Appendix A

UWMP Checklist

Urban Water Management Plan Checklist (Table I-2, Organized by Legislation)

No.	UWMP Requirement [a]	Additional Clarification	Mojave Water Agency
1	Provide baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.		NA, Wholesale Agency
2	*Wholesalers:* Include an assessment of present and proposed future measures, programs, and policies to help achieve the water use reductions. *Retailers:* Conduct at least one public hearing that includes general discussion of the urban retail water supplier's implementation plan for complying with the Water Conservation Bill of 2009.	Retailer and wholesalers have slightly different requirements	7.3, 7.4
3	Report progress in meeting urban water use targets using the standardized form.	Standardized form not yet available	NA
4	Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.		1.3.1, 1.3.3, Table 1-1
5	An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.		1.3.4
6	Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days prior to the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.		1.3.3, notification letters in Appendix B.
7	The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).		1.3.2
8	Describe the service area of the supplier		1.4, Figure 1-1
9	(Describe the service area) climate		1.5, Table 1-4
10	(Describe the service area) current and projected population . . . The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier . . .	Provide the most recent population data possible. Use the method described in "Baseline Daily Per Capita Water Use." See Section M.	2.2, Table 2-1
11	. . . (population projections) shall be in five-year increments to 20 years or as far as data is available.	2035 and 2040 can also be provided to support consistency with SB610/221 documents.	Table 2-1
12	Describe . . . other demographic factors affecting the supplier's water management planning		1.7

Urban Water Management Plan Checklist (Table I-2, Organized by Legislation)

No.	UWMP Requirement [a]	Additional Clarification	Mojave Water Agency
13	Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a).	The 'existing' water sources should be for the same year as the "current population" in line 10. 2035 and 2040 can also be provided to support consistency with SB610/221 documents.	3.2, 3.3, 3.4, 3.6, Tables 3-1, 3-14
14	(Is) groundwater . . . identified as an existing or planned source of water available to the supplier . . .?	Source classifications are: surface water, groundwater, recycled water, storm water, desalinated seawater, brackish groundwater, and other.	3.4
15	(Provide a) copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management. Indicate whether a groundwater management plan been adopted by the water supplier or if there is any other specific authorization for groundwater management. Include a copy of the plan or authorization.		Appendix G, 3.4.2
16	(Provide a) description of any groundwater basin or basins from which the urban water supplier pumps groundwater.		3.4.1, 3.4.3, 3.4.4, Table 3-5, Figures 3-4, 3-5
17	For those basins for which a court or the board has adjudicated the rights to pump groundwater, (provide) a copy of the order or decree adopted by the court or the board		Appendix C, Appendix D
18	(Provide) a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree.		3.4.3.2, 3.4.4.1, Table 3-7
19	For basins that have not been adjudicated, (provide) information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.		3.4.4
20	(Provide a) detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.		2.3, 3.4.4.1, Tables 2-2, 3-9
21	(Provide a) detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.	Provide projections for 2015, 2020, 2025, and 2030.	3.4.4.1, Tables 3-6, 3-10
22	Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following: (A) An average water year, (B) A single dry water year, (C) Multiple dry water years.		3.4.3.2, Tables 3-7, 3-8
23	For any water source that may not be available at a consistent level of use - given specific legal, environmental, water quality, or climatic factors - describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.		3.4.5

Urban Water Management Plan Checklist (Table I-2, Organized by Legislation)

No.	UWMP Requirement [a]	Additional Clarification	Mojave Water Agency
24	Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.		3.5.1, 3.5.2
25	Quantify, to the extent records are available, past and current water use, and projected water use (over the same five-year increments described in subdivision (a)), identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses: (A) Single-family residential; (B) Multifamily; (C) Commercial; (D) Industrial; (E) Institutional and governmental; (F) Landscape; (G) Sales to other agencies; (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof;(I) Agricultural.	Consider "past" to be 2005, present to be 2010, and projected to be 2015, 2020, 2025, and 2030. Provide numbers for each category for each of these years.	2.3, 2.4, Tables 2-2 to 2-3, Figures 2-1 to 2-2
26	(Describe and provide a schedule of implementation for) each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following: (A) Water survey programs for single-family residential and multifamily residential customers; (B) Residential plumbing retrofit; (C) System water audits, leak detection, and repair; (D) Metering with commodity rates for all new connections and retrofit of existing connections; (E) Large landscape conservation programs and incentives; (F) High-efficiency washing machine rebate programs; (G) Public information programs; (H) School education programs; (I) Conservation programs for commercial, industrial, and institutional accounts; (J) Wholesale agency programs; (K) Conservation pricing; (L) Water conservation coordinator; (M) Water waste prohibition;(N) Residential ultra-low-flush toilet replacement programs.	Discuss each DMM, even if it is not currently or planned for implementation. Provide any appropriate schedules.	Chapter 7
27	A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.		NA
28	An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.		7.5, 7.6, Figures 7-1, 7-2
29	An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following: (1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors; (2) Include a cost-benefit analysis, identifying total benefits and total costs; (3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost; (4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.	See 10631(g) for additional wording.	7.2, Table 7-1
30	(Describe) all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.		3.6, Table 3-14
31	Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.		3.7

Urban Water Management Plan Checklist (Table I-2, Organized by Legislation)

No.	UWMP Requirement [a]	Additional Clarification	Mojave Water Agency
32	Include the annual reports submitted to meet the Section 6.2 requirement (of the MOU), if a member of the CUWCC and signer of the December 10, 2008 MOU.	Signers of the MOU that submit the annual reports are deemed compliant with Items 28 and 29.	Appendix I
33	Urban water suppliers that rely upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).	Average year, single dry year, multiple dry years for 2015, 2020, 2025, and 2030.	3.2, Table 3-3
34	The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.		NA
35	Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.		8.5
36	Provide an estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.		8.3, Table 8-1
37	(Identify) actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.		8.4
38	(Identify) additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.		8.5
39	(Specify) consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.		8.6
40	(Indicated) penalties or charges for excessive use, where applicable.		8.7
41	An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.		8.8
42	(Provide) a draft water shortage contingency resolution or ordinance.		8.9
43	(Indicate) a mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.		8.10
44	Provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area	4.3.2	Chapter 4
45	(Describe) the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.	4.3.2	4.3

Urban Water Management Plan Checklist (Table I-2, Organized by Legislation)

No.	UWMP Requirement [a]	Additional Clarification	Mojave Water Agency
46	(Describe) the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.		4.3.3, Table 4-8
47	(Describe) the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.		4.4.1, Table 4-9
48	(Describe and quantify) the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.		4.3.3, Table 4-8
49	(Describe) The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.		4.4.2, 4.4.3, 4.4.4, Tables 4-10 to 4-11
50	(Describe the) actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.		4.5
51	(Provide a) plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.		4.4.2
52	The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.	For years 2010, 2015, 2020, 2025, and 2030	Chapter 5
53	Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.		6.2, 6.3, 6.4, Tables 6-1 to 6-5, Figure 6-1
54	The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.		Appendix B
55	Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan.		1.3.1, 1.3.3, Table 1-1
56	Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area.		1.3.2, 1.3.3, Table 1-2, Appendix B
57	After the hearing, the plan shall be adopted as prepared or as modified after the hearing.		1.3.2, Table 1-2

Urban Water Management Plan Checklist (Table I-2, Organized by Legislation)

No.	UWMP Requirement [a]	Additional Clarification	Mojave Water Agency
58	An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.		1.3.2, Table 1-2
59	An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.		1.3.2
60	Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.		1.3.2

a) The UWMP Requirement descriptions are general summaries of what is provided in the legislation. Urban water suppliers should review the exact legislative wording prior to submitting its UWM

b) The Subject classification is provided for clarification only. It is aligned with the organization presented in Part 1 of this guidebook. A water supplier is free to address the UWMP Requirement any

Appendix B

Public Outreach Materials

Public Meeting Notice Documentation

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

March 3, 2010
10:00 a.m.

RETAIL WATER PURVEYORS
Please bring your UWMP and Water Conservation Staff to this meeting.

1. Call to Order
2. Pledge of Allegiance
3. Introductions of Attendees
4. Approval of Agenda

Pages 1-2

5. Consider Adoption of Committee Actions from February 3, 2010
6. Discuss Recently Adopted Mojave Water Agency Water Rates
7. Urban Water Management Plan (UWMP) Kickoff
8. Consider Regional UWMP vs. Mojave Water Agency Wholesale UWMP
9. Review Data Available and Data Needed from Retail Water Purveyors
10. Review Calculation of Senate Bill 7x-7 Water Conservation Requirements (Gallons per Capita per Day for a 10 Year Period)

Pages 3-4

11. Reconsider UWMP Schedule Due to New Information from Department of Water Resources
12. Adjournment – Next meeting tentatively scheduled for **April 7, 2010**

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.

A complete agenda packet is available through the Agency's website at:
www.mojavewater.org

Posted: February 22, 2010

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

April 7, 2010
10:00 a.m.

1. Call to Order

2. Pledge of Allegiance

3. Introductions of Attendees

4. Approval of Agenda

Pages 1-2

5. Consider Adoption of Committee Actions from March 3, 2010

6. Discuss Lahontan Regional Water Quality Control Board's Position on Graywater Systems

7. Discuss Regional Urban Water Management Plan vs. Mojave Water Agency Wholesale Urban Water Management Plan

8. Update on Data Collection and Deadlines for Data Needed from Retail Purveyors

9. Urban Water Management Plan Next Steps

Page 3

10. Other Business
    A. 2010 TAC Priority List

11. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.

A complete agenda packet is available through the Agency's website at:
www.mojavewater.org

Posted: March 24, 2010

BOARD OF DIRECTORS

AGENDA – REGULAR MEETING

Our Mission – "To manage the region's water resources for the common benefit to assure stability in the sustained use by the citizens we serve"

Mojave Water Agency
Board Room
22450 Headquarters Drive — **April 8, 2010**
Apple Valley CA 92307 — **4:30 p.m.**

1. **Invocation**
2. **Call to Order and Pledge of Allegiance**
3. **Approval of Agenda**

PUBLIC PARTICIPATION

4. **The public comment period is limited to five minutes per person and not more than 15 minutes in total. Anyone wishing to address any matter pertaining to Agency business, listed on the agenda or not, may do so at this time; however, the Board of Directors may not take any action on items that are not on the agenda. Please submit a speaker card to the Recording Secretary prior to the start of the meeting.**

WORKSHOP

5. **Annual Update of Strategic Plan**

CONSENT CALENDAR

Pages 1-4
6. **Adopt Board Actions from Regular Meeting of March 25, 2010**

Pages 5-14
7. **Approve Bills for Payment**

Pages 15-18
8. **Approve Directors' Category "B" Expenses**

NEW BUSINESS

Pages 19-38
9. **Consider Entering into a Memorandum of Understanding with the U.S. Bureau of Reclamation for Water Supply Management Study for Federal Fiscal Years 2010 – 2016**

Pages 39-41

10. Consider Development of the MWA 2010 Urban Water Management Plan as a Wholesale or a Regional Plan

Pages 42-43

11. Consider Approving Funding Option for the Regional Recharge and Recovery (R^3) Project

Pages 44-45

12. Consider Approving Award of Construction Contract for the East Conveyance Pipeline for the Regional Recharge and Recovery (R^3) Project

Pages 46-47

13. Consider Approving Award of Construction Contract for the West Conveyance Pipeline for the Regional Recharge and Recovery (R^3) Project

Pages 48-49

14. Consider Authorizing Staff to Advertise for Construction Bids for the South of Rock Springs Recharge Pipeline for the Regional Recharge and Recovery (R^3) Project

Pages 50-51

15. Consider Approving Award of Construction Contract for the Phase B Pipeline for the Oro Grande Wash (OGW) Project

REPORTS

16. Manager's Reports - Brief reports on subjects not covered by the Agenda. No action taken.

- **A. Engineering**
- **B. Operations**
- **C. Finance**
- **D. Water Resources**
- **E. Public Information**
- **F. Administration**
- **G. Mojave Basin Area Watermaster**

17. Legal Report

18. Directors' Reports

OTHER BUSINESS

19. Discussion Items for Next or Future Agendas

CLOSED SESSION

20. Conference with Legal Counsel – Existing Litigation: Government Code §54956.9(A); City Of Barstow, et al. v. City Of Adelanto, Et Al., Case No. 208568 and Potential Litigation – If Needed

ADJOURNMENT

21. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.

A complete agenda packet containing all accompanying reports for this agenda is available through the Agency's website at:
www.mojavewater.org

Posted: April 1, 2010

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

Note date and time of meeting.

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

May 12, 2010
1:30 p.m.

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1. Call to Order

2. Pledge of Allegiance

3. Introductions of Attendees

4. Approval of Agenda

5. Consider Adoption of Committee Actions from April 7, 2010

6. Summary of April 15, 2010 Urban Water Management Plan Data Collection Webinar

7. Outstanding Urban Water Management Plan Data Issues

8. Urban Water Management Plan Population/Jobs Data Baseline
   a. Advantages and Disadvantages
   b. Status of Department of Water Resources Processes

9. Initial Supply/Demand Model Results
   a. Mojave Water Agency Area (wholesale results)
   b. Retail Purveyor Results

10. Next Technical Advisory Committee – Review Wholesale/Retail Population and Water Supply Demand Consistency

11. Other Business

12. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
A complete agenda packet is available through the Agency's website at:
www.mojavewater.org

Posted: April 29, 2010

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

June 2, 2010
10:00 a.m.

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1. Call to Order

2. Pledge of Allegiance

3. Introductions of Attendees

4. Approval of Agenda

5. Consider Adoption of Committee Actions from May 12, 2010

6. Status of Mojave Water Agency Urban Water Management Plan

7. Status of Department of Water Resources Technical Methodologies

8. Water Demand Model Results and Detailed Methodologies

9. Preliminary Baseline Gallons Per Capita Per Day (GPCD) and 2020 Target Recommendations
   A. Mojave Water Agency Region
   B Retail Purveyors

10. State Water Project Water 45 Percent Allocation Update

11. Other Business

12. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
A complete agenda packet is available through the Agency's website at:
www.mojavewater.org

Posted: May 27, 2010

TECHNICAL ADVISORY COMMITTEE
TO THE
MOJAVE WATER AGENCY

URBAN WATER MANAGEMENT PLAN DEMAND MANAGEMENT MEASURES WORKSHOP

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

July 7, 2010
9:30 a.m. – 1:30 p.m.
Lunch will be provided.

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*Please note the **date**, **time** and **focus** of this workshop.*

1. Call to Order
2. Pledge of Allegiance
3. Introductions of Attendees
4. Approval of Agenda
5. Demand Management Measures (DMM) Workshop
6. Breakout Sessions
7. Other Business
8. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
A complete agenda packet is available through the Agency's website at:
www.mojavewater.org

Posted: June 29, 2010

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

August 4, 2010
10:00 a.m.

1. Call to Order

2. Pledge of Allegiance

3. Introductions of Attendees

4. Approval of Agenda

Pages 1-3

5. Consider Adoption of Committee Actions from June 2, 2010 and July 7, 2010

6. Victor Valley Wastewater Reclamation Authority Subregional Project Update

7. Mojave Water Agency Regional Recharge and Recovery (R3) Production Well Update

8. Update on Propositions 50 and 84

9. Other Business
   - October 6, 2010 – Election of Officers and Executive Committee Appointments for 2011

10. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
A complete agenda packet is available through the Agency's website at:
www.mojavewater.org

Posted: July 29, 2010

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

October 6, 2010
10:00 a.m.

1. Call to Order
2. Pledge of Allegiance
3. Introductions of Attendees
4. Approval of Agenda
5. Consider Adoption of Committee Meeting Summary from August 4, 2010 (Pages 1-2)
6. Election of Technical Advisory Committee Officers for 2011 (Page 3)
7. Appointments to Technical Advisory Committee Executive Committee for 2011 (Page 4)
8. Water Conservation Incentives Program Update
9. Mojave Water Agency Urban Water Management Plan Status Update
10. Department of Water Resources Urban Water Management Plan Guidelines Update
11. Other Business
12. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
A complete agenda packet is available through the Agency's website at:
www.mojavewater.org

Posted: September 29, 2010

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

December 8, 2010
10:00 a.m.

1. Call to Order

2. Pledge of Allegiance

3. Introductions of Attendees

4. Approval of Agenda

5. Consider Adoption of Committee Meeting Summary from October 6, 2010

6. Mojave Water Agency Urban Water Management Plan Status Update

7. Preliminary Analysis of Victor Valley Wastewater Reclamation Authority Sub-Regional Plant's Impacts to Replacement and Makeup Obligations

8. Discuss Initial Allocation of 2011 State Project Water

9. Proposition 84 Update

10. Discuss SBX6-7

11. Other Business
    - TAC Executive Committee Meeting
    - 2011 TAC Meeting Calendar

12. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
A complete agenda packet is available through the Agency's website at:
www.mojavewater.org

Posted: December 1, 2010

BOARD OF DIRECTORS

AGENDA – REGULAR MEETING

Our Mission – "To manage the region's water resources for the common benefit to assure stability in the sustained use by the citizens we serve"

Mojave Water Agency
Board Room
22450 Headquarters Drive — **January 27, 2011**
Apple Valley CA 92307 — **4:30 p.m.**

1. **Invocation**
2. **Call to Order and Pledge of Allegiance**
3. **Approval of Agenda**

PUBLIC PARTICIPATION

4. **The public comment period is limited to five minutes per person and not more than 15 minutes in total. Anyone wishing to address any matter pertaining to Agency business, listed on the agenda or not, may do so at this time; however, the Board of Directors may not take any action on items that are not on the agenda. Please submit a speaker card to the Recording Secretary prior to the start of the meeting.**

WORKSHOP

5. **Update on Urban Water Management Plan**

CONSENT CALENDAR

Pages 1-6
6. **Adopt Board Actions from Regular Meeting of January 13, 2011**

Pages 7-12
7. **Approve Bills for Payment**

Pages 13-17
8. **Approve Directors' Category "B" Expenses**

NEW BUSINESS

Pages 18-19
9. **Consider Authorizing Staff to Proceed with Request for Proposals for Auditing Services**

Pages 20-22
10. **Consider Authorization of Additional Services to RBF Consulting's Regulatory Permit Compliance Work for the Operation of the Regional Recharge and Recovery Project (R^3) and the Construction and Operation of the Oro Grande Wash Recharge Project**

Pages 23-24

11. Consider Approving Award of Construction Contract for Equipping of Recovery Wells RW1 and RW2 for Phase 1 of the Regional Recharge and Recovery (R^3) Project

Page 25

12. Consider Authorizing Staff to Advertise for Construction Bids for Equipping of Recovery Wells RW3, RW4 and RW5 for Phase 1 of the Regional Recharge and Recovery (R^3) Project

Pages 26-27

13. Consider Authorizing Staff to Solicit Bids for a Design-Build Contract to Design and Construct the New MWA Central Operations Facility and the San Bernardino County Museum High Desert Interpretive Center Projects

REPORTS

14. Manager's Reports - Brief reports on subjects not covered by the Agenda. No action taken.

- **A. Engineering**
- **B. Operations**
- **C. Finance**
  - Page 28 **1) Financial Statement**
  - Page 29 **2) Quarterly Investment Report**
- **D. Water Resources**
- E. Public Information
- **F. Administration**
- **G. Mojave Basin Area Watermaster**

15. Legal Report

16. Directors' Reports

OTHER BUSINESS

17. Discussion Items for Next or Future Agendas

CLOSED SESSION

18. Conference with Legal Counsel – Existing Litigation: Government Code §54956.9(A); City of Barstow, et al. v. City Of Adelanto, et al., Case No. 208568 and Potential Litigation – If Needed

19. Personnel Matters: Government Code §54957; Independent Contractor Functioning as Officer (Legal Counsel)

ADJOURNMENT

20. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.

Be sure to visit our Facebook page at: http://www.facebook.com/mojavewater

Posted: January 20, 2011

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

February 2, 2011
10:00 a.m.

1. Call to Order

2. Pledge of Allegiance

3. Introductions of Attendees

4. Approval of Agenda

Pages1-2 5. Consider Adoption of Committee Meeting Summary from December 8, 2010

6. Urban Water Management Plan Update

7. Discuss Price of State Water Project Water for the Period of July 1, 2011 through June 30, 2012, for Antelope Valley-East Kern Water Agency for the Period of January 1, 2011 through December 31, 2011, and Replacement and Make-up Water Delivered via the State Water Project for the Purposes of the Mojave Basin Area Judgment for Water Year 2009-2010

8. 2011 State Water Project Allocation Update

9. Presentation on Mojave River Flows during the December 2010 Storm

10. Other Business

11. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
Supporting documentation is available through the Agency's website at:
www.mojavewater.org

Posted: January 26, 2011

TECHNICAL ADVISORY COMMITTEE TO THE MOJAVE WATER AGENCY

AGENDA

MOJAVE WATER AGENCY
Board Room
22450 Headquarters Drive
Apple Valley, CA 92307

April 6, 2011
10:00 a.m.

1. Call to Order
2. Pledge of Allegiance
3. Introductions of Attendees
4. Approval of Agenda
5. Consider Adoption of Committee Meeting Summary from February 2, 2011
6. Workshop on Draft 2010 Urban Water Management Plan
7. Other Business
8. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
Supporting documentation is available through the Agency's website at:
www.mojavewater.org

Posted: March 31, 2011

BOARD OF DIRECTORS

AGENDA – REGULAR MEETING

Our Mission – "To manage the region's water resources for the common benefit to assure stability in the sustained use by the citizens we serve"

Mojave Water Agency
Board Room
22450 Headquarters Drive
Apple Valley CA 92307

"REVISED"

April 14, 2011
4:30 p.m.

1. **Invocation**
2. **Call to Order and Pledge of Allegiance**
3. **Approval of Agenda**

PUBLIC PARTICIPATION

4. **The public comment period is limited to five minutes per person and not more than 15 minutes in total. Anyone wishing to address any matter pertaining to Agency business, listed on the agenda or not, may do so at this time; however, the Board of Directors may not take any action on items that are not on the agenda. Please submit a speaker card to the Recording Secretary prior to the start of the meeting.**

WORKSHOP

5. **Update on 2010 Urban Water Management Plan**

CONSENT CALENDAR

6. **Adopt Board Actions from Regular Meeting of March 24, 2011**
7. **Approve Bills for Payment**
8. **Approve Directors' Category "B" Expenses**

NEW BUSINESS

9. **Consider Awarding Charles Z. Fedak and Company a Professional Services Agreement for Auditing Services for a Five-Year Term**
10. **Consider Authorizing Execution of a Joint Funding Agreement Between Mojave Water Agency and the United States Geological Survey for the Annual Extension of the Cooperative Water Resources Program**

11. Consider Approval of Additional Services by Horizon Tree Transplanting for Joshua Tree Removal/Relocation for the Oro Grande Wash (OGW) and Regional Recharge and Recovery (R^3) Projects

12. Consider Approving Change Order for Apple Valley Construction for Additional Work on East Conveyance Pipeline for the Regional Recharge and Recovery (R^3) Project

13. Consider Approval of Additional Services for SCADA Equipment with System Integration Services for the Oro Grande Wash (OGW) North Project

14. Consider Approval of a Change Order for ASR Constructors, Inc. for Additional Work for the New Agency Headquarters Facility

REPORTS

15. Manager's Reports - Brief reports on subjects not covered by the Agenda. No action taken.

- **A. Engineering**
- **B. Operations**
- **C. Finance**
- **D. Water Resources**
- **E. Public Information**
- **F. Administration**
- **G. Mojave Basin Area Watermaster**

16. Legal Report

17. Directors' Reports

OTHER BUSINESS

18. Discussion Items for Next or Future Agendas

CLOSED SESSION

19. Conference with Legal Counsel – Existing Litigation: Government Code §54956.9(A); City of Barstow, et al. v. City Of Adelanto, et al., Case No. 208568 and Potential Litigation – If Needed

20. Conference with Real Property Negotiators; Government Code §54956.8 – If Needed
Property: Parcel Number 3072-191-08-0000
Agency Negotiator: Kirby Brill
Negotiating Parties: Smith and Oliver
Under Negotiation: Price and Terms of Payment

21. Conference with Real Property Negotiators; Government Code §54956.8 – If Needed
Property: Parcel Number 3072-191-10-0000
Agency Negotiator: Kirby Brill
Negotiating Parties: Macias
Under Negotiation: Price and Terms of Payment

22. Conference with Real Property Negotiators; Government Code §54956.8 – If Needed
Property: Parcel Number 3072-201-02-0000
Agency Negotiator: Kirby Brill
Negotiating Parties: Imbach and Winn
Under Negotiation: Price and Terms of Payment

23. Conference with Real Property Negotiators; Government Code §54956.8 – If Needed
Property: Parcel Number 3072-201-12-0000
Agency Negotiator: Kirby Brill
Negotiating Parties: JKW 7 Trust, Deann L. Zampelli
Under Negotiation: Price and Terms of Payment

ADJOURNMENT

24. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the Agency's General Manager's office at (760) 946-7002 at least 24 hours prior to said meeting.
Be sure to visit our Facebook page at: http://www.facebook.com/mojavewater

Posted: April 11, 2011

BOARD OF DIRECTORS

AGENDA – REGULAR MEETING

Our Mission – "To manage the region's water resources for the common benefit to assure stability in the sustained use by the citizens we serve"

Note: *Special Meeting Date*

Mojave Water Agency
Board Room
22450 Headquarters Drive
Apple Valley CA 92307

May 5, 2011
4:30 p.m.

1. **Invocation**
2. **Call to Order and Pledge of Allegiance**
3. **Approval of Agenda**

PUBLIC PARTICIPATION

4. **The public comment period is limited to five minutes per person and not more than 15 minutes in total. Anyone wishing to address any matter pertaining to Agency business, listed on the agenda or not, may do so at this time; however, the Board of Directors may not take any action on items that are not on the agenda. Please submit a speaker card to the Recording Secretary prior to the start of the meeting.**

PRESENTATION

5. **Presentation to ASR Constructors, Inc., Eberhardt Construction, Inc. and Gillis + Panichapan Architects, Inc. Regarding the New Agency Headquarters Facility**

PUBLIC HEARING

Pages 1-2

6. **Public Hearing to Receive Comments on Mojave Water Agency's Draft 2010 Urban Water Management Plan, Pursuant to the Urban Water Management Planning Act (Division 6, Part 2.6 of the California Water Code §10610 – 10656)**

CONSENT CALENDAR

Pages 3-8

7. **Approve Bills for Payment**

NEW BUSINESS

Pages 9-37

8. **Consider Resolution No. 922-11 and Resolution No. 923-11 Changing the Current Workers Compensation Carriers to Special District Risk Management Authority**

Pages 38-39

9. Consider Authorizing the General Manager to Enter into a Contract with Digital Mapping, Incorporated for Mojave Water Agency and Watermaster Aerial Imagery

Pages 40-41

10. Consider Approving Award of Construction Contract for Equipping of Recovery Wells RW3, RW4 and RW5 for Phase 1 of the Regional Recharge and Recovery (R^3) Project

Pages 42-43

11. Consider Approval of Change Order for ASR Constructors, Inc. for Additional Work for the New Agency Headquarters Facility

REPORTS

12. Manager's Reports - Brief reports on subjects not covered by the Agenda. No action taken.

- **A. Engineering**
- **B. Operations**
- **C. Finance**
- **D. Water Resources**
- **E. Public Information**
- **F. Administration**
- **G. Mojave Basin Area Watermaster**

13. Legal Report

14. Directors' Reports

OTHER BUSINESS

15. Discussion Items for Next or Future Agendas

CLOSED SESSION

16. Conference with Legal Counsel – Existing Litigation: Government Code §54956.9(A); City of Barstow, et al. v. City Of Adelanto, et al., Case No. 208568 and Potential Litigation – If Needed

ADJOURNMENT

17. Adjournment

Posted: April 28, 2011

2010 UWMP PUBLIC HEARING NOTICE
DISTRIBUTION LIST

Chambers of Commerce

A.V. Chamber - Janice Moore	jmoore@avchamber.org
Barstow Chamber - Darla	bacc@barstowchamber.com
Joshua Tree Chamber	jtcoc@verizon.net
Lucerne Chamber	chamber@lucernevalley.net
Yucca Valley Chamber	chamber@yuccavalley.org
Daggett Chamber	
Oak Hills Chamber	
Pinon Hills Chamber	
Victorville Chamber	
El Mirage Chamber	
Landers Chamber	
Helendale Chamber	
Hesperia Chamber	info@hesperiachamber.org
Adelanto Chamber	office@adelantochamber.com
High Desert Hispanic Chamber	information@hdhcc.org
Victor Valley African American Chamber	

Other Local Community Groups, Organizations & Environmental Groups

JB Citizens Advisory - Mickey Luckman	mslucky12@roadrunner.com
Jess Ranch - Gary Ledford	GLedDREAM@aol.com
Jess Ranch - Robert Ledford	rled183094@msn.com
Silver Lakes - Michael Davis	michael.davis@greshamsavage.com
Silver Lakes - Rene Longoria	rslong103@aol.com
Silver Lakes - Sandy Wojecki	gm@silverlakesassociation.com
Newberry-Harvard Assn.- Ginger Hancock	gnb.newberry@uia.net
Sierra Club/Mojave Group - Carol Wiley	desertlily1@verizon.net
Sierra Club/Mojave Group - Estelle Delgado	estelledelgado@verizon.net
Johnson Valley Improvement Assoc.	
SB County Farm Bureau	
Spring Valley Lake Association	
Oro Grand Agriculture	
SAV-AG	
Rancho Las Flores	OneHutch@aol.com
Victor Valley NAACP	haroldgilbert@vvnaacp.com
AARP Victorville	
Victor Valley Museum	

Local Planning & Land Use Agencies

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A.V. Town - Vangie Childers	publicservices@applevalley.org
Adelanto - James Hart	jhart@ci.adelanto.ca.us
Adelanto - Wilson So	wilsonso@saeinc.org
Barstow - Belinda Barbour	bbarbour@barstowca.org
Barstow - Ron Rector	rrector@barstowca.org
Hesperia - Kirsten Spreitzer	kspreitzer@cityofhesperia.us

**SEE ATTACHED MAIL DISTRIBUTION LIST FOR THOSE LISTED WITHOUT EMAIL ADDRESSES.*

2010 UWMP PUBLIC HEARING NOTICE
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LAFCO - Michael Tuerpe (Water Banking)	mtuerpe@lafco.sbcounty.gov
S.B. Co. Advanced Planning Div. - Jim Squire	jsquire@lusd.sbcounty.gov
Hesperia Parks & Rec District	admin@hesperiaparks.com
Victorville Planning Dept	planning@ci.victorville.ca.us
Yucca Valley Planning Dept	rkirschmann@yucca-valley.org
Victor Valley Economic Development Agency	ncansino@ci.victorville.ca.us

Water Agencies

Adelanto - Belen Cordero	bcordero@ci.adelanto.ca.us
Adelanto - John Sponsler	jsponsler@ci.adelanto.ca.us
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A.V. Ranchos Wtr. - Jeff	jeff@avrwater.com
A.V. Ranchos Wtr. - Linda Warren	linda@avrwater.com
A.V. Ranchos Wtr. - Melissa McCurdy	mmccurdy@avrwater.com
A.V. Ranchos Wtr. - Mike Reese	miker@AVRWATER.com
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Hesperia - Tom Thornton	tthornton@cityofhesperia.us
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Hi Desert Water - Martha Ostrander	marthao@hdwd.com
Hi Desert Water - Randi Munro	randim@hdwd.com
Hi Desert Water - Sarann Graham	saranng@hdwd.com
Joshua Basin Wtr. Dist. - Bill Long	longtmrs@yahoo.com
Joshua Basin Wtr. Dist. - Joe Guzzetta	joeg@jbwd.com
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Phelan Pinon Hills CSD - Don Bartz	dbartz@pphcsd.org
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Rancheritos Mutual Wtr. - Frank Aubel, Jr.	waterboy7@aol.com
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S.B. Co. Wtr. & San. - Manuel Benitez	mbenitez@sbcsdd.org
Sheep Creek Water Company (Crawford, Phil)	imsinger@msn.com
Victorville Golf Course - R. Salberg	rsalberg@ci.victorville.ca.us
Victorville Water - Heidi Roche	Hroche@ci.victorville.ca.us
Victorville Water - Joe Ogg	jogg@ci.victorville.ca.us
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Victorville, City of - Steve Ashton	sashton@ci.victorville.ca.us
VV Parks & Rec. - Ray Salberg	rsalberg@ci.victorville.ca.us
VVWRA - Linda Ellsworth	lellsworth@vvwra.com
VVWRA - Logan Olds	lolds@vvwra.com
VVWRA - Pat Johnson	pjohnson@vvwra.com
Yermo CSD- Robert Smith	bobsmith@san.it.com
Subarea Advisory Committee Members	
ESTE SUBAREA	
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Perry Dahlstrom	
Richard Selby	
Norman Nichols	
David Rib	drib@mitsubishicement.com
OESTE SUBAREA	
Don Bartz	
Robert Boytor	
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Edward Imsand	
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Manuel Benitez	
Reginald Lamson	
Troy Kelly	
CENTRO SUBAREA	
Perry Dahlstrom	
Jeanette Hayhurst	
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Eldert Van Dam	
Wayne Soppeland	
BAJA SUBAREA	
Ellen Johnson	
Steve Swift	steve.swift@genon.com
Robert Boytor	

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2010 UWMP PUBLIC HEARING NOTICE
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Alan De Jong	dejong@mscomm.com
Troy Kelly	

*** Some SAC Members received notice by other affiliations included on this list.*

Community Members

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Daily Press - Don Holland	don_holland@link.freedom.com
*Desert Dispatch - Scott Shackford	scott_shackford@link.freedom.com
*Hesperia Star - Peter Day	peter@hesperiastar.com
*Hi-Desert Star	
*Lucerne Valley Leader - Sheila Johnson	sjohnson@lucernevalleyleader.com
*Mountaineer Progress	newsroom@mtprogress.net
Valley Wide News - Mark Gutglueck	gutglueck@aol.com
Valley Wide News - Ray Pryke	valleywide@compu-ad.net
Z107.7FM Joshua Tree	z1077fm@gmail.com

*These newspapers published the Public Notice on 4/5 and 4/13/2011 or thereabouts depending on publication dates available.

Professional Organizations

Building Industry Assn.	carlos@biabuild.com

State & Other Gov't Agencies

Colorado River Basin RWQCB - John Carmona	jcarmona@waterboards.ca.gov
DWR - Alex Vdovichenko	avdovich@water.ca.gov
DWR - Anna Aljbiry	aljabiry@water.ca.gov

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2010 UWMP PUBLIC HEARING NOTICE
DISTRIBUTION LIST

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DWR - Jennifer Wong	jenwong@water.ca.gov
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SWRCB-Lahontan - Harold Singer	hsinger@waterboards.ca.gov
SWRCB-Lahontan - Mike Plaziak	mplaziak@waterboards.ca.gov
CA Department of Public Health	cdphinetadm@cdph.ca.gov
CAL EPA	
SB County Department of Public Health	
CA Air Resources Board	
CA Department of Fish & Game	tkelly@dfg.ca.gov
Southern California Logistics Airport	
CA State Dept of Toxic Substances Control	dphelps@dtsc.ca.gov
SB County Flood Control	
SB County Water & Sanitation	
Southern Calif Association of Governments	
Mojave Desert AQMD	

Federal Agencies

Marine Corps - Marlana Brown	marlana.brown@usmc.mil
Michael Cox	michael.cox@usmc.mil
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Mojave National Preserve	
Rural Development	
San Bernardino National Forest	
US EPA	
US Dept of Fish and Wildlife	
USGS, Water Resources Div	pmmartin@usgs.gov
US Dept of Agriculture	
West Mojave Interagency Planning Team, BLM	

Firms

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CBC - Pat Pierzina	ppierzina@yahoo.com
Dezign Engineering - Ronald Blanchard	ronaldlblanchard@yahoo.com
Earth Science - Tom Bilhorn	tbilhorn@San.RR.com
GEI - Mark Williamson	mwilliamson@geiconsultants.com
Psomas- Mike Swan	mswan@psomas.com
Rube Wolf	rwolfassoc@aol.com
So & Assoc. - Kanchan Joshi	joshik@saeinc.org
Todd Eng. - Ed Lin	elin@toddengineers.com

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2010 UWMP PUBLIC HEARING
MAIL DISTRIBUTION

Chambers

Daggett Chamber of Commerce
PO Box 327
Daggett, CA 92327

El Mirage Chamber of Commerce
19548 Chamisal Rd.
El Mirage, CA 92301

Helendale Chamber of Commerce
PO Box 1449
Helendale, CA 92342

Landers Chamber of Commerce
PO Box 3166
Landers, CA 92285

Oak Hills Chamber of Commerce
6584 Caliente
Oak Hills, CA 92371

Pinon Hills Chamber of Commerce
PO Box 720095
Pinon Hills, CA 92372

Victorville African American Chamber
PO Box 1925
Victorville, CA 92393

Victorville Chamber of Commerce
14174 Green Tree Blvd.
Victorville, CA 92393

Federal Agencies

Mojave National Preserve
2701 Barstow Road
Barstow, CA 92311

U.S. Department of Agriculture
Rural Development
Victorville City Hall
14343 Civic Drive
Victorville, CA 92392

San Bernardino National Forest
United States Forest Service
602 SouthTippecanoe Avenue
San Bernardino, CA 92408-2607

U.S. Department of
Judy Hohman
Fish and Wildlife
2393 Portola Rd., Ste. B
Ventura, CA 93003

U.S. Department of Agriculture
Rick Aguayo
17330 Bear Valley Rd., #106
Victorville, CA 92392

U.S. Environmental Protection Agency
Region 9
75 Hawthorne St.
San Francisco, CA 94105

U.S. Geological Survey
Peter Martin
Water Resources Division
5735 Kearny Villa Road, Ste. O
San Diego, CA 92123

West Mojave Interagency
Planning Team
Bureau of Land Management
22835 Cale San Juan De Los Lagos
Moreno Valley, CA 92553

Government Agencies (Other)

County of San Bernardino
Department of Public/Env. Health
385 N. Arrowhead Ave.
San Bernardino, CA 92415-0160

San Bernardino County Flood Control
Pat Mead
825 E. Third Street
San Bernardino, CA 92315-0835

2010 UWMP PUBLIC HEARING
MAIL DISTRIBUTION

Other
AARP
Victorville Senior Citizens Center
14874 Mojave Dr.
Victorville, CA 92395

Johnson Valley Improvement Association
50567 Quailbush Road
Landers, CA 92285

Oro Grande Agriculture
Gary Thrasher
Star Rd. Box 95
Oro Grande, CA 92368

San Bernardino County Farm Bureau
210 S. Riverside Ave.
Rialto, CA 92376

SAV-AG
Anne Johnson-Curtis
9191 Deep Creek Rd.
Apple Valley, CA 92308

Spring Valley Lake Association
Mike Mikita
7001 SVL Box
Victorville, CA 92392

Victor Valley Museum
11873 Apple Valley Rd.
Apple Valley, CA 92308

State Agencies
California Air Resources Board
1101 I Street
Sacramento, CA 95814

California Department of Health Services
PO Box 997413
Sacramento, CA 95899-7413

California Environmental Protection Agency
245 W. Boardway, Suite 350
Long Beach, CA 90802

Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392-2310

Southern California Association of Governments
Jeffrey Smith
818 W. Seventh Street, 12th Floor
Los Angeles, CA 90017

Southern California Logistic Airport
13236 Mustang Street
Building 518
Victorville, CA 92394

State of California Department of Toxic Substance Control
1011 N. Grandview Ave.
Glendale, CA 91201

Subarea Advisory Committee
Eldert Van Dam
26599 Community Blvd.
Barstow, CA 92311

Meadowbrook Dairy
Edward Imsand
PO Box 294370
Phelan, CA 92329-4370

Norman W. Nichols
10655 Goss Rd.
Victorville, CA 92392-0823

Mojave Water Agency

22450 Headquarters Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

March 3, 2011

Mr. Mark Nuaimi
Town Manager
Town of Yucca Valley
57090 29 Palms Highway
Yucca Valley, CA 92284

NOTICE OF PUBLIC HEARING REGARDING THE PREPARATION OF MOJAVE WATER AGENCY'S 2010 URBAN WATER MANAGEMENT PLAN

Dear Mr. Nuaimi,

The Mojave Water Agency (MWA) will be holding a public hearing regarding the preparation of its 2010 Urban Water Management Plan (UWMP). The hearing is tentatively scheduled for Thursday, May 5, 2011, during MWA's regular Board of Directors meeting:

Thursday, May 5, 2011
Beginning at 4:30 p.m.

Mojave Water Agency Boardroom
22450 Headquarters Drive
Apple Valley, CA 92307

The UWMP is a planning document which anticipates future water demands and supplies through the year 2035 for the communities within MWA boundaries, pursuant to the requirements in the Urban Water Management Planning Act (Division 6, Part 2.6 of the CA Water Code).

A draft document will be available for review 30 days prior to the hearing. Public agencies and members of the public are invited to provide comments on the draft UWMP, either during the hearing or in writing prior to the hearing. Please address written correspondence to Tim Gobler, Water Resources Planning Analyst, or you may contact me at (760) 946-7046 or tgobler@mojavewater.org.

Sincerely,

Timothy E. Gobler
Water Resources Planning Analyst

Mojave Water Agency

22450 Headquarters Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

March 3, 2011

Mr. Gregory Devereaux
County Administrative Officer
County of San Bernardino
385 North Arrowhead, Fifth Floor
San Bernardino, CA 92415-0120

NOTICE OF PUBLIC HEARING REGARDING THE PREPARATION OF MOJAVE WATER AGENCY'S 2010 URBAN WATER MANAGEMENT PLAN

Dear Mr. Devereaux,

The Mojave Water Agency (MWA) will be holding a public hearing regarding the preparation of its 2010 Urban Water Management Plan (UWMP). The hearing is tentatively scheduled for Thursday, May 5, 2011, during MWA's regular Board of Directors meeting:

Thursday, May 5, 2011
Beginning at 4:30 p.m.

Mojave Water Agency Boardroom
22450 Headquarters Drive
Apple Valley, CA 92307

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A draft document will be available for review 30 days prior to the hearing. Public agencies and members of the public are invited to provide comments on the draft UWMP, either during the hearing or in writing prior to the hearing. Please address written correspondence to Tim Gobler, Water Resources Planning Analyst, or you may contact me at (760) 946-7046 or tgobler@mojavewater.org.

Sincerely,

Timothy E. Gobler
Water Resources Planning Analyst

Mojave Water Agency

22450 Headquarters Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

March 3, 2011

Mr. James Cox
City Manager
City of Victorville
14343 Civic Drive
Victorville, CA 92392

NOTICE OF PUBLIC HEARING REGARDING THE PREPARATION OF MOJAVE WATER AGENCY'S 2010 URBAN WATER MANAGEMENT PLAN

Dear Mr. Cox,

The Mojave Water Agency (MWA) will be holding a public hearing regarding the preparation of its 2010 Urban Water Management Plan (UWMP). The hearing is tentatively scheduled for Thursday, May 5, 2011, during MWA's regular Board of Directors meeting:

Thursday, May 5, 2011
Beginning at 4:30 p.m.

Mojave Water Agency Boardroom
22450 Headquarters Drive
Apple Valley, CA 92307

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Sincerely,

Timothy E. Gobler
Water Resources Planning Analyst

Mojave Water Agency

22450 Headquarters Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

March 3, 2011

Mr. Mike Podegracz
City Manager
City of Hesperia
9700 Seventh Ave
Hesperia, CA 92345

NOTICE OF PUBLIC HEARING REGARDING THE PREPARATION OF MOJAVE WATER AGENCY'S 2010 URBAN WATER MANAGEMENT PLAN

Dear Mr. Podegracz,

The Mojave Water Agency (MWA) will be holding a public hearing regarding the preparation of its 2010 Urban Water Management Plan (UWMP). The hearing is tentatively scheduled for Thursday, May 5, 2011, during MWA's regular Board of Directors meeting:

Thursday, May 5, 2011
Beginning at 4:30 p.m.

Mojave Water Agency Boardroom
22450 Headquarters Drive
Apple Valley, CA 92307

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Sincerely,

Timothy E. Gobler
Water Resources Planning Analyst

Mojave Water Agency

22450 Headquarters Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

March 3, 2011

Mr. Curt Mitchell
City Manager
City of Barstow
220 E Mountain View
Barstow, CA 92311

NOTICE OF PUBLIC HEARING REGARDING THE PREPARATION OF MOJAVE WATER AGENCY'S 2010 URBAN WATER MANAGEMENT PLAN

Dear Mr. Mitchell,

The Mojave Water Agency (MWA) will be holding a public hearing regarding the preparation of its 2010 Urban Water Management Plan (UWMP). The hearing is tentatively scheduled for Thursday, May 5, 2011, during MWA's regular Board of Directors meeting:

Thursday, May 5, 2011
Beginning at 4:30 p.m.

Mojave Water Agency Boardroom
22450 Headquarters Drive
Apple Valley, CA 92307

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Sincerely,

Timothy E. Gobler
Water Resources Planning Analyst

Mojave Water Agency

22450 Headquarters Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

March 3, 2011

Mr. Frank Robinson
Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

NOTICE OF PUBLIC HEARING REGARDING THE PREPARATION OF MOJAVE WATER AGENCY'S 2010 URBAN WATER MANAGEMENT PLAN

Dear Mr. Robinson,

The Mojave Water Agency (MWA) will be holding a public hearing regarding the preparation of its 2010 Urban Water Management Plan (UWMP). The hearing is tentatively scheduled for Thursday, May 5, 2011, during MWA's regular Board of Directors meeting:

Thursday, May 5, 2011
Beginning at 4:30 p.m.

Mojave Water Agency Boardroom
22450 Headquarters Drive
Apple Valley, CA 92307

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Sincerely,

Timothy E. Gobler
Water Resources Planning Analyst

Mojave Water Agency

22450 Headquarters Drive ♦ Apple Valley, California 92307
Phone (760) 946-7000 ♦ Fax (760) 240-2642 ♦ www.mojavewater.org

March 3, 2011

Dr. James Hart
City Manager
City of Adelanto
PO Box 10
Adelanto, CA 92301

NOTICE OF PUBLIC HEARING REGARDING THE PREPARATION OF MOJAVE WATER AGENCY'S 2010 URBAN WATER MANAGEMENT PLAN

Dear Dr. Hart,

The Mojave Water Agency (MWA) will be holding a public hearing regarding the preparation of its 2010 Urban Water Management Plan (UWMP). The hearing is tentatively scheduled for Thursday, May 5, 2011, during MWA's regular Board of Directors meeting:

Thursday, May 5, 2011
Beginning at 4:30 p.m.

Mojave Water Agency Boardroom
22450 Headquarters Drive
Apple Valley, CA 92307

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A draft document will be available for review 30 days prior to the hearing. Public agencies and members of the public are invited to provide comments on the draft UWMP, either during the hearing or in writing prior to the hearing. Please address written correspondence to Tim Gobler, Water Resources Planning Analyst, or you may contact me at (760) 946-7046 or tgobler@mojavewater.org.

Sincerely,

Timothy E. Gobler
Water Resources Planning Analyst

PROOF OF PUBLICATION
(20155C.C.)

STATE OF CALIFORNIA, }**SS.**
COUNTY OF SAN BERNARDINO

I am a Citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitle matter. I am the principal clerk of the printer of the Mountaineer-Progress, a newspaper of general circulation, printed and published weekly on Thursday in the Community of Wrightwood, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, Decree No. 112502, that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said Mountaineer-Progress and not in any supplement thereof the following dates, to-wit:

March 31, April 7, 2011

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Date April 7, 2011 at Wrightwood, CA

The
MOUNTAINEER PROGRESS
Newspaper
A continuation of the Wrightwood Mountaineer
Published Weekly
3407 State Highway 2
P.O. Box 248, Wrightwood, CA 92397
(760) 249-3245

The Newspaper of General Circulation for Wrightwood, Phelan, Pinon Hills, Baldy Mesa, West Cajon Valley, El Mirage

RECEIVED
MOJAVE WATER AGENCY
11 APR -8 AM 11:04

Proof of Publication

PUBLIC NOTICE

The Mojave Water Agency (MWA) has prepared a Draft 2010 Urban Water Management Plan (UWMP), pursuant to the Urban Water Management Planning Act ("Act"). The 2010 UWMP evaluates water demands and supplies through the year 2035 for the communities within MWA boundaries, and will replace the previous UWMP completed in 2005.

MWA is soliciting comments from interested persons and agencies on the Draft UWMP. The Draft UWMP is available for review at the MWA office located at the address shown below, on the MWA website (www.mojavewater.org), and at six public County Libraries (Victorville, Barstow, Hesperia, Apple Valley, Lucerne Valley and Yucca Valley).

In accordance with California Government Code and the Act, comments will be accepted during a 30-day review period beginning April 5, 2011 and ending on May 5, 2011. Please send your comments to the address shown below. Please include a return address and contact name with your comments.

A Public Hearing will be held to receive public comments and suggestions on the Draft UWMP. The Public Hearing will be held on Thursday May 5, 2011 at 4:30 PM during the regular meeting of the Mojave Water Agency Board of Directors in the MWA Board Chambers located at 22450 Headquarters Dr., Apple Valley, CA 92307.

Address:
Mojave Water Agency
22450 Headquarters Drive
Apple Valley, CA 92307
Attn: Tim Gobler

Published in the Mountaineer Progress Newspaper, March 31, April 7, 2011.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DESERT DISPATCH, a newspaper of general circulation, published in the City of Barstow, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of February 27, 1996, Case Number BVC 02359, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 5 and 12

All in the year 2011.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 12th **day of** April, **2011.**

Signature

Leslie Jacobs

This space is the County Clerk's Filing Stamp

Proof of Publication of
PUBLIC NOTICE

PUBLIC NOTICE

The Mojave Water Agency (MWA) has prepared a Draft 2010 Urban Water Management Plan (UWMP), pursuant to the Urban Water Management Planning Act ("Act"). The 2010 UWMP evaluates water demands and supplies through the year 2035 for the communities within MWA boundaries, and will replace the previous UWMP completed in 2005.

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In accordance with California Government Code and the Act, comments will be accepted during a 30-day review period beginning April 5, 2011 and ending on May 5, 2011. Please send your comments to the address shown below. Please include a return address and contact name with your comments.

A Public Hearing will be held to receive public comments and suggestions on the Draft UWMP. The Public Hearing will be held on Thursday May 5, 2011 at 4:30 PM during the regular meeting of the Mojave Water Agency Board of Directors in the MWA Board Chambers located at 22450 Headquarters Dr., Apple Valley CA 92307.

Address:
Mojave Water Agency
22450 Headquarters Drive
Apple Valley, CA 92307
Attn: Tim Gobler

Published in the
Desert Dispatch
April 5, 12, 2011
(Tu-194)

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 4 and 11

All in the year 2011.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 11th **day of** April, **2011**.

Signature

Leslie Jacobs

This space is the County Clerk's Filing Stamp

Proof of Publication of

ADVERTISEMENT
FOR BIDS

ADVERTISEMENT FOR BIDS

FOR THE CONSTRUCTION OF ORO GRANDE WASH RECHARGE PONDS NORTH OF AQUEDUCT PHASE C1 - FLOW CONTROL FACILITY FOR THE MOJAVE WATER AGENCY IN SAN BERNARDINO, COUNTY, CALIFORNIA

BID of CONTRACT NO. 433-PHASE C1

NOTICE IS HEREBY GIVEN that the Board of Directors of the Mojave Water Agency sometimes referred to as the "Agency" invites and will receive sealed BIDS for the construction of the Oro Grande Wash Recharge Ponds North of Aqueduct Phase C1 located in Victorville, California. The Oro Grande Wash Recharge Ponds North of Aqueduct Phase C1 project, Contract No. 433-PHASE C1, consists of the construction of a flow control building, and approximately 900 feet of steel and HDPE piping. Installation is scheduled to start in June 2011, with a duration of 150 calendar days. The major elements of WORK include furnish and install piping, trench excavation and backfill, construct flow control building, and install flow control valve and appurtenances.

Prospective BIDDERS shall be licensed CONTRACTORS in the State of California and shall be skilled and regularly engaged in the general class or type of WORK called for under the CONTRACT. **Each BIDDER shall have a Class "A" California Contractors license.**

CONTRACT NO. AND TITLE:

Contract No. 433-PHASE C1:
Oro Grande Wash Recharge Ponds North of Aqueduct Phase C1

Sealed BIDS will be received by the **Mojave Water Agency** in our office located at **22450 Headquarters Drive, Apple Valley, CA.** until 1:00 PM. (Pacific Standard Time-Daylight Savings Time) **WEDNESDAY, MAY 4, 2011,** and then at said office publicly opened and read aloud.

The CONTRACT DOCUMENTS may be examined at the following location(s):

(1) Mojave Water Agency,
13581 John Glenn Road, Apple Valley, California.

CONTRACT DOCUMENTS (specifications and drawings)in the form of a CD can be obtained from the **Mojave Water Agency.** These CDs will be provided at no cost with a nominal fee of $20 for standard shipping. Full-size drawings will be available for purchase at the **Mojave Water Agency at 13581 John Glenn Road, Apple Valley, CA** for a fee of **$50** or upon request can be mailed at the bidder's expense. Paper copies of the specifications will not be provided.

To order CONTRACT DOCUMENTS contact:

Lorrie Steely
Mojave Water Agency
22450 Headquarters Drive
Apple Valley, CA 92307
760-946-7020

There will be no refund of the payment for CONTRACT DOCUMENTS.

A **Mandatory Pre-Bid Meeting** will be conducted with all interested participants at the Mojave Water Agency's Board Room at 22450 Headquarters Drive, Apple Valley, CA at **1:00** p.m. on **WEDNESDAY, APRIL 20, 2011.**

Each (Bid) shall be submitted on forms furnished as part of the BID documents.

Due to the specialized and difficult construction of this project, all BIDDERS will be required to demonstrate BIDDERS experience in constructing this type of project. BIDDERS are required to submit with their BID proof of experience for a minimum of three (3) projects of similar magnitude, complexity, and scope in which the bidder was solely responsible for project completion. **AWARD WILL NOT BE MADE TO BIDDERS** if the BID submitted does not include completed and verifiable previous work experience.

BIDS for Construction above must be accompanied by either a cashier's check, a certified check, or a Bid Bond, in an amount not less than ten percent (10 %) of the BID total. The Bid Bond must be in the form required by the Contract Documents, executed by a Surety Company acceptable to the Agency. The check or bond shall be given as security that the BIDDER will enter into an agreement with the Agency and furnish required payment and performance bonds as well as Certified True Copies of required insurance policies if awarded a Contract. Such security will be declared forfeited if the BIDDER refuses to enter into said agreement in a timely manner or furnish the required bonds and policies of insurance in the event that its BID is accepted in whole or in part.

The required payment and performance bonds each shall be in an amount equal to one hundred percent (100%) of the maximum price awarded for the Contract. All of these bonds must be furnished by a surety company meeting all the bonding requirements specified in the preceding paragraph.

BIDS are to remain valid for a period of ninety (90) days after the date set for the opening of BIDS. BIDDERS will be required to furnish with their BIDS all subcontractors and subvendor information, proposed project schedule, resumes of key personnel to be assigned to the project, manpower and equipment to be used, as well as manpower and equipment hourly rates. Agency reserves the right of final determination as whether or not any BIDDER is fully qualified to be considered for award of any CONTRACT.

This project is a public work, financed project, in part, by both the federal government (through the American Recovery and Reinvestment Act [ARRA]) and the State of California (through the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act [Proposition 13]). As such, the project is subject to the payment of prevailing wages and the training and employment of apprentices. Each trade classification required for the Work shall be paid not less than either the Davis-Bacon Wage Determination or the State of California Wage Determination for that classification, whichever is higher or more stringent.

The Mojave Water Agency hereby notifies all BIDDERS that it will affirmatively ensure that, in any Contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit BIDS in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration of award.

The Board of Directors of the Agency reserves the right to reject any or all proposals on any or all of the BID packages, to waive any technical errors or irregularities in any proposal, or to waive any informality of any proposal unless precluded by law or legislation, all if in the best interests of the Agency.

BY THE ORDER OF THE BOARD OF DIRECTORS OF THE MOJAVE WATER AGENCY OF SAN BERNARDINO COUNTY, CALIFORNIA

Dated at Apple Valley, California, March 2011.
Kirby Brill
General Manager
Mojave Water Agency

Published in the Daily Press
April 4, 11, 2011
(M-128)

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the LUCERNE VALLEY LEADER, a newspaper of general circulation, published in the Unincorporated Area of Lucerne Valley, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of February 1, 1957, Case number 187845; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 6

All in the year 2011.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 6th **day of** April, **2011.**

Signature

Leslie Jacobs

This space is the County Clerk's Filing Stamp

Proof of Publication of
PUBLIC NOTICE

PUBLIC NOTICE

The Mojave Water Agency (MWA) has prepared a Draft 2010 Urban Water Management Plan (UWMP), pursuant to the Urban Water Management Planning Act ("Act"). The 2010 UWMP evaluates water demands and supplies through the year 2035 for the communities within MWA boundaries, and will replace the previous UWMP completed in 2005.

MWA is soliciting comments from interested persons and agencies on the Draft UWMP. The Draft UWMP is available for review at the MWA office located at the address shown below, on the MWA website (www.mojavewater.org), and at six public County Libraries (Victorville, Barstow, Hesperia, Apple Valley, Lucerne Valley and Yucca Valley).

In accordance with California Government Code and the Act, comments will be accepted during a 30-day review period beginning April 5, 2011 and ending on May 5, 2011. Please send your comments to the address shown below. Please include a return address and contact name with your comments.

A Public Hearing will be held to receive public comments and suggestions on the Draft UWMP. The Public Hearing will be held on Thursday May 5, 2011 at 4:30 PM during the regular meeting of the Mojave Water Agency Board of Directors in the MWA Board Chambers located at 22450 Headquarters Dr., Apple Valley, CA 92307.

Address:
Mojave Water Agency
22450 Headquarters Drive
Apple Valley, CA 92307
Attn: Tim Gobler

Published in the Leader
April 6, 2011
(L-165)

Tim Gobler

Subject: FW: Transaction Receipt from (Hi-Desert Star)

From: Hi-Desert Star [mailto:receipt@tridentvt.com]
Sent: Tuesday, March 29, 2011 6:01 PM
To: Joanne Lowrance
Subject: Transaction Receipt from (Hi-Desert Star)

DO NOT REPLY TO THIS MESSAGE - This email has been automatically generated.

This is notification that a transaction was processed to your credit card by:

Merchant Name: **Hi-Desert Star**
Merchant Location: **Yucca Valley, CA**
Merchant Number (MID): **490300046202**

The details of the transaction are as follows:

Card Number: [redacted]
Transaction Type: **Sale**
Amount: **$60.23**
Settlement date and time: **3/29/2011 6:02:08 PM**
CustomerID: **Starlegal- lawrence**
Invoice Number: **01548251**
Cardholder Name: **Joanne Lawrence**
Address: **22450 Headquarters Drive**
City: **Apple Valley**
Zip: **92307**

DO NOT REPLY TO THIS MESSAGE - This email has been automatically generated.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the HESPERIA STAR, a newspaper of general circulation, published in the City of Hesperia, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of October 12, 2001, Case number VCVVS 023644, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 5

All in the year 2011.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 5th **day of** April, **2011.**

Signature

Leslie Jacobs

This space is the County Clerk's Filing Stamp

Proof of Publication of

PUBLIC NOTICE

PUBLIC NOTICE

The Mojave Water Agency (MWA) has prepared a Draft 2010 Urban Water Management Plan (UWMP), pursuant to the Urban Water Management Planning Act ("Act"). The 2010 UWMP evaluates water demands and supplies through the year 2035 for the communities within MWA boundaries, and will replace the previous UWMP completed in 2005.

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In accordance with California Government Code and the Act, comments will be accepted during a 30-day review period beginning April 5, 2011 and ending on **May 5, 2011**. Please send your comments to the address shown below. Please include a return address and contact name with your comments.

A Public Hearing will be held to receive public comments and suggestions on the Draft UWMP. The Public Hearing will be held on Thursday **May 5, 2011 at 4:30 PM** during the regular meeting of the Mojave Water Agency Board of Directors in the MWA Board Chambers located at 22450 Headquarters Dr., Apple Valley, CA 92307.

Address:
Mojave Water Agency
22450 Headquarters Drive
Apple Valley, CA 92307
Attn: Tim Gobler

Published in the
Hesperia Star
April 5, 2011
(ST-380)

RECEIVED
MOJAVE WATER AGENCY
11 APR -7 PM 4:07

From: UPS Quantum View
To: Joanne Lowrance
Subject: UPS Delivery Notification, Tracking Number 1Z8821E74344539279
Date: Tuesday, April 05, 2011 5:03:59 PM

UPS

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(562) 981 3954

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Mojave Water Agency

Guarding the High Desert's Most Precious Resource

About MWA | Board of Directors | MWA Projects | Water Conservation | Community Partners | Watermaster | State of the Basin

Who We Are

The Mojave Water Agency is one of 29 State Water Contractors with access to the State Water Project. It was created by High Desert voters in 1960 and is governed by a seven-member elected Board of Directors. The Agency, in cooperation with other water districts is responsible for managing the region's water resources to ensure a sustainable supply of water for present and future use.

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- Newsroom
- Opportunities

Facilities Map

News Splash

Prop. 50 Funding Update

Eradication of Non-Native Species

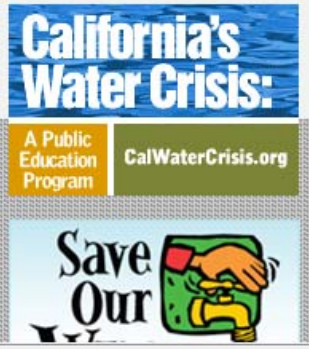
MWA, in partnership with the Mojave Desert Resource Conservation District (MDRCD), will be overseeing the removal of non-native species from the Mojave River.

The removal of these species is vital to the maintenance and restoration of healthy e
in the Mojave River. Not only do invasive species crowd out the native riparian vegetat
negatively alter the flood and fire regime of the river, they also consume thousands of g

more...

Link to Draft MWA UWMP on MWA Website

Featured Items



The ABC's of Water

Bid Results for Oro Grande Wash Phase C-1

Urban Water Management Plan

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Appendix C

Judgment After Trial January 10, 1996, Mojave Basin Area Adjudication Text *(included as CD)*

Appendix D

Warren Valley Judgment Text *(included as CD)*

Appendix E

Demand Projections for High and Low Conservation Assumptions

Appendix E

Demand Projections for High and Low Conservation Assumptions

In the Mojave Water Agency demand forecast model, three possible outcomes in per-capita use were evaluated for the Single-Family Residential use sector, based upon a range of possible conservation levels, as described in Section 3.1. These SFR demand forecasts were then incorporated into regional demand projections for MWA. 2010 SFR use averaged 152 gallons per capita per day (GPCD) in the Mojave Basin Area and 113 GPCD in the Morongo Area. Recognizing the potential for additional conservation in the SFR sector, three possibilities were developed to book-end the possible range in future SFR GPCD based upon varying levels of conservation:

1. No conservation beyond the year 2010: GPCD remains flat at the 2010 level (152 GPCD in the Mojave Basin and 113 GPCD in the Morongo Area). This represents the high end of the range.

2. Extreme conservation on a regional basis: GPCD in the Mojave Basin decreases by 2020 to the current Morongo Area level of 113 GPCD, and GPCD in Morongo decreases 5 percent (to 107 GPCD). This represents the low end of the range.

3. Moderate conservation. Halfway between the high end of the range and the low end of the range as defined above (133 GPCD by 2020 for Mojave and 110 GPCD by 2020 for Morongo).

The regional demand projection included in the body of the UWMP assumes moderate conservation is achieved in the SFR use sector. To be conservative, the other two scenarios were also evaluated and are included below.

With no conservation (no reduction in SFR GPCD beyond the year 2010), available water supplies are sufficient to meet regional demand projections through the year 2037. Table E-1 and Figures E-1 and E-2 represent available water supplies and demands under this scenario through 2035 and 2060, respectively.

TABLE E-1
SUMMARY OF CURRENT AND PLANNED WATER SUPPLIES (AFY)
WITH NO SINGLE-FAMILY RESIDENTIAL CONSERVATION BEYOND 2010

Water Supply Source	2010	2015	2020	2025	2030	2035
Existing Supplies						
Wholesale (Imported)						
SWP [(a)]	49,680	51,480	53,880	53,880	54,778	54,778
Local Supplies[(b)]						
Net Natural Supply	54,045	54,045	54,045	54,045	54,045	54,045
Agricultural Depletion from Storage[(c)]	10,425	10,425	10,425	10,425	10,425	10,425
Return Flow[(d)]	62,220	69,713	75,703	81,726	87,749	93,771

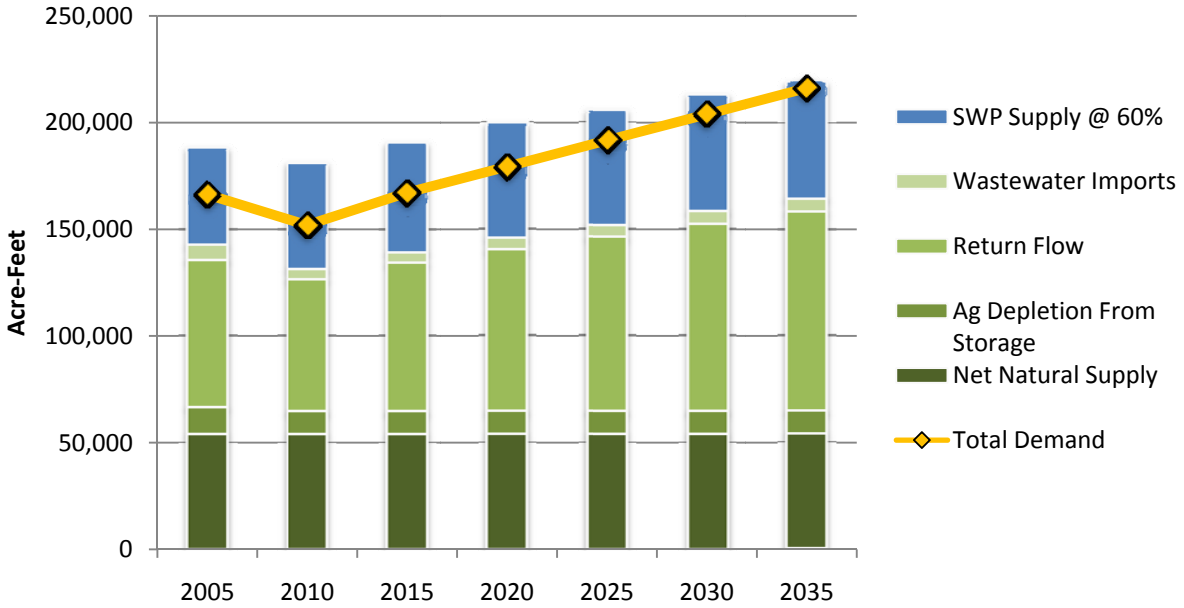
Water Supply Source	2010	2015	2020	2025	2030	2035
Wastewater Import[e]	5,304	5,397	5,491	5,789	6,087	6,385
Groundwater Banking Projects[f]						
Total Existing Supplies	**181,265**	**190,856**	**199,544**	**205,865**	**213,083**	**219,404**
Projected Demands[g]	**151,885**	**167,109**	**179,324**	**191,599**	**203,873**	**216,148**

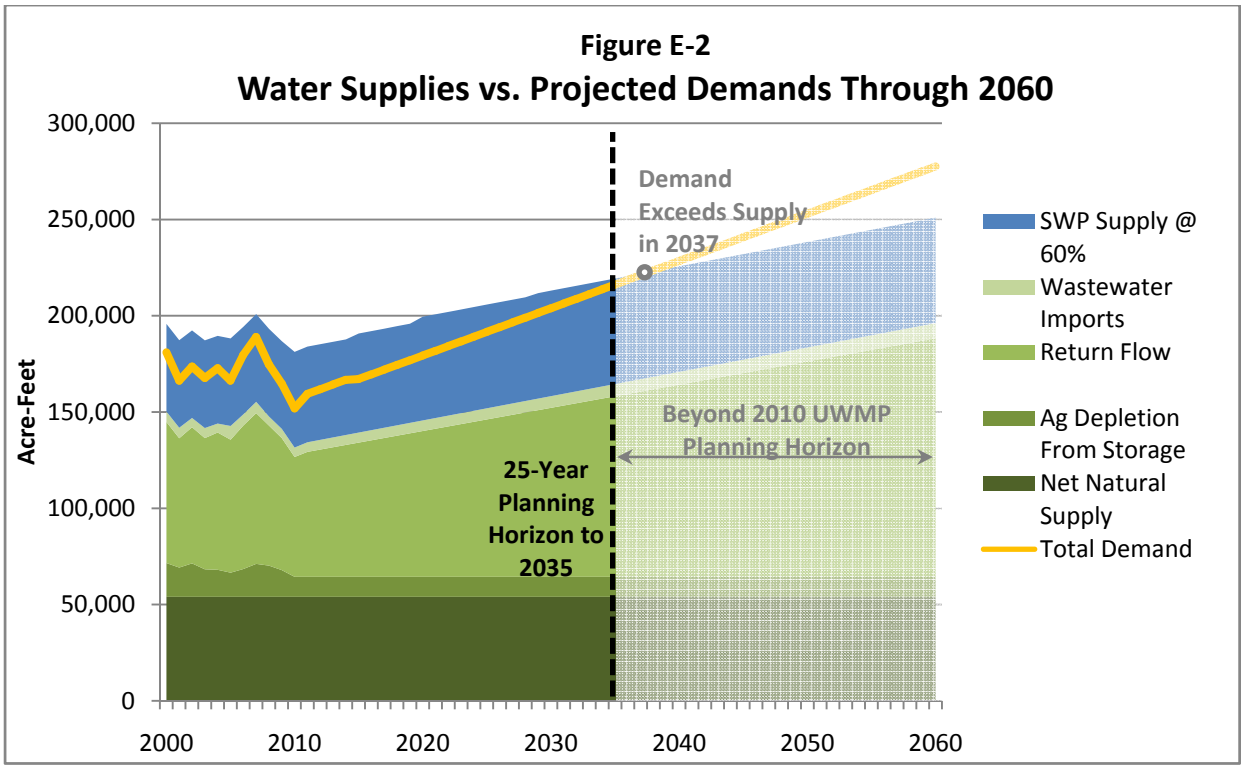
Notes:

(a) Assumes 60% of Table A amount as the long-term supply until 2029 and then assume 61% in 2029 and after, based on the California Department of Water Resources 2009 contractor Delivery Reliability Report for MWA.
(b) Source: MWA's demand forecast model.
(c) Refer to Section 3.3.2 for an explanation of this supply.
(d) Refer to Section 3.3.3 for an explanation of this supply. It was assumed the GPCD remains at the "moderate" level as defined in Chapter 2.
(e) See Chapter 4 Recycled Water, Table 4-6.
(f) Groundwater Banking (stored groundwater) would only be used in drought conditions. For this reason, Groundwater Banking is not included in the total supply available in a Normal Year. See Table 3-13 for details.
(g) See Chapter 2 Water Use, Table 2-3, assuming "moderate" conservation.

Figure E-1

Water Supplies vs. Projected Demands Through 2035
With No SFR Conservation Beyond 2010





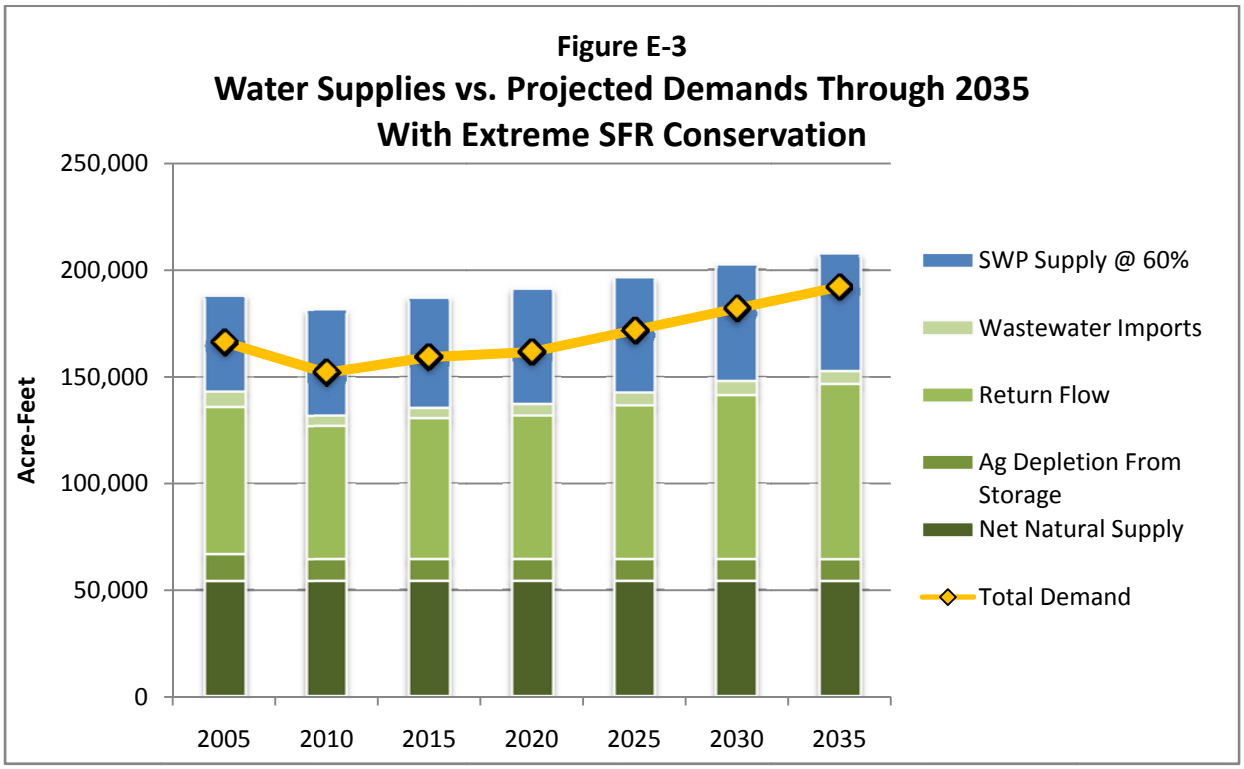
With extreme conservation, available water supplies are sufficient to meet regional demand projections through the year 2052. Table E-2 and Figures E-3 and E-4 represent available water supplies and demands under this scenario through 2035 and 2060, respectively.

TABLE E-2
SUMMARY OF CURRENT AND PLANNED WATER SUPPLIES (AFY)
WITH EXTREME SINGLE-FAMILYRESIDENTIAL CONSERVATION

Water Supply Source	2010	2015	2020	2025	2030	2035
Existing Supplies						
Wholesale (Imported)						
SWP [(a)]	49,680	51,480	53,880	53,880	54,778	54,778
Local Supplies[(b)]						
Net Natural Supply	54,045	54,045	54,045	54,045	54,045	54,045
Agricultural Depletion from Storage[(c)]	10,425	10,425	10,425	10,425	10,425	10,425
Return Flow[(d)]	62,220	65,819	67,002	71,998	76,979	81,943
Wastewater Import[(e)]	5,304	5,397	5,491	5,789	6,087	6,385
Groundwater Banking Projects[(f)]						
Total Existing Supplies	**181,265**	**186,962**	**190,843**	**196,137**	**202,314**	**207,576**
Projected Demands[(g)]	**151,885**	**159,214**	**161,668**	**171,882**	**182,065**	**192,215**

Notes:

(a) Assumes 60% of Table A amount as the long-term supply until 2029 and then assume 61% in 2029 and after, based on the California Department of Water Resources 2009 contractor Delivery Reliability Report for MWA.
(b) Source: MWA's demand forecast model.
(c) Refer to Section 3.3.2 for an explanation of this supply.
(d) Refer to Section 3.3.3 for an explanation of this supply. It was assumed the GPCD remains at the "moderate" level as defined in Chapter 2.
(e) See Chapter 4 Recycled Water, Table 4-6.
(f) Groundwater Banking (stored groundwater) would only be used in drought conditions. For this reason, Groundwater Banking is not included in the total supply available in a Normal Year. See Table 3-13 for details.
(g) See Chapter 2 Water Use, Table 2-3, assuming "moderate" conservation.



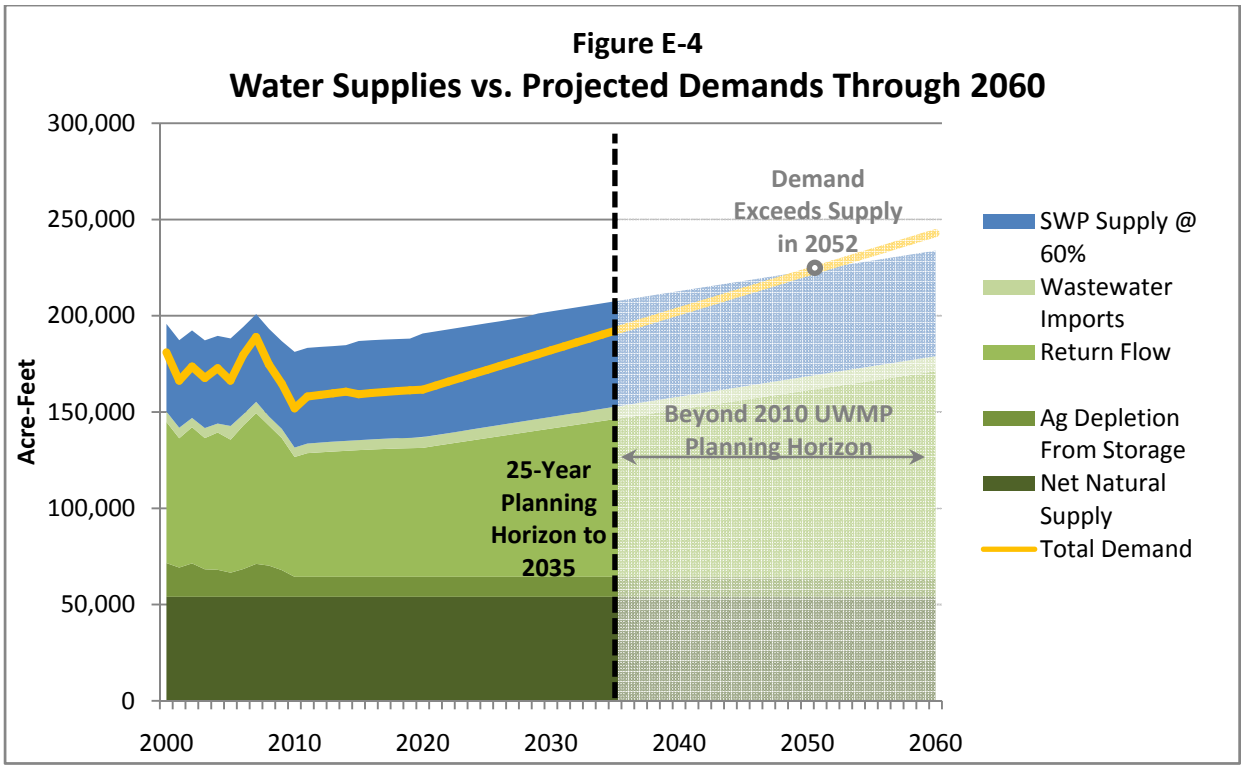


Figure E-4
Water Supplies vs. Projected Demands Through 2060
Acre-Feet
300,000
250,000
200,000
150,000
100,000
50,000
0
2000
2010
2020
2030
2040
2050
2060
Demand Exceeds Supply in 2052
Beyond 2010 UWMP Planning Horizon
25-Year Planning Horizon to 2035
SWP Supply @ 60%
Wastewater Imports
Return Flow
Ag Depletion From Storage
Net Natural Supply
Total Demand

Appendix F

Legal Analysis of State Water Project (SWP) Reliability Factors

APPENDIX F
RECENT FACTORS AFFECTING SWP SUPPLIES

Since the last round of Urban Water Management Plans (UWMPs) were prepared in 2005, the California Department of Water Resources (DWR) has twice updated its State Water Project (SWP) Delivery Reliability Report. In each of its updates, DWR has projected further reductions in average SWP water deliveries than were projected in 2005. The 2009 Report is the most recent update, and identifies several emerging factors that have the potential to affect the availability and reliability of SWP supplies. Although the 2009 Report presents an extremely conservative projection of SWP delivery reliability, particularly in light of events occurring since its release, it remains the best available information concerning the SWP. Following is information and a brief summary of several factors identified in the 2009 Report having the potential to affect the availability and reliability of SWP supplies.

New U.S. Fish and Wildlife Service Biological Opinion for Delta Smelt and Related Litigation Matters

SWP operations have been challenged in connection with potential impacts to the Delta smelt, a small fish that resides only in the Delta and is protected under CESA and the ESA. In February 2005, the United States Fish and Wildlife Service (FWS) issued a "no jeopardy" determination and biological opinion (B.O.) analyzing potential impacts to the Delta smelt in connection with the long-term coordinated operations of the California State Water Project (SWP) and the federal Central Valley Project (CVP) through the year 2030. The project/action evaluated in the B.O., formally known as the "Operations Criteria and Plan" (or OCAP), includes existing pumping operations, proposals to increase SWP pumping over the next 30-year period, and other proposed long-term operational changes. In February 2005, several environmental groups filed suit in federal court against FWS and the Secretary of the Interior challenging the validity of the B.O. (*Natural Resources Defense Council v. Kempthorne*, USDC Case No. 05-CV-1207-OWW.)

In May 2007, the Federal District Court for the Eastern District of California determined that the B.O. violated the requirements of the ESA. In order that the SWP and CVP could continue to operate, the court established interim operating requirements for the Projects that would remain in place until a new B.O. was completed (the Interim Remedies)(December 14, 2007). The Interim Remedies were based on various factors occurring in the Delta, such as prevailing hydrologic and flow conditions, and the distribution and spawning status of Delta smelt. For the 2007-2008 water year, the Interim Remedies were reported to have reduced SWP supplies by approximately 500,000 acre-feet.

On December 15, 2008, FWS issued its new B.O. The B.O. concludes that the proposed long-term coordinated CVP and SWP operations will "jeopardize" the Delta smelt and "adversely modify" its critical habitat according to ESA standards. Pursuant to the ESA, because the B.O. is a "jeopardy" opinion, FWS was required to formulate and adopt as part of the B.O. a "Reasonable and Prudent Alternative" (RPA) to the proposed action that FWS believes will not cause jeopardy to the Delta smelt or adversely modify or destroy its critical habitat, and which can be implemented by Reclamation and DWR. (16 U.S.C. § 1536(b)(3)(A).) The RPA adopted as part of the B.O. imposed various new operating restrictions upon the CVP and SWP and has the potential to result in substantial water supply reductions from the Projects.

Soon after the B.O. was issued, DWR published information estimating that in comparison to the level of SWP exports from the Delta previously authorized under State Water

Resources Control Board (State Board) Decision 1641 (D-1641),[1] the FWS B.O. could reduce those deliveries by 18 to 29 percent during average and dry conditions, respectively. As with the Interim Remedies, potential water supply restrictions under the new B.O. are dependent on highly variable factors such as hydrologic conditions affecting Delta water supplies, flow conditions in the Delta, migratory and reproductive patterns of Delta smelt, and numerous other non-Project factors that impact the health and abundance of Delta smelt and its critical habitat.

Due to a number of alleged scientific and other deficiencies in the new FWS B.O., in early 2009 the State Water Contractors, the San Luis and Delta-Mendota Water Authority and several individual State and Federal contractor water agencies filed legal challenges against the B.O., which were consolidated in the Federal District Court for the Eastern District of California. (*The Consolidated Delta Smelt Cases*, Lead Case No. 1:09-CV-00407-OWW-GSA.) Early on in the proceedings, several of the plaintiff water agencies and the federal defendants filed cross-motions for summary judgment to determine whether a violation of the National Environmental Policy Act (NEPA) occurred in connection with federal defendants' adoption and implementation of the NMFS B.O. and its RPA. In a Memorandum Decision issued in November 2009, the court ruled that the moving plaintiffs were entitled to summary judgment on their claim that the federal defendants violated NEPA by failing to perform any NEPA analysis prior to adopting and implementing the new FWS B.O. and its RPA. (*The Consolidated Delta Smelt Cases*, Doc. No. 399 at 46-47.)

Separately, several of the plaintiffs filed a motion for preliminary injunction against the implementation of Component 2 (Action 3) of the RPA that proposed to restrict Delta exports during a particular timeframe in spring and summer months, depending on certain biological and environmental parameters. In May 2010, the court issued its Findings of Fact and Conclusions of Law Regarding Plaintiffs' Request for Preliminary Injunction Against Implementation of RPA Component 2 (a/k/a Action 3). In that decision, the court reconfirmed its earlier ruling that the federal defendants failed to examine the potential environmental and human consequences of the RPA actions adopted under the B.O. in violation of NEPA. (*Consolidated Delta Smelt Cases*, Doc. No. 704 at 120-122.) The court also ruled that the plaintiffs were likely to prevail on their claims that FWS violated the ESA and the federal Administrative Procedure Act (APA) in formulating and adopting RPA Component 2 without support of the best available science and without adequate explanation regarding its biological benefit to Delta smelt. (*Id.* at 123-125.)

In the meantime, the parties also filed cross motions for summary judgment to obtain a final ruling in the cases. Those motions were argued in early July 2010. In December 2010, the court issued a memorandum decision that invalidated the B.O. and RPA in several respects and remanded the matter to FWS. Further proceedings are expected to address interim operations of the SWP and CVP.

Because Delta smelt are also protected under the California ESA, the SWP and CVP are required to obtain take authorization from the California Department of Fish and Game (DFG). In July 2009, DFG issued a "consistency determination" pursuant to Fish and Game Code section 2080.1. That determination provides that operations of the SWP and CVP are in compliance with CESA so long as those operations occur in accordance with the FWS Delta smelt B.O. and RPA. Because the consistency determination posed a risk that the SWP could remain bound to the terms of the RPA even if the FWS B.O. was eventually overturned by a

[1] See additional discussion below regarding SWP exports as authorized under D-1641.

federal court, DFG's decision was challenged in state court by the State Water Contractors and the Kern County Water Agency. (*State Water Contractors v. California Department of Fish and Game, et al.*, Kern County Superior Court Case No. S-1500-CV-268074[2]; *Kern County Water Agency v. Department of Fish and Game, et al.*, Sacramento County Superior Court Case No. 34-2010-80000450.) The challenges assert, among other things, that DFG's consistency determination is invalid because it relies upon and seeks to enforce restrictions established under the new FWS B.O. that are alleged under *The Consolidated Delta Smelt Cases* to be invalid and unenforceable. The case is currently stayed by stipulation of the parties, pending the outcome of *The Consolidated Delta Smelt Cases*.

These litigation matters challenging the validity of the FWS B.O. and the DFG consistency determination give rise to the possibility that the restrictions on SWP exports could be relaxed and that SWP exports may return to the levels allowed by the Interim Remedies (above) or State Board Decision D-1641[3] pending issuance of a new B.O. and/or the implementation of the Bay-Delta Conservation Plan (BDCP). As an additional factor, by letter dated May 3, 2010, the federal Secretaries of the Department of Interior and the Department of Commerce have announced a joint initiative to develop a single integrated B.O. for the Delta and related water operations of the CVP and SWP.[4] The timing, nature and extent of the regulatory measures to be contained in any such B.O., and whether those measures would be legally challenged or upheld, cannot be predicted with any degree of certainty at this time.

New National Marine Fisheries Service Biological Opinion Salmon/Anadromous Species and Related Litigation Matters

SWP operations have also been challenged in connection with potential impacts to anadromous species in the San Francisco Bay-Delta estuary. In October 2004, the National Marine Fisheries Service (NMFS) issued a "no jeopardy" determination and B.O. analyzing potential impacts to federally listed winter-run and spring-run salmon and steelhead trout related to the long-term coordinated operations of the CVP and SWP through the year 2030. As with the 2005 FWS B.O. and *Kempthorne* case discussed above, OCAP was the project/action evaluated in the 2004 NMFS B.O., which included the Projects' existing Delta pumping operations, proposals to increase SWP pumping by 20 percent over the long term, and other operational changes. In August 2005, several environmental groups filed suit in federal court against NMFS and the Secretary of Commerce challenging the validity of the B.O. (*Pacific Coast Federation of Fishermen's Associations, et al. v. Gutierrez, et al.*, Case No. 1:06-CV-00245-OWW-GSA.)

In April 2008, the United States District Court for the Eastern District of California issued

[2] In June 2010, the case was transferred to Sacramento, California, where it is now referenced as *State Water Contractors v. California Department of Fish and Game, et al.*, Sacramento County Superior Court Case No. 34-2010-80000552.

[3] D-1641 implements the objectives of the 1995 Bay-Delta Plan and imposes flow and water quality objectives to assure protection of beneficial uses in the Delta. The requirements of D-1641 address, among other things, standards for fish and wildlife protection, municipal and industrial water quality, agricultural water quality, and salinity. D-1641 imposed a new operating regime for the Delta, including measures such as X2, an export/inflow ratio, and the Vernalis Adaptive Management Program (VAMP). The standards under D-1641 are accomplished through requirements and conditions imposed on the water right permits for the SWP, the CVP and others. (*See*, California Water Plan Update 2009, Regional Reports Volume 3, Sacramento-San Joaquin River Delta at DB-6.)

[4] http://www.doi.gov/news/pressreleases/upload/Roy.pdf

its decision invalidating the NMFS B.O. for failing to comply with the requirements of the federal ESA. As with the *Kempthorne* case (above), the court did not vacate the B.O., meaning that SWP and CVP operations were authorized to continue pending the preparation of a new B.O. and any interim remedies imposed by the court. Remedy proceedings were held similar to those conduced in the *Kempthorne* case discussed above and, in separate Findings of Fact and Conclusions of Law issued in July and October 2008, Judge Wanger determined that additional water supply restrictions beyond those required in *Kempthorne* (i.e., the Interim Remedies for Delta smelt) were not required at that time for the anadromous species.

On June 4, 2009, NMFS issued a new B.O. regarding the effects of SWP and CVP operations on listed winter and spring-run salmon, steelhead trout, green sturgeon, and southern resident killer whales. Like the new FWS B.O. discussed above, the NMFS B.O. concludes that the proposed long-term coordinated operations of the CVP and SWP will jeopardize the species and adversely modify the critical habitats of most of those species. Pursuant to the ESA, because the B.O. is a "jeopardy" opinion, NMFS was required to formulate and adopt a Reasonable and Prudent Alternative (RPA) to the proposed action that NMFS believed would not cause jeopardy to the species or adversely modify or destroy their critical habitats, and which can be implemented by Reclamation and DWR. (16 U.S.C. § 1536(b)(3)(A).) The RPA adopted by NMFS imposed various new operating restrictions upon the CVP and SWP which have the potential to result in substantial reductions in water supply from the Projects.

NMFS calculated that its new B.O. has the potential to reduce SWP deliveries from the Delta by 7 percent in addition to the potential reductions under the new FWS B.O. for Delta smelt (above). DWR has estimated that average annual reductions to SWP deliveries could be closer to 10 percent beyond the restrictions imposed under the FWS B.O. (thus, a total of 28 to 39 percent during average and dry conditions, respectively, in comparison to SWP exports authorized under D-1641). As with the FWS B.O., potential water supply restrictions under the NMFS B.O. are dependent on several variable factors, such as hydrologic conditions in the Delta region, migratory and reproductive patterns of protected salmonid species, and other non-Project factors that impact the health and abundance of the species and their habitats.

In June 2009, numerous legal challenges were filed against the new NMFS B.O. and consolidated in the United States District Court for the Eastern District of California alleging, among other things, that the operating restrictions set forth in the B.O. are in violation of the federal ESA, the federal APA, and other laws. (*The Consolidated Salmonid Cases*, Lead Case No. 1:09-CV-1053-OWW-DLB.) Early in the proceedings, several of the plaintiff water agencies and the federal defendants filed cross-motions for summary judgment to determine whether a NEPA violation occurred in connection with federal defendants' adoption and implementation of the NMFS B.O. and its RPA. The court heard oral argument on the motions in February 2010, and took the matter under submission.

Separately, in January 2010, several of the plaintiff water agencies filed applications for a temporary restraining order and motions for preliminary injunction regarding the implementation of RPA Actions IV.2.1 and IV.2.3, which are designed to restrict Delta exports during a particular timeframe in spring and summer months, depending on certain biological and environmental parameters. In February 2010, the court issued its Memorandum Decision and Order Re Plaintiffs' Motion for Temporary Restraining Order. The decision found that federal defendants violated NEPA by failing to consider the potential human and environmental impacts

caused by implementation of the RPA Actions, and that a temporary injunction against RPA Action IV.2.3 would not cause jeopardy to the species, whereas a failure to enjoin the Action would cause irreparable water supply impacts to the plaintiffs. (*The Consolidated Salmonid Cases*, Doc. No. 202 at 20-22.) In subsequent rulings issued in March 2010, the court ordered that plaintiffs were entitled to summary judgment on their claims that federal defendants violated NEPA by failing to prepare any NEPA documentation in the adoption and implementation of the NMFS B.O. and its RPA. (*The Consolidated Salmonid Cases*, Doc. Nos. 266 and 288 at 3.)

Plaintiffs' motions for a preliminary injunction were heard in April and May 2010, and in May 2010 the court issued Findings of Fact and Conclusions of Law Re Plaintiffs' Request for Preliminary Injunction. In that decision, the court reconfirmed its previous ruling that federal defendants violated NEPA by failing to undertake an analysis of whether the RPA Actions adopted by NMFS under its new B.O. would adversely impact humans and the human environment. (*The Consolidated Salmonid Cases*, Doc. No. 347 at 129-130, 138.) Further, the court ruled that the plaintiff water agencies had a substantial likelihood of being able to show that the federal defendants violated the ESA and the APA by failing to adequately justify, through generally recognized scientific principles, the precise flow prescriptions imposed by RPA Actions IV.2.1 and IV.2.3. (*Id.* at 130, 133-134.)[5]

Following its May 18th ruling, the court conducted further proceedings and accepted additional evidence to address the proposed injunction and whether the relief requested by the plaintiffs would adversely affect the species (namely, Central Valley spring-run Chinook salmon and Central Valley steelhead). Based on those proceedings, in June 2010, the court issued Supplemental Findings of Fact and Conclusions of Law Re Plaintiffs' Request for Preliminary Injunction. (*The Consolidated Salmonid Cases*, Doc. No. 380.) The Supplemental Findings noted that if RPA Actions IV.2.1 and IV.2.3 were enjoined through June 15, 2010, the FWS B.O. for Delta smelt (above) would control Project operations between May 26th and June 15th, unless those restrictions were also enjoined, in which case Project operations would be controlled by D-1641.[6] (Doc. No. 380 at 12.) Accordingly, the court granted an injunction against RPA Actions IV.2.1 and IV.2.3 and authorized Project operations in accordance with D-1641, provided that export pumping could be reduced on shortened notice upon a showing of jeopardy to the species or adverse modification of its critical habitat. (*Id.* at 17-18.)

In August and November 2010, the parties also filed motions for summary judgment to obtain a final ruling in the cases. Those motions were argued on December 16 and 17, 2010, and the court is expected to issue a memorandum decision on the motions.

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[5] RPA Action IV.2.1 limits combined water exports by the CVP and SWP based on San Joaquin River flows as measured at Vernalis. (NMFS B.O. at 642.) When flows at Vernalis range from 0 to 6,000 cfs, Action IV.2.1 limits combined CVP and SWP exports to 1,500 cfs. (NMFS B.O. at 642.) When flows at Vernalis range from 6,000 to 21,750 cfs, Action IV.2.1 imposes an inflow to combined CVP and SWP exports ratio of 4:1. (NMFS B.O. at 642.) The pumping restrictions associated with Action IV.2.1 terminate May 31st. (NMFS B.O. at 641-642.) RPA Action IV.2.3 limits Old and Middle River (OMR) flows to no more negative than -2,500 cfs between January 1 and June 15, or until the average daily water temperature at Mossdale is greater than 72 degrees Fahrenheit for seven consecutive days, whichever occurs first. (NMFS B.O. at 648-650.)

[6] Among other things, D-1641 limits Project exports to a combined total of not more than 35 percent of total Delta inflow and further limits Project operations to ensure that certain water quality standards are met as measured by the location of the isohaline condition referred to as spring X2. (See *The Consolidated Salmonid Cases*, Doc. No. 380 at 12-14.)

Because the salmon species covered by the new NMFS B.O. are also protected under CESA, the SWP and CVP are required to obtain take authorization from DFG. In September 2009, DFG issued a "consistency determination" pursuant to Fish and Game Code section 2080.1. That determination provides that operations of the SWP and CVP are in compliance with CESA so long as those operations occur in accordance with the RPA set forth in the NMFS B.O. Because the consistency determination posed a risk that the SWP could remain bound to the terms of the RPA even if the NMFS B.O. was eventually overturned by a federal court, DFG's decision was challenged in state court by the State Water Contractors and the Kern County Water Agency. (*State Water Contractors v. California Department of Fish and Game, et al.*, Kern County Superior Court Case No. S-1500-CV-268497.)[7] The challenge asserts, among other things, that DFG's consistency determination is invalid because it relies upon and seeks to enforce restrictions established under the NMFS B.O. that are alleged under *The Consolidated Salmon Cases* to be invalid and unenforceable. As described above, the Federal District Court for the Eastern District of California has ruled that plaintiffs have a strong likelihood of being able to show that portions of the NMFS B.O. fail to comply with the ESA and the APA, and has enjoined implementation of several RPA Actions. Because the court's ruling effectively modified aspects of the NMFS B.O. for 2010, DWR requested that DFG make a determination that the NMFS B.O., as modified by the court, remained consistent with the provisions of CESA. In May 2010, DFG issued a new consistency determination, finding the court-modified NMFS B.O. consistent with CESA. In June 2010, an amended complaint was filed against the May 24th consistency determination. By stipulation of the parties, the case is currently stayed pending the outcome of *The Consolidated Salmonid Cases*.

The current legal challenges regarding the validity of the new NMFS B.O. and the DFG consistency determination give rise to the possibility that the restrictions on SWP exports could be relaxed and that SWP exports may return to the higher levels allowed by the Interim Remedies decision in *Kempthorne* (above) or D-1641 pending the issuance of a new B.O. and/or implementation of the BDCP. Furthermore, as noted above, in May 2010 the Department of Interior and the Department of Commerce announced a joint initiative to develop a single, integrated B.O. for the coordinated operations of the CVP and SWP in the Delta.[8] The timing, nature, and extent of the regulatory measures to be contained that B.O., and whether those measures would be legally challenged or upheld, cannot be predicted with any degree of certainty at this time.

Watershed Enforcers v. California Department of Water Resources

Another litigation matter concerning SWP operations is *Watershed Enforcers v. Cal. Dept. of Water Resources* (2010) 185 Cal. App. 4th 969 (Alameda County Superior Court Case No. RG06292124). In that case, a plaintiffs group filed suit against DWR alleging the SWP was being operated without "take authorization" under CESA. The case was heard by the Alameda County Superior Court in November 2006 and, in April 2007, the court ordered DWR to cease and desist further operations of the Harvey O. Banks pumping plant facilities of the SWP unless DWR obtained proper authorization from DFG for the take of Delta smelt and salmon species listed under CESA. The trial court decision was appealed by DWR and several water agency

[7] In June 2010, the case was transferred to Sacramento, California, where it is now referenced as *State Water Contractors v. California Department of Fish and Game, et al.*, Sacramento County Superior Court Case No. 34-2010-80000560.
[8] http://www.doi.gov/news/pressreleases/upload/Roy.pdf

parties and the court's order was stayed pending the appeal, meaning that DWR was not required to cease its operations of the Banks facilities.

As discussed above, the new FWS and NMFS B.O.s were issued while the *Watershed Enforcers* case was pending on appeal. Based on those new B.O.s, DFG issued consistency determinations and take authorization for the SWP under CESA with respect to Delta smelt and the listed anadromous species. (Also discussed above, those consistency determinations have been challenged in state court.) Thereafter, in September 2009, DWR and one of the water agency parties dismissed their appeals in the *Watershed Enforcers* case. The case remained active in 2009-2010, however, for purposes of resolving the discrete legal issue raised by the remaining water agency parties as to whether DWR is the type of entity that is subject to the take prohibitions under CESA. In a June 2010 decision, the First District Court of Appeal affirmed the trial court decision in all respects, including the determination that DWR qualifies as a "person" within the meaning of CESA, which means that DWR is subject to CESA's permitting requirements. (*Watershed Enforcers v. Department of Water Resources* (2010) 185 Cal. App. 4th 969, 973.)

California Department of Fish and Game Incidental Take Permit for Longfin Smelt and Related Litigation Matters

Regulatory actions related to longfin smelt also have the potential to affect the availability and reliability of SWP supplies. In February 2008, the California Fish and Game Commission (Commission) approved a petition to list the longfin smelt as a "candidate" species under CESA. Under CESA, once a species is granted candidate status, it is entitled to protections until the Commission determines whether to list the species as threatened or endangered. To afford such interim protection, in February 2008, the Commission adopted the first in a series of emergency take regulations that authorized the CVP and SWP to take longfin smelt, yet established certain operating restrictions on Project exports from the Delta in an effort to protect the species. The emergency regulations were proposed to remain in effect until February 2009, at which time the Commission was required to decide whether to list the longfin as a threatened or endangered species. Initially, the Commission's take regulation imposed the same Delta export restrictions that were established in the *Kempthorne* case (i.e., the Interim Remedies discussed above). In November 2008, however, the Commission revised its emergency regulations in a manner that threatened to impose export restrictions beyond those established for Delta smelt. According to information published by DWR, the Commission's 2008-2009 revised emergency take regulations had the potential to reduce SWP supplies in the January to February 2009 period by up to approximately 300,000 acre-feet under a worst-case scenario. Under other scenarios, however, the SWP delivery reductions were expected to be no greater than those imposed under the new FWS B.O. for Delta smelt. In December 2008, several water agency interests filed suit against the Commission's revised take regulation, alleging it violated CESA.

In March 2009, the Commission determined that the listing of longfin smelt as a "threatened" species was warranted under CESA. CESA sets forth a general prohibition against the take of a threatened species except as otherwise authorized by statute. One such authorization is provided by California Fish and Game Code section 2081, wherein DFG may authorize the incidental taking of a threatened species in connection with an otherwise lawful activity through the issuance of a permit. In February 2009, in advance of an official listing of the species as threatened, DFG issued Incidental Take Permit No. 2081-2009-001-03 (Permit)

to DWR which imposes terms and conditions on the ongoing and long-term operation of SWP facilities in the Delta for the protection of longfin smelt. The operating restrictions under the Permit are based in large part on the restrictions imposed on the SWP by the new FWS B.O. for Delta smelt (see above).

In June 2009, the Commission officially listed longfin smelt as a threatened species under CESA. As with the FWS B.O., potential water supply restrictions under the Permit are dependent on several variable factors, such as hydrologic conditions in the Delta region, migratory and reproductive patterns of longfin smelt, and other non-Project factors affecting longfin smelt abundance in the Delta. DWR has not indicated whether any particular reductions in SWP exports are likely to result from the Permit. As previously noted, however, DWR has estimated that the restrictions imposed by the FWS B.O. and RPA for Delta smelt could reduce SWP deliveries between 18 and 29 percent in comparison to Project deliveries authorized under D-1641. In March 2009, due to a number of alleged scientific and other deficiencies in the Permit, the State Water Contractors challenged the Permit in Sacramento County Superior Court. (*State Water Contractors v. California Dept. of Fish and Game, et al.*, Sac. Sup. Ct. Case No. 34-2009-80000203.) That case puts DFG's ability to enforce the Permit into question.

California Drought Conditions

On June 4, 2008, the Governor of California proclaimed a statewide drought due to record-low rainfall in Spring 2008 and court-ordered restrictions on Delta exports as discussed above. (Executive Order S-06-08.) Soon thereafter, the Governor proclaimed a state of drought emergency to exist within the Counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern. (Proclamation dated June 12, 2008.) On February 27, 2009, the Governor declared a statewide water supply emergency to combat California's third consecutive year of drought conditions, evidenced by low reservoir storage and estimated snowpack water content at that time. (Proclamation dated February 27, 2009.)

Since then, statewide hydrologic conditions have improved, although the State's water supply emergency declaration has not been lifted. In March 2010, DWR announced that both manual and electronic readings indicate that the water content in California's mountain snowpack was 107 percent of normal and stated that the "readings boost our hope that we will be able to increase the State Water Project allocation by this spring to deliver more water to our cities and farms." Among these readings, DWR reported that electronic sensor readings showed northern Sierra snow water equivalents at 126 percent of normal for that date, central Sierra at 93 percent, and southern Sierra at 109 percent.[9] As of January 2011, DWR reported snow water equivalents for the northern Sierra at 164 percent of normal, 186 percent of normal for the central Sierra, and 260 percent for the southern Sierra.[10] According to DWR's California Data Exchange Center, hydrologic conditions in California as of December 1, 2010 were as follows: statewide precipitation was 155 percent of average; statewide runoff was 115 percent of average; and key historical average statewide reservoir storage was at 105 percent, with two of the state's largest reservoirs, Lake Shasta (CVP) and Lake Oroville (SWP), respectively storing 116 percent and 75 percent of their historical averages.[11]

[9] http://www.water.ca.gov/news/newsreleases/2010/030310snow.pdf
[10] http://cdec.water.ca.gov/cgi-progs/snow/DLYSWEQ
[11] http://cdec.water.ca.gov/cgi-progs/reports/EXECSUM

APPENDIX F
RECENT FACTORS AFFECTING SWP SUPPLIES

Development of Delta Plan and Delta Flow Criteria Pursuant to New State Laws

In November 2009, the California Legislature enacted SBX7-1 as one of several bills passed as part of a comprehensive water package related to water supply reliability, ecosystem health, and the Delta. SBX7-1 became effective on February 3, 2010 and adds Division 35 to the California Water Code (commencing with Section 85300), referred to as the Sacramento-San Joaquin Delta Reform Act of 2009 (Act). Among other things, the Act creates the Delta Stewardship Council (Council) as an independent agency of the state. (Wat. Code § 85200.) SBX7-1 also amends the California Public Resources Code to specify changes to the Delta Protection Commission and to create the Delta Conservancy. (Pub. Res. Code §§ 29702-29780.) The Act directs the Council to develop a comprehensive management plan for the Delta by January 1, 2012 (Delta Plan) and to first develop an Interim Plan that includes recommendations for early actions, projects, and programs for the Delta. (*See generally*, Second Draft Interim Plan, Prepared for Consideration by the Delta Stewardship Council at 1.)

In addition to these and other requirements, SBX7-1 requires the State Board to use the best available scientific information to develop flow criteria for the Delta ecosystem necessary to protect public trust resources, including fish, wildlife, recreation and scenic enjoyment. Similarly, DFG is required to identify quantifiable biological objectives and flow criteria for species of concern in the Delta. In August 2010, the State Board adopted Resolution No. 2010-0039 approving its report entitled "Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem" (Flow Criteria). The State Board report concludes that substantially higher flows are needed through the Delta than in have occurred in previous decades in order to benefit zooplankton and various fish species. (Flow Criteria at 5-8.) Separately, in September 2010, DFG issued a draft report entitled "Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent on the Delta" (DFG Report). The DFG Report is based on similar biological objectives and recommends Delta flows similar to those set forth in the State Board's Flow Criteria. (DFG Report at 13.) Notably, both the State Board and DFG recognize that their recommended flow criteria for the Delta do *not* balance the public interest or the need to provide an adequate and reliable water supply. (Flow Criteria at 4; DFG Report at 16.) Also of importance, both the State Board and DFG acknowledge that their recommended flow criteria do not have any regulatory or adjudicatory effect; however, they may be used to inform the Council as it prepares the Delta Plan, and may be considered as the Bay Delta Conservation Plan (BDCP) process moves forward. (Flow Criteria at 3, 10; DFG Report at ES-4.)

DWR's Final 2009 SWP Delivery Reliability Report

DWR continues to evaluate the issues affecting SWP exports from the Delta and how those issues may affect the long-term availability and reliability of SWP deliveries to the SWP Contractors. In September 2010, DWR released its Final 2009 SWP Delivery Reliability Report (DWR Report), which forecasts additional reductions to SWP supplies in comparison to the 2007 Report. According to DWR, the long-term average delivery of contractual SWP Table A supply is projected to be 60 percent under current and future conditions over the 20-year projection. (DWR Report at 43, 48, Tables 6.3 and 6.12.) Within that long-term average, SWP Table A deliveries can range from 7 percent (single dry year) to 68 percent (single wet year) of contractual amounts under current conditions, and from 11 percent (single dry year) to 97 percent (single wet year) under future conditions. (Id. at 43-44, 49, Tables 6.4, 6.5, 6.13 and 6.14.) Contractual amounts are projected to range from 32 to 38 percent during multiple-dry

year periods, and from 79 to 93 percent during multiple wet periods. (Id. at 49, Tables 6.13 and 6.14.)

To ensure a conservative analysis, the DWR Report expressly assumes and accounts for the institutional, environmental, regulatory, and legal factors affecting SWP supplies, including, but not limited to, water quality constraints, fishery protections, other D-1641 requirements and the operational limitations imposed by the FWS and NMFS B.O.s that are discussed above. The DWR Report also considers the potential effects of Delta levee failures and other seismic or flood events. (*See*, *e.g.*, DWR Report at 19-24, 25-28, 29-35, Appendices A, A-1, A-2, B.) Notably, the DWR Report assumes that all of these restrictions and limitations will remain in place over the next 20-year period and that no actions to improve the Delta will occur, even though numerous legal challenges, various Delta restoration processes, and new legal requirements for Delta improvements are currently underway (i.e., BDCP, Delta Vision, Delta Plan, etc.). Finally, DWR's long-term SWP delivery reliability analyses incorporate assumptions that are intended to account for potential supply shortfalls related to global climate change. (*See*, *e.g.*, DWR Report at 19, 29-30, Appendices A-B.) Based on these and other factors, the DWR Report presents a conservative projection of SWP delivery reliability.

Conclusion

DWR's most recently published SWP Delivery Reliability Report (September 2010) demonstrates that the projected long-term average delivery amounts of contractual SWP Table A supplies have decreased in comparison to previous estimates. However, as noted, the projections developed by DWR are predicated on conservative assumptions, which make the projections useful from a long-range urban water supply planning perspective.[12] Indeed, recent rulings in various legal actions and other factors described above, among others, support higher estimates of average annual SWP deliveries than projected in DWR's 2009 Report. While this may lead DWR to increase its projections in its next scheduled Report, the 2009 Report remains the best available information concerning the long-term delivery reliability of SWP supplies.

[12] *See*, *e.g.*, *Sonoma County Water Coalition v. Sonoma County Water Agency* (2010) 189 Cal.App.4th 33; *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412.

Appendix G

MWA 2004 Groundwater Management Plan *(included as CD)*

MWA 2004 Regional Water Management Plan - Integrated Regional Water Management Plan, Groundwater Management Plan, Urban Water Management Plan, Adopted February 24, 2005

Appendix H

VVWRA MOU with California Department of Fish and Game (DFG)

MEMORANDUM OF UNDERSTANDING
by and between the
CALIFORNIA DEPARTMENT OF FISH AND GAME
and the
VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY
regarding the
DISCHARGE TO THE MOJAVE RIVER TRANSITION ZONE

This Memorandum of Understanding ("MOU") is made and entered into on June 27, 2003, by and between the California Department of Fish and Game ("DFG") and the Victor Valley Wastewater Reclamation Authority ("VVWRA").

RECITALS

1. On July 2, 2002, VVWRA submitted an application to the California Regional Water Quality Control Board – Lahontan Region ("Lahontan") for a master water recycling permit under California Water Code Section 13523.1, in order to use up to 1,680 acre feet per year of recycled water for irrigation of the Westwinds Golf Course at the Southern California Logistics Airport ("SCLA"), that otherwise currently requires the use of potable groundwater supplies from the underlying Mojave River alluvial aquifer.

2. On August 27, 2002, DFG submitted a letter to Lahontan objecting to VVWRA's application for a permit for the proposed project to use recycled water for irrigation at SCLA.

3. On March 24, 2003, and again on May 22, 2003, representatives of DFG and VVWRA met to discuss reaching a mutual agreement to address DFG's concerns.

4. On June 11, 2003, Lahontan approved Lahontan Board Order No. R6V-2003-028 (WDID No. 6B360207001) Water Recycling Requirements For Victor Valley Wastewater Reclamation Authority (VVWRA) and City of Victorville; Westwinds Golf Course.

5. In April 2003, VVWRA circulated and published a Notice of Preparation (NOP) of a Program Environmental Impact Report for VVWRA's Subregional Reclamation Facilities Project ("Subregional Reclamation Facilities Project").

6. VVWRA and DFG recognize that the Subregional Reclamation Facilities Project could intercept some influent wastewater flow that would otherwise go to VVWRA's existing regional treatment plant located at 20111 Shay Road, Victorville, California (the "Shay Road Plant"), and that future influent wastewater flows to the Shay Road Plant may increase more slowly due to the construction and operation of the Subregional Reclamation Facilities Project. The Parties also acknowledge that implementation and operation of any subregional plant under the Subregional Reclamation Facilities Project is not expected to decrease recycled water discharges from the Shay Road Plant below 9,000 acre feet annually, and not less than 24.7 acre feet per day.

7. DFG is a party to the Stipulated Judgment in the Mojave Adjudication (*City of Barstow, et al. v. City of Adelanto, et al.*; Riverside County Superior Court, Case No. 208568, commonly referred to as the "Mojave Adjudication"); VVWRA is not a party to the Mojave Adjudication.

8. Recognizing Lahontan's adoption of Board Order No. R6V-2003-028 (WDID No. 6B360207001), and VVWRA's development of the Subregional Reclamation Facilities Project, VVWRA and DFG desire to enter into this MOU to cooperatively address their respective concerns regarding VVWRA's current and future discharges to the Mojave River Transition Zone.

NOW, THEREFORE, in consideration of the foregoing Recitals and the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Recitals Incorporated**. The Parties agree that the foregoing Recitals are true and correct and are incorporated herein by reference.

2. **Lahontan Board Order No. R6V-2003-028**. DFG agrees that it will not appeal or otherwise challenge Lahontan Board Order No. R6V-2003-028 (WDID No. 6B360207001) Water Recycling Requirements For Victor Valley Wastewater Reclamation Authority (VVWRA) and City of Victorville; Westwinds Golf Course.

3. **VVWRA Discharges to the Mojave River at the Transition Zone**. VVWRA will continue to discharge 9,000 acre feet annually and not less than 24.7 acre-feet per day[1] of "available recycled water" at its existing permitted points of discharge at VVWRA's Shay Road Plant.[2] "Available recycled water" means the daily influent wastewater flow to the Shay Road Plant, less any flows removed for sewage and solids processing, and less any flows used for recycling on-site at VVWRA, and less any flows used for irrigation of the 9-hole Westwinds Golf Course as approved by Lahontan Board Order No. R6V-2003-028 (WDID No. 6B360207001). In addition, VVWRA will also discharge at its existing permitted points of discharge not less than twenty percent (20%) of the amount of recycled water resulting from any increases in the amount of daily influent wastewater flow to VVWRA's Shay Road Plant after the effective date of this MOU. VVWRA's performance of the obligations under this section are subject to the following conditions:

   A. If, due to construction of a subregional facility under the Subregional Reclamation Facilities Project, the amount of daily influent wastewater flow to the Shay Road Plant is reduced below that required to provide 9,000 acre feet of discharge to the Mojave River, VVWRA shall only be required to discharge the remaining amount of "available recycled water";

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[1] The "24.7 acre feet per day" requirement will be based upon a 48 hour running average.

[2] VVWRA's existing permitted points of discharge refer to both VVWRA's direct surface discharges to the Mojave River, and to discharges to VVWRA's percolation ponds.

provided, however, that if these circumstances occur, the Parties will promptly meet and confer in good faith to attempt to mutually determine options to lessen any potential adverse impacts to the Transition Zone including, but not limited to, alternatives for increasing recycled water discharges in order to produce, in combination with the base flow measured at the Lower Narrows gage, a total of at least 15,000 acre feet annually to the Transition Zone.

B. VVWRA shall have no obligation to maintain the discharges required under this section to the extent VVWRA is enjoined or otherwise prohibited from discharging such amounts by a court or regulatory agency.

C. VVWRA's discharge to the Mojave River need not be more than is necessary to produce, in combination with the base flow measured at the Lower Narrows gage, a total of 15,000 acre feet annually. The parties agree to use the Mojave Basin Area Watermaster's Annual Report of base flow for the prior water year to potentially adjust VVWRA's then current year discharge. If the combined flows at the Lower Narrows gage, as reported by the Watermaster, exceeds 15,000 acre feet for the prior water year, then during the course of: (i) the 12-month period immediately following the date that the Watermaster submits its Annual Report to the Riverside County Superior Court: or (ii) the period of time between such submittal and the Watermaster's next submittal of its Annual Report, whichever period is shorter, VVWRA may decrease its discharge by an amount equal to the prior water year's combined flow exceedance over 15,000 acre feet; provided, however, that any such decreases must be averaged as evenly as practicable on a daily basis over that period; provided, further that, if there are three consecutive water years where base flows, in combination with discharges from the Shay Road Plant, reach at least 15,000 acre feet annually, the parties will promptly meet and confer in good faith to discuss the terms of this MOU, and to determine

whether a decrease or cessation of the discharges to the Mojave River , as required under this section, is appropriate.

4. **VVWRA Potential Future Subregional Reclamation Projects**. DFG recognizes and acknowledges that VVWRA is currently studying the development and implementation of subregional reclamation facilities that could accept, treat, and recycle a portion of existing and future influent wastewater flows that would otherwise be received at VVWRA's Shay Road Plant, and that such subregional reclamation facilities may not be at locations adjacent to the Mojave River and may not have discharges to the Mojave River Transition Zone. The parties recognize that the construction or operation of the subregional reclamation facilities may require a permit from DFG pursuant to the California Endangered Species Act or other applicable law, and that DFG reserves all of its rights, authority and obligations thereunder; provided, however, that DFG will not oppose, challenge, withhold or otherwise protest any necessary governmental approval of the Subregional Reclamation Facilities Project, including any necessary approval from DFG, based on an allegation of potentially inadequate discharges from VVWRA's Shay Road Plant or a subregional plant to the Mojave River.

5. **Studies of the Riparian Habitat in the Mojave River Transition Zone**. DFG and VVWRA mutually agree to participate cooperatively with the Mojave Water Agency (MWA) in the collection and sharing of information regarding the condition of the riparian habitat located in the Mojave River Transition Zone. The terms and conditions of these cooperative efforts will be determined by a separate written instrument to be mutually agreed to by VVWRA, MWA, and DFG. The results of the studies may be used to determine the relative condition of fish, wildlife, and other instream beneficial uses in the Mojave River Transition Zone. While DFG agrees to cooperate, as provided above, DFG is not hereby obligating any resources to this effort, but will cooperate with VVWRA to the extent practicable.

6. **Term.** This MOU shall be effective from the date first written above, and shall continue unless modified or terminated by mutual agreement of the parties, or terminated pursuant to a judicial proceeding brought by either or both parties.

7. **Construction and Interpretation.** It is agreed and acknowledged by the parties that this MOU has been arrived at through negotiation, and that each party has had a full and fair opportunity to revise the terms of the MOU. Consequently, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this MOU.

8. **Severability.** The invalidity, illegality, or unenforceability of any provision of this MOU shall not render the other provisions unenforceable, invalid, or illegal.

9. **Governing Law.** This MOU shall be interpreted and enforced pursuant to the laws of the State of California.

10. **Modifications.** This MOU can only be modified by a written instrument executed by both parties.

11. **Entire MOU.** This MOU contains the entire understanding of the parties related to their interests, obligations, and rights in connection with the subject matter set forth herein. All prior communications, negotiations, stipulations, and understandings, whether oral or written, are of no force or effect, and are superseded, except as referred herein.

12. **Assigns and Successors.** This MOU shall be binding upon, and inure to the benefit of, the assigns or successors-in-interest of the parties herein.

13. **No Third Party Beneficiary.** The parties to this MOU do not intend to create any third party beneficiaries to this MOU, and expressly deny the creation of any third party beneficiary rights hereunder toward any person or entity.

14. **Time.** Time is of the essence in the performance of each and every term of this MOU.

15. **Waiver.** The waiver or failure to declare a breach as a result of the violation of any term of this MOU shall not constitute a waiver of that term or condition, and shall not provide the basis for a claim of estoppel, forgiveness, or waiver by any party to that term or condition.

16. **Captions.** The paragraph captions in this MOU are for convenience only and shall not be used in construing the MOU.

17. **Additional Documents.** Each party agrees to make, execute, and deliver any and all documents and to join in any application or other action reasonably required to implement this MOU.

18. **Notice.** Any and all communications and/or notices in connection with this MOU shall be hand delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

To: VVWRA

Daniel Gallagher
VVWRA General Manager
20111 Shay Road
Victorville, CA 92394
(760) 246-8638
(760) 246-5440 (fax)

To: DFG

Curt Taucher
Regional Manager
Eastern Sierra – Inland Desert Region
California Department of Fish & Game
330 Golden Shore, Suite 210
Long Beach, CA 90802
(562) 590-5113
(562) 590-5192 (fax)

The parties may change the foregoing addresses by providing written notice in compliance with this paragraph.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the day and year first written above.

VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY

By_____ Dated: 6/27/03

Daniel P. Gallagher
VVWRA General Manager

CALIFORNIA DEPARTMENT OF FISH AND GAME

By_____ Dated: 7/7/03

Curt Taucher
Regional Manager, Eastern Sierra – Inland Desert Region

C:\MSWORD\FILES\AGREMNTS\MEMORANDUM OF UNDERSTANDING DFG 6-27-03 FINAL.DOC

Appendix I

BMP Reports 2009-2010

2009 BMP Reports

The fields in red are required.

Agency name: Mojave Water Agency

Division name (Reporting unit): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

CUWCC

WATER SOURCES

2009

Service Area Population: 437,357 (Based on 2010 US Census and CA DOF Data)

Potable Water

Own Supply Source Name	AF/YEAR	Water Supply Type	Water Supply Description
Mojave Groundwater Basin	21,516.00	Groundwater	Watermaster Annual Report 2008-0
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	

Imported Supply Source Name	AF/YEAR	Water Supply Type	Water Supply Description
State Water Project	21,528.00	Surface	Actual Deliveries 2009 - Imported fo
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	

Exported Water Name	AF/YEAR	Where Exported?

The fields in red are required.

Agency name: Mojave Water Agency

Division name (Reporting unit): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

CUWCC

2009

Service Area Population: n/a

Non- Potable Water

If you select Other for type, enter

Own Supply Source Name	AF/YEAR	Water Supply Type	Water Supply Description
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	

Imported Supply Source Name	AF/YEAR	Water Supply Type	Water Supply Description
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	

Exported Water Name	AF/YEAR	Where Exported? such as groundwater recharge, retail,

The fields in red are required.

CUWCC BMP Report Forms

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7,010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

You must enter the reporting unit that we have on record for your agency in order to process a coverage report. Click here to open a table to obtain this number.

View MOU

2009 BMP 1.1 Operation Practices for Wholesalers

Wholesale agency assistance programs

a. Financial Investments and Building Partnerships

List the total monetary amount of financial incentives and equivalent resources provided to retail members to assist with, or to otherwise support, implementation of BMPs, subtotaled by BMP. List regional partnerships developed to encourage resource conservation and maximize economies of scale benefits.

BMP Section and/or Sub-section Name	Monetary Amount for Financial Incentives	Monetary Amount for Equivalent Resources
Programmatic Residential (BMP 2)	$0.00	$15,000.00
Programmatic Landscape (BMP 5*)	$894,160.27	$44,697.00
Programmatic Residential (BMP 6)	$233,865.00	$35,700.00
Programmatic CII (BMP 9*)	$100,000.00	$0.00
Foundational Utility Operations (BMP 10)	$0.00	$71,151.00
Programmatic Residential (BMP 14)	$555,544.53	$118,700.00

b. Technical Support

Supply a summary of types of technical support provided to retail agencies

The 10 agencies within the MWA service area that are subject to the UWMP Act receive consistent technical advice from MWA and through the MWA Technical Advisory Committee on UWMP requirements for DMM reporting, annual conservation events and outreach, public information and educational support. * Residential and Commercial Turf Replacement Incentives

c. Program Management

If your wholesale agency has assumed reporting responsibility, list the programs managed on behalf of the retail agencies.

Retail Agency Name	Program Name

Questions? office@cuwcc.org

d. Water Shortage Allocation

If a water shortage allocation plan or policy has been developed, provide the date of adoption and electronic link to the document or hardcopy.

Date Format: 05/15/2010

Enter the file name of the document.
Send it to natalie@cuwcc.org

e. Non-signatory Reporting

Receipt of reports

n/a

Enter the file name of the document.
Send it to natalie@cuwcc.org

f. Encourage CUWCC Membership

List of efforts to recruit retailers and amount of dues paid on behalf of retail agencies.

n/a

Enter the file name of the document.
Send it to natalie@cuwcc.org

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.

Link to FAQs

View MOU

2009 BMP 1.2 Water Loss Control

Did your agency complete a pre-screening system audit in 2009? Yes ○ No ◉

If yes, answer the following:

Determine metered sales in AF:

Definition: other accountable uses not included in metered sales, such as unbilled water use, fire suppression, etc.

Determine system verifiable uses AF:

Determine total supply into the system in AF:

Does your agency keep necessary data on file to verify the answers above? Yes ◉ No ○

Did your agency complete a full-scale system water audit during 2009? Yes ○ No ◉

Does your agency maintain in-house records of audit results or the completed AWWA worksheet for the completed audit which could be forwarded to CUWCC? Yes ○ No ◉

Did your agency operate a system leak detection program? Yes ○ No ◉

Comments:

MWA is a regional wholesaler that did not own or operate a distribution system in FY 09-10.

As a State Water Project Contractor, all SWP deliveries received by MWA are used for groundwater recharge in the Mojave and Morongo Basins, two adjudicated groundwater basins within the MWA service area.

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.

BMP 1.3 Metering with Commodity

Link to FAQs

2009

See the complete MOU: View MOU

See the coverage requirements for this BMP:

Implementation

Does your agency have any unmetered service connections? ○ Yes ◉ No

If YES, has your agency completed a meter retrofit plan? ○ Yes ○ No

Enter the number of previously unmetered accounts fitted with meters during reporting year:

Are all new service connections being metered? ○ Yes ◉ No

Are all new service connections being billed volumetrically? ○ Yes ◉ No

Has your agency completed and submitted electronically to the Council a written plan, policy or program to test, repair and replace meters? ○ Yes ◉ No

Please Fill Out The Following Matrix

Account Type	# Metered Accounts	# Metered Accounts Read	# Metered Accounts Billed by Volume	Billing Frequency Per Year	# of estimated bills/yr
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	

Number of CII Accounts with Mixed-use Meters

Number of CII Accounts with Mixed-use Meters Retrofitted with Dedicated Irrigation Meters during Reporting Period

Feasibility Study

Has your agency conducted a feasibility study to assess the merits of a program to provide incentives to switch mixed-use accounts to dedicated landscape meters? ○ Yes ◉ No

If YES, please fill in the following information:

A. When was the Feasiblity Study conducted

B. Email or provide a link to the feasibility study (or description of):

File name(s): Email files to natalie@cuwcc.org Enter the file name here e.g. WaterWastePreventionOrdinanc

Web address(s) URL: comma-separated list Enter the URL to your documentation.

General Comments about BMP 1.3:

MWA is a regional wholesaler and State Water Project Contractor that does not deliver water to customers - all SWP deliveries are used for groundwater recharge in the Mojave and Morongo Basins, two adjudicated groundwater basins within the MWA service area.

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.

CUWCC

Link to FAQs

2009

BMP 2.1 Public Outreach

View MOU

Is your agency performing Public Outreach for your Retailers?

Are there one or more retail agencies that count on your agency to help them comply with this BMP? (•) Yes ( ) No

Enter the name(s) of the retail agency (comma delimited)

City of Adelanto Water Department, Apple Valley Ranchos Water District, Bighorn Desert-View Water Agency, Golden State Water Company, Helendale Community Services District, City of Hesperia Water Department, Hi-Desert

Is your agency performing public outreach?

Report a minimum of 4 water conservation related contacts your agency had with the public during the year.

Public Information Programs List

Did at least one contact take place during each quarter of the reporting year? ✓

Number of Public Contacts	Public Information Programs
31	General water conservation information
20	Website
6	Newsletter articles on conservation
10,000	Flyers and/or brochures (total copies), bill stuffers, messages printed on bill, information packets
	Select a public contact

Contact with the Media

Are there one or more retail agencies that count on your agency to help them comply with this BMP? ( ) Yes (•) No

Enter the name(s) of the retail agency (comma delimited)

OR Wholesale Agency (Contacts with the Media)

Media Contacts List

Did at least one contact take place during each quarter of the reporting year? ✓

Number of Media Contacts	Did at least one contact take place during each quarter of the reporting year?	Media Contact Types
16		Articles or stories resulting from outreach
5		News releases
2		Radio contacts
4		News releases
3		Newspaper contacts
		Select a type of media contact

Is a Wholesale Agency Performing Website Updates?

Did one or more retail agencies rely on your agency's responsibility for meeting the requirements of and for CUWCC reporting of this BMP? ○Yes ⊙No

Enter the name(s) of the retail agency (comma delimited)

Is Your Agency Performing Website Updates?

Enter your agency's URL (website address): www.hdawac.org

Describe a minimum of four water conservation related updates to your agency's website that took place during the year: Information on the Water Conservation Incentive Program, Plants of the Month, Workshop Schedules and Flyers, Greywater Resources Information

Did at least one Website Update take place during each quarter of the reporting year? ⊙Yes ○No

Public Outreach Annual Budget

Enter budget for public outreach programs. You may enter total budget in a single line or brake the budget into discrete categories by entering many rows. Please indicate if personnel costs are included in the entry.

Category	Amount		Personnel Costs Included? If yes, check the box.	Comments	
Advertising	$10,000				
Printing	$1,500				
Calendars	$15,000				
Workshops	$10,000				

District, Joshua Basin Water District, San Bernardino County Special Districts - Water and Sanitation Division, City of Victorville Water Department

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.

CUWCC

Link to FAQs

2009

BMP 2.2 School Education Programs, Retail Agencies

View MOU

School Programs

Is a wholesale agency implementing school programs which can be counted to help your agency comply with this BMP? ○Yes ⊙No

Enter retailer names, separated by commas: City of Adelanto Water Department, Apple Valley Ranchos Water District, Bighorn Desert-View Water Agency, Golden State Water Company, City of Hesperia Water Department, Hi-Desert Water District, Joshua Basin Water District, San Bernardino County Special Districts - Water and Sanitation Division, City of Victorville Water Department

☑ Materials meet state education framework requirements?

Description of Materials: Workshop materials linked to CA DOE are substitutable as EE credits under Science and Mathematics standards

☑ Materials distributed to K-6 Students?

Description of materials distributed to K-6 Students: Coloring/Activities Books Linked to Conservation, ABCs of Water Conservation

Number of students reached: 150

☑ Materials distributed to 7-12 Students?

Description of materials distributed to 7-12 Students: YELC attendees received High Desert Guide to Water Conservation and handouts with tips on saving water around their homes and yards and how to avoid water emergencies

Number of Distribution: 100

Annual budget for school education program: $0.00

Description of all other water supplier education programs: Project WET training funding for any conservation coordinator in MWA service area, payment of workshop and assembly printing/food expenses associated with retailer outreach to schools; edible aquifer supplies for community event booths

School Program Activities

Classroom presentations:

Number of presentations: 2 Number of attendees: 60

Large group assemblies:

Number of presentations: 2 Number of attendees: 200

Children's water festivals or other events:

Number of presentations: 0 Number of attendees:

Cooperative efforts with existing science/water education programs (various workshops, science fair awards or judging) and follow-up:

Number of presentations: 3 Number of attendees: 250

Other methods of disseminating information (i.e. themed age-appropriate classroom loaner kits):

Description: MWA has an annual $2,500 MEEC sponsorship that supports the groundwater/stormwater model used in classroom presentations done by the Program Specialist; and, a $5,000 Garden in Every Classroom sponsorship that gives starter money to support water efficient school gardens.

Number distributed: 2

Staffing children's booths at events & festivals:

Number of booths: 2 | Number of attendees: 100

Water conservation contests such as poster and photo:

Description: Annual Home and Garden Show coloring and conservation essay contest

Number distributed: 3,500

Offer monetary awards/funding or scholarships to students:

Number Offered: 12 | Total Funding: 360

Teacher training workshops:

Number of presentations: 1 | Number of attendees: 10

Fund and/or staff student field trips to treatment facilities, recycling facilities, water conservation gardens, etc.:

Number of tours or field trips: 0 | Number of participants: 0

College internships in water conservation offered:

Number of internships: 0 | Total funding: 0

Career fairs/workshops:

Number of presentations: 1 | Number of attendees: 100

Additional program(s) supported by agency but not mentioned above:

Description: Large landscape conservation programs incldiuign weather station funding and link to online reporting sites offer educational opportunities for children at the station sites and within the same district. One school district received this benefit in FY 2009-10.

Number of events (if applicable): | Number of participants:

Total reporting period budget expenditures for school education programs (include all agency costs): 5,000

Comments

Conservation activities are conducted on behalf of the regional coordinating group, Alliance for Water Awareness and Conser

2010 BMP Reports

The fields in red are required.

Agency name: Mojave Water Agency

Division name (Reporting unit): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

CUWCC

WATER SOURCES

2010

Service Area Population: 437,357 (Based on 2010 US Census and CA DOF Data)

Potable Water

Own Supply Source Name	AF/YEAR	Water Supply Type	Water Supply Description
Mojave Groundwater Basin	16,580.00	Groundwater	Watermaster Annual Report 2009-10
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	

Imported Supply Source Name	AF/YEAR	Water Supply Type	Water Supply Description
State Water Project	35,581.00	Surface	Actual Deliveries 2010 - Imported fo
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	
		Other	

Exported Water Name	AF/YEAR	Where Exported?

The fields in red are required.

Agency name: Mojave Water Agency

Division name (Reporting unit): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

CUWCC

WATER SOURCES

2010

Service Area Population: n/a

No non-potable water is delivered by or to MWA

Non- Potable Water

Own Supply Source Name	AF/YEAR	Water Supply Type	Water Supply Description
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	

Imported Supply Source Name	AF/YEAR	Water Supply Type	Water Supply Description
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	
		Select a water type.	

Exported Water Name	AF/YEAR	Where Exported?

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7,010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

CUWCC BMP Report Forms

You must enter the reporting unit that we have on record for your agency in order to process a coverage report. Click here to open a table to obtain this number.

View MOU

2010 BMP 1.1 Operation Practices for Wholesalers

Wholesale agency assistance programs

a. Financial Investments and Building Partnerships

List the total monetary amount of financial incentives and equivalent resources provided to retail members to assist with, or to otherwise support, implementation of BMPs, subtotaled by BMP. List regional partnerships developed to encourage resource conservation and maximize economies of scale benefits.

BMP Section and/or Sub-section Name	Monetary Amount for Financial Incentives	Monetary Amount for Equivalent Resources
Programmatic Residential (BMP 2)	$0.00	$12,000.00
Programmatic Landscape (BMP 5)	$8,070.00	$6,075.00
Programmatic Residential (BMP 6)	$0.00	$0.00
Programmatic CII (BMP 9)	$0.00	$0.00
Foundational Utility Operations (BMP 10)	$0.00	$35,488.00
Programmatic Residential (BMP 14)	$0.00	$0.00

b. Technical Support

Supply a summary of types of technical support provided to retail agencies

The 10 agencies within the MWA service area that are subject to the UWMP Act receive consistent technical advice from MWA and through the MWA Technical Advisory Committee on UWMP requirements for DMM reporting, annual conservation events and outreach, public information and educational support.
*******This report is to December 2010: MWA will report on a calendar year following this cycle.

c. Program Management

If your wholesale agency has assumed reporting responsibility, list the programs managed on behalf of the retail agencies.

Retail Agency Name	Program Name

Questions? office@cuwcc.org

d. Water Shortage Allocation

If a water shortage allocation plan or policy has been developed, provide the date of adoption and electronic link to the document or hardcopy.

Date Format: 05/15/2010

Enter the file name of the document.
Send it to natalie@cuwcc.org

e. Non-signatory Reporting

Receipt of reports

Enter the file name of the document.
Send it to natalie@cuwcc.org

f. Encourage CUWCC Membership

List of efforts to recruit retailers and amount of dues paid on behalf of retail agencies.

Enter the file name of the document.
Send it to natalie@cuwcc.org

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.

Link to FAQs

2010 BMP 1.2 Water Loss Control

View MOU

AWWA Water Audit

Agency to complete a Water Audit & Balance Using The AWWA Software ○ Yes ⊙ No

Email to natalie@cuwcc.org - Worksheets (AWWA Water Audit). Enter the name of the file below:

Water Audit Validity Score from AWWA spreadsheet

Agency Completed Training In The AWWA Water Audit Method ○ Yes ⊙ No

Agency Completed Training In The Component Analysis Process ○ Yes ⊙ No

Completed/Updated the Component Analysis (at least every 4 years)? ○ Yes ⊙ No

Component Analysis Completed/Updated Date

Water Loss Performance

Agency Repaired All Reported Leaks & Breaks To The Extent Cost Effective ○ Yes ⊙ No

Recording Keeping Requirements:

Date/Time Leak Reported	Leak Location
Type of Leaking Pipe Segment or Fitting	Leak Running Time From Report to Repair
Leak Volume Estimate	Cost of Repair

Agency Located and Repaired Unreported Leaks to the Extent Cost Effective ○ Yes ⊙ No

Type of Program Activities Used to Detect Unreported Leaks

Annual Summary Information

Complete the following table with annual summary information (required for reporting years 2-5 only)

Total Leaks Repaired	Economic Value Of Real Loss	Economic Value Of Apparent Loss	Miles Of System Surveyed For Leaks	Pressure Reduction Undertaken for loss reduction	Cost Of Interventions	Water Saved (AF/Year)

Comments: MWA is a regional wholesaler that did not own or operate a distribution system in FY 10-11. No leakage or breaks occurred or resulted in water loss. As a State Water Project Contractor, all SWP deliveries received by MWA are used for groundwater recharge in the Mojave and Morongo Basins, two adjudicated groundwater basins in the MWA service area.

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

You must enter the reporting unit number that we have on record for your agency. Click here to open a table to obtain this number.

BMP 1.3 Metering with Commodity

2010

Link to FAQs

See the complete MOU: View MOU

See the coverage requirements for this BMP:

Implementation

Does your agency have any unmetered service connections? ○ Yes ◉ No

If YES, has your agency completed a meter retrofit plan? ○ Yes ○ No

Enter the number of previously unmetered accounts fitted with meters during reporting year:

Are all new service connections being metered? ○ Yes ◉ No

Are all new service connections being billed volumetrically? ○ Yes ◉ No

Has your agency completed and submitted electronically to the Council a written plan, policy or program to test, repair and replace meters? ○ Yes ◉ No

Please Fill Out The Following Matrix

Account Type	# Metered Accounts	# Metered Accounts Read	# Metered Accounts Billed by Volume	Billing Frequency Per Year	# of estimated bills/yr
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	
Other				Other	

Number of CII Accounts with Mixed-use Meters

Number of CII Accounts with Mixed-use Meters Retrofitted with Dedicated Irrigation Meters during Reporting Period

Feasibility Study

Has your agency conducted a feasibility study to assess the merits of a program to provide incentives to switch mixed-use accounts to dedicated landscape meters? ○ Yes ◉ No

If YES, please fill in the following information:

A. When was the Feasiblity Study conducted

B. Describe, upload or provide an electronic link to the Feasibility Study Upload File

File name(s): Email files to natalie@cuwcc.org

Web address(s) URL: comma-separated list

General Comments about BMP 1.3: MWA is a regional wholesaler and State Water Project Contractor that does not deliver water to customers - all SWP deliveries are used for groundwater recharge in the Mojave and Morongo Basins, two adjudicated groundwater basins in the MWA service area.

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.

CUWCC

Link to FAQs

2010

BMP 2.1 Public Outreach

View MOU

Is your agency performing Public Outreach for your Retailers?

Are there one or more retail agencies that count on your agency to help them comply with this BMP? (•) Yes ( ) No

Enter the name(s) of the retail agency (comma delimited)

City of Adelanto Water Department, Apple Valley Ranchos Water District, Bighorn Desert-View Water Agency, Golden State Water Company, Helendale Community Services District, City of Hesperia Water Department, Hi-Desert

Is your agency performing public outreach?

Report a minimum of 4 water conservation related contacts your agency had with the public during the year.

Public Information Programs List

Did at least one contact take place during each quarter of the reporting year? ✓

Number of Public Contacts	Public Information Programs
12	General water conservation information
5	Newsletter articles on conservation
10	Website
	Select a public contact
3	Flyers and/or brochures (total copies), bill stuffers, messages printed on bill, information packets

Contact with the Media

Are there one or more retail agencies that count on your agency to help them comply with this BMP? ( ) Yes (•) No

Enter the name(s) of the retail agency (comma delimited)

OR Wholesale Agency (Contacts with the Media)

Did at least one contact take place during each quarter of the reporting year?

Media Contacts List

Number of Media Contacts	Did at least one contact take place during each quarter of the reporting year?	Media Contact Types
7		Articles or stories resulting from outreach
3		News releases
7		Radio contacts
2		Newspaper contacts
		Select a type of media contact
		Select a type of media contact

Is a Wholesale Agency Performing Website Updates?

Did one or more retail agencies rely on your agency's responsibility for meeting the requirements of and for CUWCC reporting of this BMP? ○ Yes ⊙ No

Enter the name(s) of the retail agency (comma delimited)

Is Your Agency Performing Website Updates?

Enter your agency's URL (website address): www.hdawac.org

Describe a minimum of four water conservation related updates to your agency's website that took place during the year: Conservation Incentive Program Updates, Plants of the Month, Before and After Photo Gallery of Cash for Grass projects, workshop schedules and informational flyers

Did at least one Website Update take place during each quarter of the reporting year? ⊙ Yes ○ No

Public Outreach Annual Budget

Enter budget for public outreach programs. You may enter total budget in a single line or brake the budget into discrete categories by entering many rows. Please indicate if personnel costs are included in the entry.

Category	Amount		Personnel Costs Included? If yes, check the box.	Comments	
Advertising	$10,000				
Printing	$10,000				
Workshops	$7,500				
Calendars	$12,500				

Comments:

Reporting period for MWA will be changed to calendar year instead of fiscal year beginning in the 2011 calendar year- this report is for July 1 - December 31, 2010

The fields in red are required.

Agency name: Mojave Water Agency

Reporting unit name (District name): Mojave Water Agency

Reporting unit number: 7010

Primary contact:

First name: Tamara

Last name: Alaniz

Email: talaniz@mojavewater.org

Click here to open a table that displays your agency name reporting unit name and reporting unit number. Please ensure that you enter the correct information.

CUWCC

Link to FAQs

2010

BMP 2.2 School Education Programs, Retail Agencies

View MOU

School Programs

Is a wholesale agency implementing school programs which can be counted to help your agency comply with this BMP? ○Yes ⊙No

Enter Wholesaler Names, separated by commas:

☑ Materials meet state education framework requirements?

Description of Materials: Workshop materials linked to CA DOE are substitutable as EE credits under Science and Mathematics standards

☑ Materials distributed to K-6 Students?

Description of materials distributed to K-6 Students: Coloring/Activities Books Linked to Conservation, ABCs of Water Conservation

Number of students reached: 750

☐ Materials distributed to 7-12 Students?

Description of materials distributed to 7-12 Students:

Number of Distribution:

Annual budget for school education program: $0.00

Description of all other water supplier education programs: Project WET training funding for all conservation coordinators within the MWA area; payment of workshop and assembly printing/food expenses associated with retailer outreach to schools, edible aquifer and stormwater mdoel supplies for community events

School Program Activities

Classroom presentations:

Number of presentations: 1 — Number of attendees: 15

Large group assemblies:

Number of presentations: 0 — Number of attendees:

Children's water festivals or other events:

Number of presentations: 0 — Number of attendees:

Cooperative efforts with existing science/water education programs (various workshops, science fair awards or judging) and follow-up:

Number of presentations: 2 — Number of attendees: 150

Other methods of disseminating information (i.e. themed age-appropriate classroom loaner kits):

Description: MWA has an annual $2,500 MEEC sponsorship that supports groundwater/stormwater model presentations performed by the Program Specialist; and, a $5,000 Garden in Every Classroom grant that gives starter money for water efficient gardens in area schools.

Number distributed: 2

Staffing children's booths at events & festivals:

Number of booths: 2 | Number of attendees: 75

Water conservation contests such as poster and photo:

Description: Annual Home and Garden Show Water Conservation Coloring and Essay Contest

Number distributed: 5,000 or more

Offer monetary awards/funding or scholarships to students:

Number Offered: 12 | Total Funding: 360

Teacher training workshops:

Number of presentations: 1 | Number of attendees: 15

Fund and/or staff student field trips to treatment facilities, recycling facilities, water conservation gardens, etc.:

Number of tours or field trips: 0 | Number of participants: 0

College internships in water conservation offered:

Number of internships: 0 | Total funding: 0

Career fairs/workshops:

Number of presentations: 1 | Number of attendees: 100

Additional program(s) supported by agency but not mentioned above:

Description:

Number of events (if applicable): | Number of participants:

Total reporting period budget expenditures for school education programs (include all agency costs): 5000

Comments

School education is primarily done by retailers with some support by MWA - AWAC provides regional coordination and suppor

Appendix J

MWA Ordinance No. 9

4/27/95
eh

MOJAVE WATER AGENCY
ORDINANCE NO. 9

AN ORDINANCE OF THE MOJAVE WATER AGENCY ESTABLISHING RULES AND REGULATIONS FOR THE SALE AND DELIVERY OF STATE PROJECT WATER

WHEREAS, the Board of Directors of the Mojave Water Agency (MWA) hereby finds:

1. The Mojave Water Agency is organized and operated pursuant to the Mojave Water Agency Law, California Water Code Appendix 9;

2. Section 15(a) of the Mojave Water Agency Law authorizes the MWA to "do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants of the Agency, including without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial and recreational uses and without limiting the generality of the authority given under subdivision (a) or under any other section of this Act, the Agency has the following additional powers: To enter into any contract with any person, corporation, utility, district, public corporation, the United States or the State of California, as the Board deems proper or advisable or in the interest of the lands and inhabitants of the Agency, to carry out or to execute any of the purposes of this Act."

3. In order to carry out the purposes of the Mojave Water Agency Law, the Mojave Water Agency does hereby adopt Rules and Regulations for the Sale and delivery of State of California Project Water by the MWA.

NOW, THEREFORE, be it ordained by the Board of Directors of the MWA as follows:

RULES AND REGULATIONS FOR SALE AND DELIVERY
OF STATE OF CALIFORNIA PROJECT WATER BY THE MWA
AS SET FORTH BE ADOPTED

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ARTICLE II

DEFINITIONS

Section 2.01 Definitions. As used herein the terms set forth below shall be defined as follows and shall have such meaning unless the context indicates otherwise.

(a) APPLICANT: Any person or entity applying to the Agency for water service.

(b) BOARD: The Board of Directors of the Agency.

(c) CUSTOMER: An applicant for service, an approved applicant, or any person or entity receiving water service from the Agency.

(d) AGENCY: The Mojave Water Agency.

(e) GENERAL MANAGER: The General Manager of the Agency.

(f) PROJECT WATER: Water obtained from the State Water Project. Any customer requesting the sale and delivery of State Project Water shall be subject to the Agency's State Water Contract. The water available to the Agency is subject to the limitation that the supply of water is interruptible. The

Agency makes no representation to the customer as to the quantity or quality of water delivered to the customer. No vested rights are obtained or inferred to the Customer upon the sale and delivery of any water.

ARTICLE III

QUALIFICATION FOR SERVICE

Section 3.01. Application for Service. Any applicant seeking to purchase water from the Agency shall make application therefor in such form as may be prescribed by the General Manager. The General Manager shall investigate each such application and may require the submission of additional information. The application and additional information as may be required, together with the General Manager's recommendations thereon, shall be submitted to the Board for action thereon.

Section 3.02 Term of Service. Service granted pursuant to an Application for Service shall be for a period of one year and shall be subject to annual renewal. For the purpose of annual renewals, existing customers shall be required to submit a renewal application to the Agency. Renewal of the sale of any water is for the period of one year and is temporary and interruptible in nature. No vested rights may be obtained or are inferred by the yearly renewal of water sales.

Section 3.03 Identification of Applicant and Intended Use. Each application shall state the legal capacity of the Applicant, e.g., public agency (indicating the type of agency and the law under which it was formed), corporation (indicating the state of incorporation and other pertinent information), partnership, or individual, and whether the Applicant is a public utility or mutual water company. The application shall state the nature of the ultimate intended use or uses to which the water will be put; e.g., municipal, industrial, agricultural, recreational, groundwater recharge, etc. The application shall contain such information as may be required by the General Manager to insure that the Applicants' ultimate intended use is consistent with Agency Policies and Constitutionally permitted uses. All applications shall be evaluated and deliveries authorized based upon the following priority uses: 1) municipal, 2) industrial, 3) agricultural, 4) recreational, 5) other. Service may be refused if the Board determines that the applicants ultimate intended use is not in accordance with Agency policies or permitted under the Constitution of the State of California.

Section 3.04. Services to be Wholesale in Nature. Each application shall contain such information as is necessary to assure the Board that the application is for service of a wholesale nature and that the Agency will not thereby become subject to the obligations of a water purveyor providing direct

retail service to consumers. In the event the Applicant seeks a waiver of such requirement, the application shall so state and there shall be attached thereto a statement of the reasons for seeking a waiver any documentary evidence in support thereof.

Section 3.05. Back-up Capacity of Applicant. Each application shall contain information indicating that the Applicant is capable of sustaining its service requirements from independent sources during the period of any interruption or curtailment of service from Agency facilities. In no instance shall the Agency be the sole source of water supply to any water purveyor for any development within the purveyor's service area.

Section 3.06 Treatment Facilities. Each application shall contain information indicating the Applicant has or will install such treatment facilities as may be required for the use or uses to which the Applicant intends to put the water.

Section 3.07. Power Generation Rights. Said rights shall extend to the generation of power as the water flows through Agency facilities only. It shall be the responsibility of the Agency to pay its expenses for any exercise of its right to generation of power pursuant hereto, and no Applicant shall be subjected to extra expense in connection therewith. In appropriate cases, the Agency and the Applicant may install joint facilities for power recovery purposes. In the event the Agency determines not to exercise its rights, the Applicant may undertake to install power recovery facilities for its own account.

Section 3.08. Indemnity for Groundwater Recharge. Each application shall contain the agreement of the Applicant to provide the Agency with indemnity for damages to lessees of the Applicant arising out of groundwater spreading operations of the Agency, or performed by others for it, in all circumstances in which the lease between the Applicant and the Applicant's lessee protects the Applicant against such damages.

Section 3.09. Application for Groundwater Replenishment. Except in cases in which the Agency undertakes to conduct groundwater replenishment operations on its own motion, an application shall be required whenever request is made that the Agency engage in groundwater replenishment operations, whether delivery is to be made to a customer, or such groundwater replenishment is to be conducted by or at the direction of the Agency without delivery to a customer.

Section 3.10 Metering by End User. All customers of the Agency shall be required to meter the use of water by all accounts (end users) served.

ARTICLE IV

INSTALLATION AND CONNECTION OF FACILITIES

Section 4.01 General Authorization. All service connections, including valves, pipe, meters and other equipment required, shall be installed at the expense of the Customer after authorization by the Board.

Section 4.02 Procedure. The Agency shall cause a service connection to be constructed pursuant to a written request by a customer in accordance with plans and specifications approved by the General Manager and by an authorized representative of the Customer. Except as otherwise specifically authorized by the Agency, all equipment and materials required for constructing the service connection shall be acquired by the Agency in its customary manner, or the Agency may utilize therefor suitable equipment and materials on hand.

Section 4.03 Facilities Included; Ownership by the Agency. The service connection shall include the facilities for diversion of water from the Agency's system and for delivery of such water into the pipeline distribution system of the Customer or the Customer's distributor. The service connection up to and including the fitting connecting with the pipeline through which the Customer will receive water delivered through the service connection, including any metering instruments and cabinets therefor, shall be and remain the property of the Agency and shall be operated, maintained and controlled by the Agency.

Section 4.04. Back-Flow. The Customer may be required to install adequate back-flow or back-siphonage equipment approved by the Agency or demonstrate adequate facilities exist to prevent back-flow into Agency facilities. The Agency solely shall determine when back-flow facilities are required and the type of device required. The device(s), when required, shall be installed at the service connection point and shall be maintained by means satisfactory to the Agency.

Section 4.05. Pressure Surges (Water Hammer). All service connection applications shall include data showing that any operation (gravity or pumping from pipeline, if required) will not damage any Agency facility. Such data shall include, but is not limited to surge analysis, structural calculation and hydraulic analysis for any pumping or delivery condition requested.

Section 4.06. Deposit of Estimated Costs. The costs of constructing the service connection shall be estimated by the General Manager, who shall cause a written estimate to be prepared and who shall inform the Customer's representative regarding the amount of such estimate. The total amount of such estimate shall be deposited by the Customer in advance of any action toward

construction of the service connection, including all items peculiar only to a given service connection, or it may be deposited in stages, upon approval of the Board. Costs shall include reasonable allowance for costs of design, supervision and overhead, in addition to direct costs of labor, equipment and materials.

Section 4.07. Use of Deposit. Such deposit or deposits shall be held and used to defray the costs of constructing the service connection, and the Agency shall not be required to proceed with the construction of the service connection in the absence of sufficient funds deposited therefor.

Section 4.08. Settlement Upon Completion. Upon completion of construction of the service connection, the Agency shall render to the Customer a statement of all costs, in accordance with the customary practice of the Agency, incurred by the Agency in constructing the service connection; if such costs shall exceed the sum of money deposited by the Customer with the Agency, the Customer promptly shall pay to the Agency the amount by which such costs shall exceed such deposit; and if such costs be less than the said sum of money so deposited, any unexpended balance of such deposit shall be returned by the Agency to the Customer.

Section 4.09. Easement for Service Connection. The Customer shall cause to be granted to the Agency or the Agency shall acquire at the Customer's expense, directly from the fee owner of the affected land, such easement as may be necessary in the opinion of the General Manager for the construction, operation, maintenance and repair of the service connection. Said easement and the grant thereof shall be approved by the Agency; provided, however, that fee title to the property required for such service connection may be acquired in the same manner as an easement and in lieu of an easement if the General Manager and Customer agree that it would be advantageous to do so. Customer shall provide, or the Agency may obtain at Customer's sole cost and expense, a policy of title insurance insuring that clear title to the easement, or fee, is vested in the Agency, subject to any encumbrances that have been approved in writing by the General Manager. The amount of title insurance shall be determined by the acquisition costs, unless the acquisition is made without costs or for less than the amount of the coverage which will be provided for the price paid for the title report, in which case the title policy shall be in the amount of such coverage or such amount as may be reasonably determined by the General Manager.

Section 4.10. Maintenance of Service Connection. Upon completion of the service connection, the Agency shall be responsible for any subsequent maintenance, alteration, reconstruction or relocation of such service connection except changes which are requested by the Customer, which changes shall be handled as a new service connection. However, prior to the release of water by the Agency into the pipeline distribution system of the Customer or of the Customer's affected distributor, the Agency and the Customer or Customer's

Distributor shall each install its own flow control device or devices as a means of maintaining uniform flow.

Section 4.11. Environmental Requirements. Public agency customers are responsible for ensuring that the obligations of lead agencies as described in the California Environmental Quality Act (CEQA) and its implementing guidelines are fulfilled. The Agency shall fulfill all other obligations that may arise from its involvement in construction of the service connection and shall provide such information as it has available which is necessary to ensure compliance with the Act and its implementing guidelines.

Section 4.12. Fair Value of Outlet. The fair value of an outlet installed during pipeline construction will be established by the General Manager at the time the service connection is constructed at the outlet, and the charge to a Customer for such an outlet will be based on this fair value; provided that any outlet larger than 24 inches or any outlet installed after a pipeline is placed in operation shall be charged for its actual cost.

ARTICLE V

WATER SERVICE AND OPERATIONS

Section 5.01. Limitations of State Contract Service. All water service made pursuant to the Agency's State Contract shall be subject to all of the terms and conditions of the said State Contract and to any conditions affecting the State's source of supply or the availability of supply.

Section 5.02. Interruptible Service. All water supplied by the Agency shall be served upon an interruptible basis. Interruption may be occasioned due to the terms of the Agency's State Contract by reason of the Agency's requirements for maintenance and operation of its facilities, including the design and operating criteria established pursuant to Section 5.05 or a demand by Agency's Customers in excess of State Water Project Water Entitlement pursuant to Section 6. The Agency shall notify its customers in advance of any nonstandard interruption to the extent reasonably feasible. Due to the nature of the Agency's facilities and the potential modes of service required, the Agency cannot guarantee any specific level of pressure. **CUSTOMERS SHOULD USE CAUTION IN THE ISSUANCE OF CAN OR WILL SERVE LETTERS FOR OTHER LAND USE ENTITLEMENT BASED UPON STATE PROJECT WATER.**

Section 5.03. Quality. Except as otherwise specifically agreed, all water served by the Agency is raw untreated water and shall not be supplied for domestic purposes by any customer without such treatment as may be required to comply with all applicable laws and regulations. The Agency makes no

representation as to the quality of the water it supplies as to its suitability for any particular purpose. Reference is hereby made to Article 19 of the Agency's State Contract, but the Agency does not undertake to monitor the extent of the State's compliance or noncompliance with such standards, but only to transport said supply to its customers. With respect to any exchange water or other supply available to the Agency, the Agency shall be responsible only to exercise ordinary care in transporting and safeguarding said supply and shall not be responsible for the quality of such water as it is received by the Agency. The Agency may, however, reject any supply which is unsuitable by reason of contamination or pollution which render it impractical for the Agency Customers to treat and use the same.

Section 5.04. Special Classes of Services. The Agency may from time to time establish special classes of service reflecting the special conditions applicable to such service. Such classes may include, but shall not be limited to the following:

(a) Service outside the Agency.

(b) Service to property not subject to Agency taxes.

(c) Service with a special rate in accordance with the terms of annexation to the Agency.

(d) Service pursuant to special contractual arrangement with the Agency.

Water supplied for delivery to property not subject to Agency taxes may be subject to a special outside rate as authorized by Water Code Section 71613. The outside rate may be applicable to any Agency delivery, wherever made, which makes water available for use on property not subject to Agency taxes, including (1) direct delivery to such property, (2) delivery to such property by exchange (e.g., delivery of Agency water within the Agency to make other water supplies otherwise used within the Agency available for use on property outside the Agency), and (3) any delivery ordered to make water available for use outside the Agency.

Section 5.05. Water Rates. All water rates for water service made by the Agency shall be established from time to time by resolution of the Board of Directors of the Agency.

Section 5.06. Pressure and Flow Conditions. All Applicants and Customers are required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed connection, and shall agree to hold the Agency harmless from any damages arising out of low

pressure or high pressure conditions or interruptions of service. The Agency will not make deliveries at flows less than one cubic foot per second or for a period less than 24 hours. Orders for water must be placed one week in advance of actual delivery.

Section 5.07. Payment of Water Charges. Water charges are due and payable at the office of the Agency on date of mailing bill to the Customer or his agent as designated in the application and shall be delinquent 30 days thereafter. Service may be discontinued without further notice if payment of the water charge is not made prior to the date such charge becomes delinquent.

Section 5.08. Meter Testing. When the Accuracy of a water meter is questioned, the Agency upon request will cause an official test to be made at its own expense. The Customer shall be duly notified of the time and place of such test and may be present when any such test is made by the Agency. The meter will be tested on variable rates of delivery and if the average registration is more than two percent in excess of the actual quantity of water passing through the meter, the Agency shall refund to the Customer the overcharge based upon the test, for the prior twelve months, unless it can be shown that the error was due to some cause for which the date can be fixed. In the latter case, the overcharge shall be computed back to and not beyond such time. Any undercharge determined upon the basis of the test may be billed to the Customer on a similar basis. Requests for a test within 12 months of a prior test will be at the Customer's expense unless the meter is determined to be over registering deliveries as determined in this section.

Section 5.09. Estimates of Water Requirements and Schedules of Deliveries. Before August 1 of each year, each customer shall furnish the Agency in form provided by the Agency, with an estimate of the amounts of water to be furnished to such customer by the Agency. These estimates will be used by the Agency in planning the construction needed to complete the Agency's ultimate distribution system; in planning the future operation of such system; and in preparing notices for submission to the State Department of Water Resources which will be used by the State to order power for pumping on the State Water Project.

Section 5.10. Contents of Estimates. Each estimate furnished by a Customer pursuant to Section 4.09 shall contain, as a minimum, for each service connection for each month of the year beginning with succeeding July 1, and for the entire Customer for each month of the succeeding four year, the following information:

1. The quantity of water to be delivered by the Agency to the Customer.

2. The quantity of water to be used for:

(a) Domestic, industrial, and municipal purposes, exclusive of groundwater replenishment by spreading or injecting.
(b) Groundwater replenishment by spreading or injecting;
(c) Agricultural purposes.
(d) Recreational.
(e) Other uses.

The estimate shall constitute the member public agency's request for deliveries for the first of the five years covered therein.

Section 5.11. Revision of Estimates. The Customer may make revisions to any of its estimates upon reasonable notice to the Agency.

Section 5.12. Order for Water. Any Customer requesting delivery of water from the Agency shall place such order in writing. The General Manager may prescribe a suitable form for use in placement of water orders and may revise the same from time to time. Any customer water order shall be accompanied by a copy of the ordinance, resolution, minute order, or other action of the Board or other governing body of the Customer which authorizes the placement of the order.

Section 5.13. Shortage in Water Supply. In any year in which there may occur a shortage in available supply of Project Water, the Agency shall reduce the delivery of Project Water proportionately to all parties to which the Agency supplies water, including Improvement District M of Division 2. It is provided that the Agency may apportion available Project Water on some other basis if such is required to meet minimum demands for domestic supply, fire protection, fire suppression or sanitation to a specific area of the Agency during the year. No vested rights are obtained by the Customer upon the sale and delivery of water apportioned by this Section nor are any such rights inferred by virtue of an Agency decision to provide water to a Customer in a specific year.

Section 5.14. Outside Sales. Water may be sold for use outside the Agency only when the Board finds there is a surplus above that required by consumers within the Agency, as authorized by Water Code Section 71612. All such sales shall be limited to the period of surplus and shall terminate when the water available is required for use within the Agency. Any sales for delivery within or without the Agency which makes water available for use on property outside the Agency shall be treated as an outside sale for such purposes, including (1) direct delivery to property outside the Agency, (2) delivery to property outside the Agency by exchange (e.g., delivery of Agency water within the Agency available to use on property outside the Agency), and (3) any delivery ordered to make water available for use outside the Agency.

ARTICLE VI

GENERAL

Section 6.01. Liability and Indemnification. Neither the Agency nor any of its officers, agents, or employees shall be liable for the control, carriage, handling, use, disposal, or distribution water supplied by the Agency to a customer after such water has been delivered to such Customer; nor for claim of damage of any nature whatsoever, including but not limited to property damage, personal injury or death, arising out of or connected with the control, carriage, handling, use, disposal, or distribution of such water beyond the point of such delivery; and the Customer shall indemnify and hold harmless the Agency and its officers, agents, and employees from any such damages or claims of damages. Neither the Customer nor any of its officers, agents, or employees shall be liable for the control, carriage, handling, use, disposal, or distribution of water prior to such water being delivered to the Customer; nor for claim of damage of any nature whatsoever, including but not limited to property damage, personal injury or death, arising out of or connected with the control, carriage, handling, use, disposal, or distribution of such water prior to its delivery to such Customer and the Agency shall indemnify and hold harmless the Customer and its officers, agents, and employees from any such damages or claims of damages.

Section 6.02. Water Resources Management Requirements. In order to promote good water resources management and prevent waste of water resources, undesirable groundwater conditions, and unnecessary expense to the inhabitants and taxpayers of the Agency, the Agency may encourage or require the use of alternate supplies where such is required to prevent waste or undesirable groundwater conditions and/or to prevent unnecessary expense to the Agency's inhabitants and taxpayers. The Agency may also encourage the use of special conservation facilities or devices where appropriate.

Section 6.03. Design and Operating Criteria. The Agency's facilities have been designed and planned within the limits of available funding to meet water service and other needs within the Agency to the maximum extent feasible and to allow for maximum flexibility for use of facilities for different purposes and in different modes of operation. Such a system necessarily makes it impossible to always respond automatically to service demands when facilities are needed for conflicting demands or modes of service. It is the applicant's responsibility to consult with Agency staff to obtain information as to the Agency's requirements for connection and the capabilities of the Agency system before designing facilities for connection to the Agency system.

Section 6.04. Indemnification for Water Spreading. The Agency shall require execution of an agreement indemnifying the Agency and its officers, agents, and employees against liability for damages of any nature whatsoever, including but not limited to property damage, personal injury, or death, arising out of or resulting from, or connected with, groundwater replenishment by spreading or injecting which is conducted by or at the direction of the Agency pursuant to the application or request of a customer or water purveyor or in which water is to be delivered by the Agency to a Customer or water purveyor for such use.

Section 6.05. Appeal. A decision denying an Application for Service may be appealed to the Board by Applicant by notifying the General Manager in writing of Applicant's decision to appeal no later than fourteen (14) days from the date of denial of the Application for Service by the Board.

The decision of the Board on any appeal shall be final.

This Ordinance shall be in full force and effect upon the date of adoption, and shall be published in full in a newspaper of general circulation within ten (10) days from the date of adoption.

Passed and adopted this 25th day of April, 1995, by the following vote:

AYES: 7
NOES:
ABSTAIN:
ABSENT:

John H. Russell, President
Board of Directors
Mojave Water Agency

ATTEST:

Peggy Sartor, Secretary
Board of Directors
Mojave Water Agency