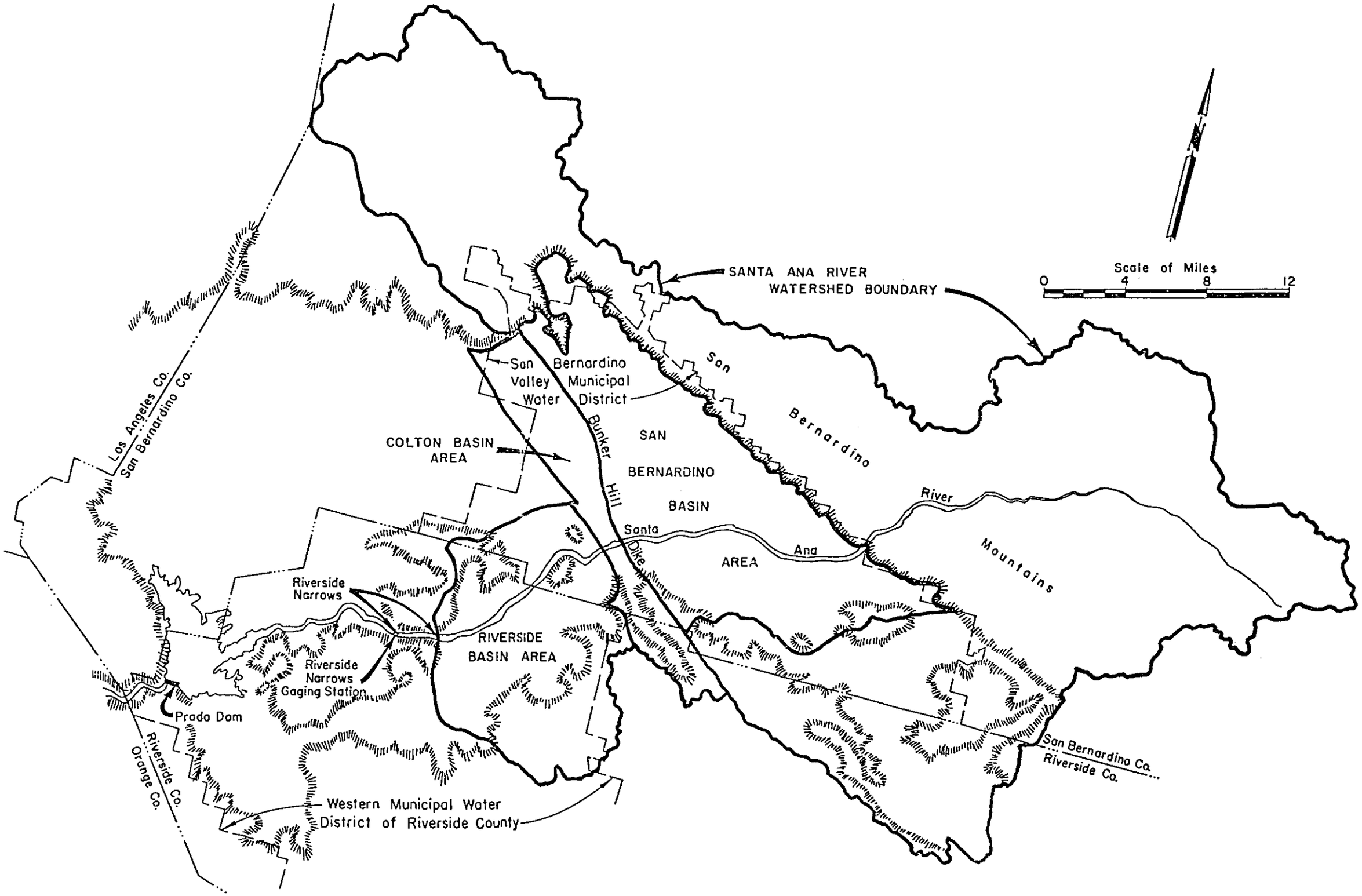
DATED: April 17, 1969

ENTERED

APR 17 1969

JUDGE OF THE SUPERIOR COURT

JUDGMENT BOOK 124 PG 42



MAP SHOWING

SAN BERNARDINO BASIN AREA, COLTON BASIN AREA, AND RIVERSIDE BASIN AREA SITUATED WITHIN SAN BERNARDINO COUNTY; RIVERSIDE BASIN AREA WITHIN RIVERSIDE COUNTY; BUNKER HILL DIKE; RIVERSIDE NARROWS; AND BOUNDARIES OF SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT & WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY.

APPENDIX B
TABLE B-1

EXTRACTIONS BY PLAINTIFFS FROM THE SAN BERNARDINO BASIN AREA FOR AVERAGE OF 5-YEAR PERIOD ENDING WITH 1963

(All Values in Acre Feet)
Classified According to Service Area

Plaintiff	Total Extractions in San Bernardino Basin Area	Delivery to San Bernardino Basin Area	Delivery to Colton Basin Area & Riverside Basin Area in San Bernardino County	Delivery to Areas Outside San Bernardino Valley
City of Riverside (including those rights acquired as successor to the Riverside Water Company and The Gage Canal Company)	53,448	1462	1260	50,726
Riverside High-Land Water Company	4,399	0	2509	1,890
Agua Mansa Water Company, and Meeks & Daley Water Company	8,026	0	326	7,700
The Regents of the University of California	581	0	0	581
Total	66,454	1,462	4,095	60,897

APPENDIX B
TABLE B-2

PLAINTIFFS' PERCENTAGES OF BASE RIGHT TO TOTAL PRODUCTION FROM SAN BERNARDINO VALLEY BASIN AREA,
231,861 Acre Feet Annually,
For 5-Year Average Ending With 1963
Classified According to Service Area

Plaintiff	Delivery to San Bernardino Basin Area	Delivery to Colton Basin Area & Riverside Basin Area in San Bernardino County	Delivery to Areas Outside San Bernardino Valley
City of Riverside (including those rights acquired as successor to the Riverside Water Company and The Gage Canal Company)	.630	.543	21.878
Riverside Highland Water Company		1.082	0.815
Aqua Mansa Water Company, and Meeks & Daley Water Company		.141	3.321
The Regents of the University of California			0.250
Total	.630	1.766	26.264

APPENDIX C
TABLE C-1

EXTRACTIONS FOR USE WITHIN WESTERN
FROM
THE SAN BERNARDINO BASIN AREA, COLTON BASIN AREA,
AND THE RIVERSIDE BASIN AREA
FOR USE ON LANDS THAT ARE NOT TRIBUTARY
TO THE RIVERSIDE NARROWS FOR
AVERAGE OF FIVE-YEAR PERIOD ENDING IN 1963

Extractor	Five-Year Average Ac. Ft.
City of Riverside, including Irrigation Division water extracted by Gage Canal Co. and former Riverside Water Co.	30,657
Meeks & Daley Water Co., Agua Mansa Water Co., and Temescal Water Co., including water received from City of Riverside	13,731
Extractions delivered by West Riverside Canal received from Twin Buttes Water Co., La Sierra Water Co., Agua Mansa Water Co., Salazar Water Co., West Riverside 350" Water Co., and Jurupa Water Co.	5,712
Rubidoux Community Services District	531
Jurupa Hills Water Co.	36
TOTAL	50,667

APPENDIX C
TABLE C-2

EXTRACTIONS FOR USE WITHIN SAN BERNARDINO COUNTY
FROM
SAN BERNARDINO BASIN AREA AND COLTON BASIN AREA
FOR USE ON LANDS NOT TRIBUTARY TO
RIVERSIDE NARROWS FOR AVERAGE OF
FIVE-YEAR PERIOD ENDING WITH 1953

(ALL VALUES IN ACRE FEET)

Entity	San Bernardino Basin Area	Colton Basin Area	Total
Fontana Union Water Co.	14,272	365	14,637
West San Bernardino County Water District	2,961	947	3,908
City of Rialto			700
TOTAL			19,245

APPENDIX D
TABLE D-1

EXTRACTIONS FROM SAN BERNARDINO BASIN AREA
FOR THE AVERAGE OF FIVE-YEAR PERIOD ENDING WITH 1963
FOR USE WITHIN SAN BERNARDINO COUNTY

(ALL VALUES IN ACRE FEET)

Basin	Five Year Avg. 1959-63
Beaumont	10,064
Big Bear	1,171
Borea Canyon	91
Bunker Hill	181,600
City Creek	337
Cook Canyon	197
Devil Canyon	3,326
Devil Creek	42
Lower Cajon	2,090
Little San Creek	15
Lytle	29,364
Mill Creek	11,084
Oak Glen	935
Plunge Creek	1,265
Santa Ana	1,790
Strawberry Creek	291
San Timoteo	2,272
Waterman Canyon	367
Yucaipa	13,837
Upper Basin Total	260,139
Less: Beaumont	
Oak Glen	
San Timoteo	27,107
Yucaipa	
Subtotal	233,032
Less Big Bear	1,171
Subtotal	231,861
Less extractions for use outside San Bernardino County	60,897
Extractions from San Bernardino for use in San Bernardino County	170,964

APPENDIX D
TABLE D-2

EXTRACTIONS FROM
COLTON BASIN AREA FOR AVERAGE OF
FIVE-YEAR PERIOD ENDING WITH 1963
BY SAN BERNARDINO AND RIVERSIDE COUNTY ENTITIES
FOR USE WITHIN EACH COUNTY

(VALUES IN ACRE FEET)

Extractor	Place of Use		Total
	San Bernardino Co.	Riverside Co.	
San Bernardino County Entities	8,480	0	8,480
Riverside County Entities	147	3,349	3,496
TOTAL EXTRACTIONS	8,627	3,349	11,976

APPENDIX D
TABLE D-3

EXTRACTIONS FROM
RIVERSIDE BASIN AREA IN SAN BERNARDINO COUNTY
FOR AVERAGE FIVE-YEAR PERIOD ENDING WITH 1963
BY SAN BERNARDINO AND RIVERSIDE COUNTY ENTITIES
FOR USE WITHIN EACH COUNTY

(VALUES IN ACRE FEET)

Extractor	Place of Use		Total
	San Bernardino Co.	Riverside Co.	
San Bernardino County Entities	9,582	0	9,582
Riverside County Entities	3,929	20,191	24,120
TOTAL EXTRACTIONS	13,511	20,191	33,702

APPENDIX D
TABLE D-4

EXTRACTIONS FROM
SAN BERNARDINO BASIN AREA, COLTON BASIN AREA
AND RIVERSIDE BASIN AREA USED WITHIN
RIVERSIDE COUNTY FOR THE AVERAGE
FIVE-YEAR PERIOD ENDING WITH 1963

(ALL VALUES IN ACRE FEET)

Basin	Five-Year Average
San Bernardino Basin Area	60,897
Colton Basin Area	3,349
Riverside Basin Area in San Bernardino County	20,191
Riverside Basin Area in Riverside County	30,044
TOTAL	114,481

APPENDIX D
TABLE D-5

IRRIGATED ACREAGE IN RIVERSIDE BASIN AREA IN RIVERSIDE COUNTY PRESENTLY TRIBUTARY TO RIVERSIDE NARROWS WHICH UPON CONVERSION TO URBAN USES REQUIRING SEWAGE DISPOSAL THROUGH THE RIVERSIDE TREATMENT PLANT WILL BE DISCHARGED TO THE RIVER BELOW RIVERSIDE NARROWS

Entity Serving Acreage	Acres
Gage Canal	1,752
Alta Mesa Water Co.	65
East Riverside Water Co.	926
Riverside Highland Water Company	1,173
TOTAL	3,916