

AGENDA
IRVINE RANCH WATER DISTRICT
WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE
THURSDAY, APRIL 5, 2018

CALL TO ORDER 3:00 p.m., Committee Room, Second Floor, District Office
15600 Sand Canyon Avenue, Irvine, California

ATTENDANCE Committee Chair: Mary Aileen Matheis _____
Member: John Withers _____

<u>ALSO PRESENT</u>	Paul Cook	_____	Cheryl Clary	_____
	Beth Beeman	_____	Paige Midstokke	_____
	Mark Tettemer	_____	Christine Compton	_____
	Fiona Sanchez	_____	Amy McNulty	_____
	Paul Weghorst	_____	Kellie Welch	_____
	Ray Bennett	_____	Jo Ann Corey	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

COMMUNICATIONS

1. Notes: Weghorst
2. Public Comments
3. Determine the need to discuss and/or take action on item(s) introduced that came to the attention of the District subsequent to the agenda being posted.
4. Determine which items may be approved without discussion.

INFORMATION

5. CENTRAL WEATHER STATION RELOCATION – GARCIA/MCNULTY/
SANCHEZ/WE GHORST

Recommendation: Receive and file.

6. REVIEW OF SAN DIEGO CREEK WATER RIGHTS –
SANCHEZ/WE GHORST

Recommendation: Receive and file.

ACTION

7. PARTICIPATION IN THE UNIVERSITY OF CALIFORNIA, IRVINE
WATER RESEARCH CENTER – WEGHORST

Recommendation: That IRWD send a letter of commitment to Water UCI indicating IRWD's interest in participating as a funding partner and member of the Industry Advisory Board of the proposed water-related Industry-University Cooperative Research Center.

8. 2018 LEGISLATIVE AND REGULATORY UPDATE – COMPTON/COOK

Recommendation: That the Board adopt a "SUPPORT" position on AB 2050 (Caballero, D-Salina); an "OPPOSE" position on AB 1876 (Frazier, D-Fairfield); a "SUPPORT" position on AB 2283; a "SEEK AMENDMENTS" position on AB 2890 (Ting, D-San Francisco); a "WATCH" position on AB 2711 (Chen, R-Brea); a "SUPPORT" position on AB 3170 (Friedman, D-Glendale); a "SEEK AMENDMENTS" position on SB 831 (Wieckowski, D-Fremont); a "SEEK AMENDMENTS" position on SB 1469 (Skinner, D-Oakland); and an "OPPOSE UNLESS AMENDED" position on SB 998 (Dodd, D-Napa).

OTHER BUSINESS

9. Directors' Comments

10. Adjourn

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the above-named Committee in connection with a matter subject to discussion or consideration at an open meeting of the Committee are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Committee less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Committee Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance of the meeting room at the District Office.

The Irvine Ranch Water District Committee Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in an alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

April 5, 2018

Prepared by: J. Garcia/A. McNulty

Submitted by: F. Sanchez/P. Weghorst

Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

CENTRAL WEATHER STATION RELOCATION

SUMMARY:

IRWD owns and maintains three weather stations that provide evapotranspiration (ET) data used in the calculation of customer water budgets. The central weather station is currently located at the Orange County Great Park (Great Park) within the City of Irvine. The station needs to be relocated due to impacts from encroaching development. Provided below are details regarding the relocation of the station and an overview of the terms for a license agreement that will facilitate the effort.

BACKGROUND:

IRWD owns and operates three weather stations that are strategically located throughout the District's service area that collect daily ET data that is representative of the micro-climates observed in the coastal, central and foothill areas. To ensure the recording of accurate data, the weather stations must be located in areas where the surroundings will not impact the data collected.

Until 2011, the central weather station was located at IRWD's Sand Canyon headquarters building. The station was relocated to make room for the construction of an office building adjacent to the headquarters building. IRWD and the City of Irvine entered into a license agreement that allows IRWD to relocate the weather station to a suitable location within the Great Park property. The license agreement between IRWD and the City is provided as Exhibit "A".

License Agreement with the City of Irvine:

The license agreement with the City required a payment from IRWD in the amount of \$28,500 to site the central weather station at the Great Park for a 10-year term beginning July 1, 2011 and ending June 30, 2021. The City agreed to pay for relocation to a mutually acceptable location if it became necessary to relocate the weather station due to extraordinary circumstances. In 2015, construction activities at the Great Park began to encroach on the weather station. The station was then relocated to another site within the Great Park.

In late 2017, staff and a certified weather station technician determined that the continued development at the Great Park was again infringing on the weather station. Staff requested that the City identify alternative locations for the weather station, but no suitable city-owned properties were found. As a result, the City stated that it is amenable to providing reimbursement for the balance of the 10-year agreement and paying for the central weather station relocation expenses.

Relocation to University of California Extension:

Alternative locations for the relocation of the central weather station, including IRWD properties, were assessed by a certified weather station technician. An area located at the University of California Agriculture and Natural Resource South Coast Research and Extension Center (UC Extension) property on Irvine Boulevard was identified as meeting all of the criteria for siting the weather station. Additionally, the property is secured and monitored by an onsite superintendent 24 hours a day, which will provide a greater level of security for the weather station.

A license agreement has been prepared to govern the terms for the installation, operation and maintenance of the central weather station at the UC Extension property. The agreement is for a five-year term, which may be extended through an amendment to the agreement. The terms include IRWD providing access to weather station data to UC Extension staff and a one-time, low-cost fee to upgrade another weather station at the site that is operated by UC Extension. After the installation of the central weather station, UC Extension will provide ongoing site maintenance and irrigation at no cost to IRWD. The license agreement for placement and operation of the central weather station at the UC Extension is provided as Exhibit "B". Execution of the license agreement is within the authority of IRWD's General Manager.

Station Location:

The IRWD weather station will be installed north of the three UC Extension water efficient demonstration homes and gardens as shown in Exhibit "B". The large turf area surrounding it will provide space for guided tours that educate the public about the weather station and its relationship to efficient irrigation. IRWD already partners with the UC Extension on public outreach events, collaborative workshops and creative educational opportunities for the community. The relocation of the central weather station to the UC Extension property will further strengthen this partnership.

Data Sharing:

In lieu of an ongoing lease payment and in exchange for hosting the weather station, UC Extension staff will be provided access to weather station data from all three of IRWD's weather stations. This data will be used for research and educational purposes only. Authorized UC Extension staff will be provided user credentials that will allow them access to IRWD's ET data through a web-based portal. These users will then provide the data to researchers and data scientists who are conducting studies under an agreement with UC Extension.

Relocation Costs:

As a condition for installing the central weather station at the UC Extension property, IRWD will pay for the purchase and installation of new equipment for the California Irrigation Management Information System (CIMIS) Station No. 75 that is hosted onsite and operated by UC Extension. The CIMIS station has not been adequately maintained and is in need of equipment upgrades. The one-time cost for this equipment upgrade is \$3,933. The UC Extension will be responsible for the routine maintenance costs for the CIMIS station once the equipment upgrade is complete.

The UC Extension has also requested installation of up to 10,000 square feet of cool season turf in the area where the weather stations will be placed. While the minimum turf area necessary to meet weather station siting specifications is 900 square feet, staff has concluded that the installation of the larger turf area will have a positive impact on the ET data that is collected at the station. The estimated costs to relocate the central weather station to the UC Extension property are itemized in the following table:

Central Weather Station Relocation Project Costs

Item	Cost
Fence and 900 square feet of Turf	\$ 4,905
Additional 9,100 square feet of Turf	\$ 4,095
CIMIS Station No. 75 Equipment Upgrade	\$ 3,933
Total Cost	\$12,933

Reimbursement of Costs:

Per the license agreement with the City, IRWD will be reimbursed by the City sufficient funds to cover the cost of new fencing and 900 square feet of turf at the new location in the amount of \$4,905, plus an estimated \$9,000 for the unused term of the agreement. The total funds received from the City will be \$13,905. This amount will be sufficient to cover the costs to relocate IRWD's central weather station to the UC Extension as described above.

FISCAL IMPACTS:

Sufficient funds exist in the FY 2017-18 Operating Budget to cover IRWD's costs associated with the relocation of the central weather station to the UC Extension property. IRWD will receive \$13,905 as reimbursement from the City of Irvine per the terms of the license agreement that is provided as Exhibit "A". This reimbursement will offset IRWD's cost of relocating the station.

ENVIRONMENTAL COMPLIANCE:

This relocation of the central weather stations to the UC Extension is categorically exempt from the California Environmental Quality Act (CEQA) as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15301 (b) which provides exclusion for minor alteration of public facilities.

RECOMMENDATION:

Receive and file.

LIST OF EXHIBITS:

Exhibit "A" – License Agreement with the City of Irvine

Exhibit "B" – License Agreement for Placement and Operation of Weather Station at UC Extension

EXHIBIT "A"

LICENSE AGREEMENT

THIS LICENSE AGREEMENT ("License") is entered into as of this 1st day of July, 2011 by and between the CITY OF IRVINE ("Licensor"), a California charter city, and the IRVINE RANCH WATER DISTRICT ("Licensee"), a California water district.

RECITALS

WHEREAS, Licensor is the owner of that certain real property commonly known as the Orange County Great Park ("Great Park") and situated within the City of Irvine, Orange County, California; and

WHEREAS, Licensee desires the right to enter upon a portion of the Great Park for the purposes of installing and operating a weather station for water conservation purposes; and

WHEREAS, Licensor desires to grant a license to Licensee for such purpose; and

WHEREAS, the City is willing to grant such a license pursuant to certain terms and covenants; and

WHEREAS, this Agreement has been approved by the City Council of the City of Irvine;

NOW, THEREFORE, in consideration of the faithful performance of the terms and covenants set forth below, the parties agree as follows:

1. GRANT OF LICENSE. Licensor grants to Licensee (and Licensee's officers, employees, agents and contractors the non-exclusive right and license to enter upon that certain twenty-five feet by twenty-five feet (25' x 25') unimproved area of the Great Park located northeast of the Balloon Park, adjacent to the Balloon Park's parking lot, which is depicted on Exhibit "A" attached hereto, for the purpose of installing and operating a weather station ("Weather Station Area"). Subject to Licensee's compliance with all terms and conditions of this License, Licensee shall be entitled to access the Weather Station Area twenty-four (24) hours a day, seven (7) days a week, in order to maintain or make repairs to the weather station as necessary. For such purpose the license hereby granted shall also include access over Licensor's property between Marine Way and the Weather Station Area. In exercising this right, Licensee shall use reasonable care and may not unreasonably increase the burden on the Weather Station Area. To the extent feasible and practicable, Licensee will provide advance notice to Licensor of any need to access the Weather Station Area.

1.1 SCOPE OF USE. Licensee shall use the Weather Station Area for the exclusive purposes of installing, operating and maintaining a functional weather station with an interactive educational component for the benefit of the public. Licensee agrees to install the weather station in accordance with Licensor's applicable standards. Licensee shall be responsible, at its sole cost and expense, for installing and maintaining cool-season fescue turf in the Weather Station area, including irrigation and an irrigation controller, and constructing any necessary fencing around the perimeter of the Weather Station Area. Licensor agrees to provide a point of connection for the Weather Station area irrigation. The weather station shall be self-powered, through solar generated electricity, and will not require additional power to be supplied by Licensor. Licensee shall maintain the Weather Station Area in a "show ready" condition, except when access must be limited for construction or repairs. Licensee shall

provide all equipment and furnishings needed by Licensee to operate the weather station, and Licensors shall not be responsible for operation, maintenance or repair thereof, or for any damage, loss or theft occurring thereto. Licensee may not use the Weather Station Area for any other purpose or business without obtaining Licensors' prior written consent.

2. CONSIDERATION. Licensee agrees to pay twenty eight thousand five hundred dollars (\$28,500.00) to City for the benefit of the Great Park's Farm & Food Lab.

3. TERM. This License shall be for a term of ten (10) years, commencing on July 1, 2011 and terminating on June 30, 2021. Licensors agree that the weather station will not be moved or impacted by the construction of park infrastructure during the Term. In the event extraordinary circumstances require Licensors to relocate the weather station to elsewhere within the Great Park, Licensors agree to pay for corresponding relocation costs, to a new location mutually agreed upon by both parties.

4. ASSIGNMENT. Licensee acknowledges and agrees that this License is personal to Licensee and shall not be assigned. Licensee will not assign, transfer or sell this License or any privilege hereunder in whole or in part, and any attempt to do so will be void and confer no right on any third party. No legal title or leasehold interest in the Weather Station Area is created or vested in Licensee by grant of this License. The weather station shall not be deemed to constitute a fixture; Licensee shall own the weather station and may remove the same upon termination or expiration hereof.

5. TERMINATION. Notwithstanding the provisions of Section 3 above, Licensors may terminate this License upon a material breach by Licensee of the terms and covenants of this License, after having provided thirty (30) days' advance written notice; provided, that upon Licensee's receipt of such notice of material breach, Licensee shall have a period of 60 days to cure and shall not be in material breach so long as Licensee has cured within such period, or if such cure is not reasonably possible within such period, has commenced within such period and is diligently pursuing such cure.

6. INDEMNIFICATION. Licensee shall hold harmless, defend and indemnify Licensors, its officers, employees, agents and representatives from and against all claims, loss, damage, actions, causes of actions, expense and/or liability arising from or growing out of loss or damage to property, including that of Licensors, or injury to or death of any persons resulting in any manner whatsoever, indirectly or directly, by reason of this License or the use or occupancy of the Weather Station Area by Licensee or its officers, employees, agents or contractors, except to the extent resulting from the active negligence or willful misconduct of Licensors.

7. ATTORNEYS' FEES. If any legal action or proceeding arising out of or relating to this License is brought by either party, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs and expenses incurred in the action or proceeding by the prevailing party.

8. ENTIRE AGREEMENT. This License constitutes the entire agreement between Licensors and Licensee relating to the License. Any prior agreements, promises, negotiations, or representations not expressly set forth in this License are of no force and effect. Any amendment to this License shall be of no force and effect unless it is in writing and signed by Licensors and Licensee.

9. **NOTICE.** Any written notice given under the terms of this License shall be effective when delivered personally or when placed postage prepaid in the United States mail, and addressed as follows:

If to Licensor:

City of Irvine
One Civic Center Plaza
P.O. Box 19575
Irvine, CA 92623
Attention: City Manager

with copy to:

Orange County Great Park Corporation
One Civic Center Plaza
P.O. Box 19575
Irvine, CA 92623
Attention: Chief Executive Officer

If to Licensee:

Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618
Attention: Fiona Sanchez

Each party shall have the right, from time to time, to designate a different address for notice to be given in conformity with this section.

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

"LICENSOR"
THE CITY OF IRVINE

By: [Signature]

Title: Chief Executive Officer

Date: [Signature]

By: [Signature]

Title: City Manager

Date: 11-16-11

APPROVED AS TO FORM

[Signature]
City Attorney

ATTEST

[Signature]
CITY CLERK OF THE CITY OF IRVINE

"LICENSEE"
IRVINE RANCH WATER DISTRICT

By: [Signature]

Title: General Manager

Date: 22 DEC 2011

APPROVED AS TO FORM

[Signature]
IRWD Legal Counsel

**EXHIBIT A
WEATHER STATION AREA**



GPS Coordinates of Proposed Weather Station Location

33°40'25.13"N
117°44'22.32"W

DUPLICATE

FIRST AMENDMENT
TO LICENSE AGREEMENT WITH IRVINE RANCH WATER DISTRICT

THIS FIRST AMENDMENT TO THE LICENSE AGREEMENT ("Amendment") by and between the CITY OF IRVINE, a California charter city (the "Licensor") and IRVINE RANCH WATER DISTRICT, a California water district ("Licensee") is effective as of April 1, 2015.

Recitals

A. Licensor and Licensee entered in a License Agreement dated July 11, 2011 (the "License") for the installation and operation of a weather station at the Orange County Great Park ("Great Park").

B. Section 3 of the License allows Licensor to require the relocation of the weather station due to extraordinary circumstances and subject to Licensor and Licensee mutually agreeing upon the proposed new location.

C. Extraordinary circumstances have necessitated the relocation of the weather station and Licensor and Licensee desire to update the License to reflect the mutually agreed upon new location for the weather station.

NOW, THEREFORE the parties hereby amend the License as follows:

1. The foregoing recitals are true and correct and are a substantive part of this Amendment.
2. Section 1 – GRANT OF LICENSE is hereby amended in its entirety to read as follows:

GRANT OF LICENSE. Licensor grants to Licensee (and Licensee's officers, employees, agents and contractors) the non-exclusive right and license to enter upon that certain twenty-five feet by twenty-five feet (25' x 25') area of the Great Park as depicted on Exhibit "A" attached hereto, for the purposes of installing and operating a weather station ("Weather Station Area"). Subject to Licensee's compliance with all terms and conditions of this License, Licensee shall be entitled to access the Weather Station Area twenty-four (24) hours a day, seven (7) days a week, in order to maintain or make repairs to the weather station as necessary. For such purpose the license hereby granted shall also include access over the area between Marine Way and the Weather Station Area as depicted on Exhibit "A" ("Access Road"). In exercising this right, Licensee shall use reasonable care and may not unreasonably

increase the burden on the Weather Station Area. To the extent feasible and practicable, Licensee will provide advance notice to Licensor of any need to access the Weather Station Area. Licensor reserves the right to change the location of the Access Road from time to time.

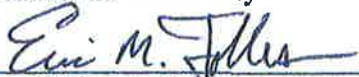
3. All references to EXHIBIT "A" in the License shall mean and refer to and be replaced by EXHIBIT "A" attached hereto.

4. All other provisions of the License shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first above written.

[SIGNATURES FOLLOW ON NEXT PAGE]

"LICENSOR"
CITY OF IRVINE,
a California charter city

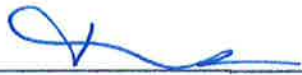

Eric Tolles, Assistant City Manager for the
Orange County Great Park

6/2/15
Date


Sean Joyce, City Manager


6/3/15
Date

APPROVED AS TO FORM:



City Attorney

5-20-15
Date

"LICENSEE"
IRVINE RANCH WATER DISTRICT
a California water district


_____, General Manager

ATTEST:


CITY CLERK OF THE CITY OF IRVINE

18 MAY 2015
Date

APPROVED AS TO FORM:


IRWD Legal Counsel

5-5-15
Date

EXHIBIT "A"

[ATTACHED]

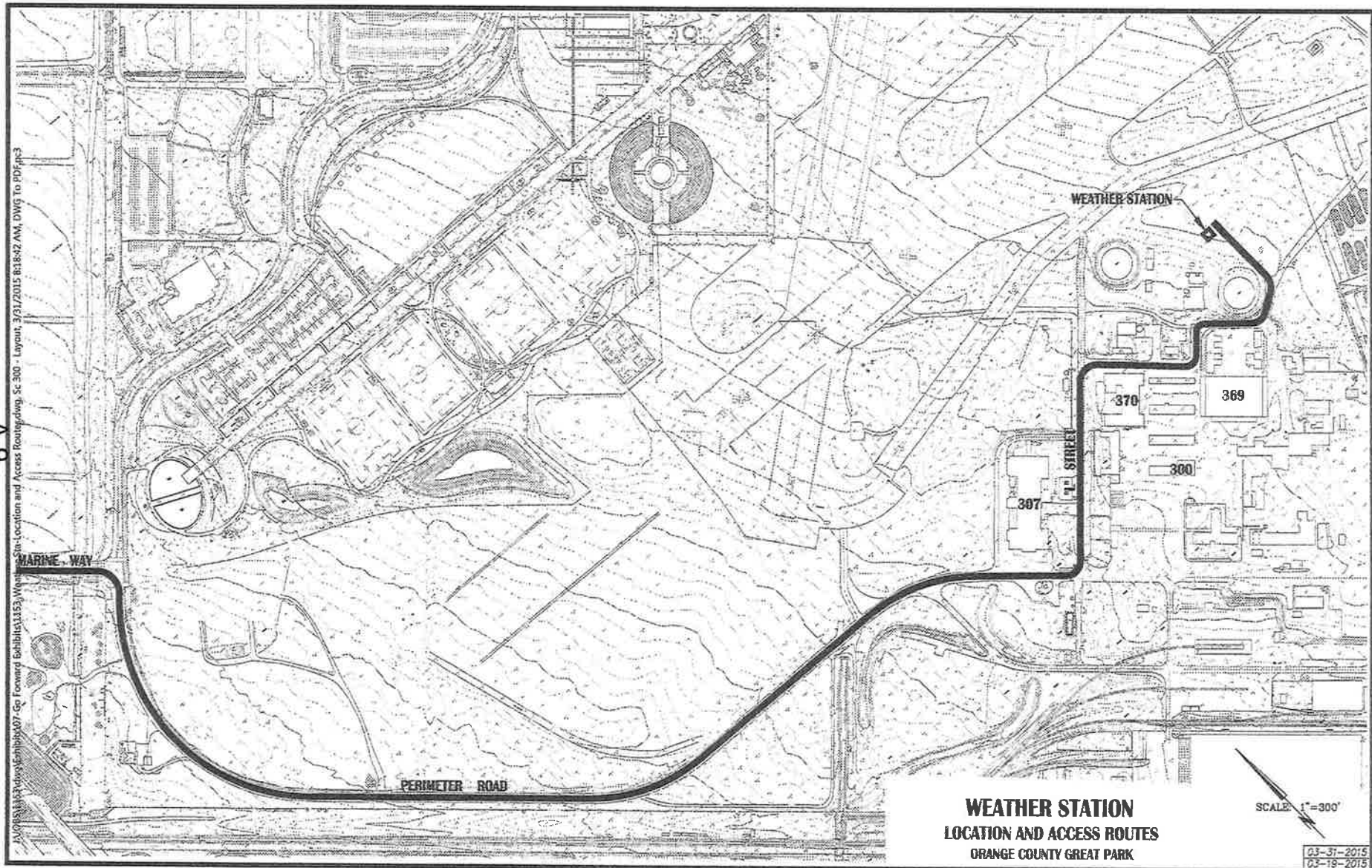


EXHIBIT "B"

LICENSE AGREEMENT FOR PLACEMENT AND OPERATION OF WEATHER STATION

THIS LICENSE AGREEMENT FOR PLACEMENT AND OPERATION OF WEATHER STATION ("License Agreement") is entered into as of this _____ day of _____, 201____ by and between the Regents of the University of California, Division of Agriculture and Natural Resources, South Coast Research & Extension Center ("LANDOWNER"), and the IRVINE RANCH WATER DISTRICT ("IRWD"), a California water district.

RECITALS

WHEREAS, LANDOWNER is the owner of that certain real property commonly known as the University of California, Division of Agriculture and Natural Resources, South Coast Research & Extension Center ("UC ANR-SCREC") and situated within the unincorporated area of Orange County, California; and

WHEREAS, IRWD desires the right to enter upon a portion of the UC ANR-SCREC (the "Site") for the purposes of relocating a weather station, which is currently located on a site in the Orange County Great Park that is no longer available for such use, and installing and operating such weather station on the Site for IRWD customer billing and other water efficiency program purposes; and

WHEREAS, LANDOWNER desires to grant permission to IRWD for such purpose pursuant to certain terms and covenants.

NOW, THEREFORE, in consideration of the faithful performance of the terms and covenants set forth below, the parties agree as follows:

1. GRANT OF LICENSE. Permission is hereby granted by LANDOWNER to IRWD and IRWD's officers, employees, agents and contractors to enter upon the Site, depicted on Exhibit "A," which exhibit is attached hereto and incorporated herein by this reference, for the purpose of installing and operating a weather station. Subject to IRWD's compliance with all terms and conditions of this License Agreement, IRWD shall be entitled to access the Site twenty-four (24) hours a day, seven (7) days a week, in order to maintain or make repairs to the weather station as necessary as long as 24 hours' notice is provided to Center Superintendent. For such purpose the license hereby granted (the "License") shall also include permission for IRWD to pass over other portions of LANDOWNER's property not specified herein as part of the Site as may be necessary for entrance to and exit from the Site, as solely determined by LANDOWNER, during normal UC ANR-SCREC business hours for maintenance, monitoring purposes, and educational purposes.

1.1 SCOPE OF USE. IRWD will use the Site for the installation, operation and maintenance of a functional weather station to collect weather information necessary for estimating landscape water demands under local conditions.

1.1.1 Installation. IRWD will install the weather station to include cool-season turfgrass at the Site (see Section 1.1.2 below), an operational irrigation system for the irrigation of the Site, and fencing around weather equipment (4 foot buffer) with a locking gate for security and access to the weather station. LANDOWNER will be responsible to provide assistance with irrigation installation including any low voltage electrical requirements.

LANDOWNER shall provide a point of connection for the irrigation system for the irrigation of the Site.

1.1.2 Grass and Irrigation. The area of the Site surrounding the weather station (100 feet x 100 feet, or approximately 10,000 square feet, as depicted in Exhibit A) must consist of irrigated, well-maintained cool-season turfgrass. Such area must be exposed to unrestricted wind and sun.

1.1.3 Maintenance of Grass and Irrigation System. LANDOWNER will maintain an operational irrigation system in place for the irrigation of the Site. LANDOWNER agrees to be responsible for the maintenance of the grass on the Site at no cost to IRWD, which maintenance will include operating the irrigation system and mowing under the weather station, whether performed by LANDOWNER or by private contractor(s) hired by LANDOWNER. LANDOWNER acknowledges that maintenance of the grass on the Site is important for the proper functioning of the weather station. Accordingly, subject to the access requirements set forth above in Section 1, IRWD may conduct random inspections, and if IRWD determines that the grass is not being adequately maintained, IRWD may give LANDOWNER notice of the condition and suspend LANDOWNER's data sharing credentials (see Section 1.2 below).

1.1.4 Maintenance of Weather Stations. IRWD will be responsible for the monthly maintenance of the IRWD weather station and will maintain the weather station using State of California maintenance procedures. Weather station maintenance staff must use an aspirated psychrometer in their maintenance program. IRWD will be responsible for regular calibration of the instruments and for annual calibrations. When required, maintenance will include replacement of all weather station equipment and sensors.

1.1.5 Equipment and Programming. IRWD shall provide all equipment and furnishings needed by IRWD to operate the weather station. IRWD will be responsible for the monthly data transfer and communication service charges to the weather station.

1.1.6 CIMIS Station #75 Equipment Upgrade. As a condition for installing the IRWD Central weather station at the property, IRWD will purchase and install updated equipment for a separate weather station that is currently on the site. This station is part of the California Irrigation Management Information System (CIMIS) operated by the State of California and identified as station number 75 of approximately 120 stations throughout the state. The CIMIS network provides evapotranspiration (ET) data for use by the agriculture industry and other water agencies in calculating budget based rates. Station number 75 has not been adequately maintained and is in need of equipment upgrades. The equipment upgrade is a one-time occurrence and shall not exceed \$4,000.

1.2 AGREEMENT TO OPERATE; DATA SHARING. As consideration for the permission herein granted, IRWD shall provide LANDOWNER with online login credentials to IRWD's weather database system so that LANDOWNER has direct access to view and download the weather data collected by all weather stations owned and operated by IRWD, in addition to operating the weather station and performing its obligations set forth herein.

2. TERM. This License shall be effective from the date of its execution and shall be in effect for five (5) years thereafter, or until terminated by IRWD or LANDOWNER by one-hundred eighty (180) days' written notice given by the terminating party to the other party.

2.1 Removal and Restoration on Termination. Within thirty (30) days following expiration or termination of the agreement, IRWD shall remove any and all facilities, appurtenances and incidents from the Site and shall restore the Site to its original condition existing at the commencement of the term of the License.

2.2 Relocation. LANDOWNER agrees that the weather station will not be moved or impacted during the Term of the License except under extraordinary circumstances. In the event extraordinary circumstances require relocation of the weather station, LANDOWNER agrees to pay for the relocation costs to a new location mutually agreed upon by both parties, and if possible within the UC ANR-SCREC property.

3. NO FIXTURES. The weather station shall not be deemed to constitute a fixture; IRWD shall own the weather station and its security fencing and may remove the same upon termination or expiration hereof.

4. INDEMNIFICATION IRWD shall indemnify, defend, and hold harmless LANDOWNER, its officers, agents and employees, from and against any claims, damages, costs, expenses, or liabilities (collectively "Claims") arising out of or in any way connected with this License including, without limitation, Claims for loss or damage to any property, or for death or injury to any person or persons, but only in proportion to and to the extent that such Claims arise from the negligent or intentional acts or omissions of IRWD, its officers, agents, partners or employees.

LANDOWNER shall indemnify, defend and hold harmless IRWD, its officers, agents, partners and employees, from and against any Claims, arising out of or in any way connected with this License including, without limitation, Claims for loss or damage to any property, or for death or injury to any person or persons, but only in proportion to and to the extent that such Claims arise from the negligent or intentional acts or omissions of LANDOWNER, its officers, agents, or employees.

5. INSURANCE.

5.1. IRWD INSURANCE. IRWD, at its sole cost and expense, shall insure its activities in connection with this License and obtain, keep in force, and maintain insurance as follows:

a. Commercial Form General Liability Insurance (contractual liability included) with minimum limits as follows:

1.	Each Occurrence	\$1,000,000
2.	Personal and Advertising Injury	\$1,000,000
3.	General Aggregate	\$2,000,000

The above insurance shall continue for three (3) years following termination of this License. The insurance shall have a retroactive date of placement prior to or coinciding with the commencement of the Term of this License.

b. Business Automobile Liability Insurance for owned, scheduled, non-owned, or hired automobiles with a combined single of not less than one million dollars (\$1,000,000) per occurrence.

c. Property Insurance, Fire and Extended Coverage Form in an amount sufficient to reimburse IRWD for all of its equipment, trade fixtures, inventory, fixtures and other personal property located on or in the Site including improvements hereinafter constructed or installed.

d. Workers' Compensation as required by California law.

e. Such other insurance in such amounts which from time to time may be reasonably required by the mutual consent of IRWD and LANDOWNER against other insurable risks relating to performance.

The coverages required herein shall not limit the liability of IRWD.

The coverages referred to under a. and b. of this Section 5.1 shall include LANDOWNER as an additional insured. Such a provision shall apply only in proportion to and to the extent of the negligent acts or omissions of IRWD, its officers, agents, and employees. IRWD, upon the execution of this License, shall furnish LANDOWNER with certificates of insurance evidencing compliance with all requirements. Certificates shall provide for thirty (30) days (ten [10] days for non-payment of premium) advance written notice to Licensor of any material modification, change or cancellation of the above insurance coverages.

5.2 WAIVER OF SUBROGATION. IRWD hereby waives any right of recovery against LANDOWNER due to loss of or damage to the property of IRWD when such loss of or damage to property arises out of an act of God.

5.3 LANDOWNER INSURANCE. LANDOWNER will maintain a program of self-insurance.

6. ATTORNEYS' FEES. If any legal action or proceeding arising out of or relating to this License is brought by either party against the other, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs and expenses incurred in the action or proceeding by the prevailing party.

7. ENTIRE AGREEMENT. This License Agreement constitutes the entire agreement between LANDOWNER and IRWD relating to the License. Any prior agreements, promises, negotiations, or representations not expressly set forth in this License Agreement are of no force and effect. Any amendment to this License shall be of no force and effect unless it is in writing and signed by and IRWD.

8. NOTICE. Any written notice given under the terms of this License Agreement shall be effective when delivered personally or when placed postage prepaid in the United States mail, and addressed as follows:

If to LANDOWNER:	South Coast Research & Extension Center Attention: Darren Haver 7601 Irvine Blvd. Irvine, CA 92618
------------------	---

If to IRWD:

Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618
Attention: Fiona Sanchez

Each party shall have the right, from time to time, to designate a different address for notice to be given in conformity with this section.

[SIGNATURES ON FOLLOWING PAGE(S)]

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

"LANDOWNER"

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, on behalf of its Division of Agriculture and Natural Resources and South Coast Research & Extension Center

"IRWD"

IRVINE RANCH WATER DISTRICT

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

APPROVED AS TO FORM

IRWD Legal Counsel



April 5, 2018

Prepared by: F. Sanchez

Submitted by: P. Weghorst

Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

REVIEW OF SAN DIEGO CREEK WATER RIGHTS

SUMMARY:

Irvine Ranch Water District has the right to divert surface water from San Diego Creek to the San Joaquin Marsh for the support of wetland habitat and wildlife enhancements. A permit for an appropriative right was issued in 1998 by the State Water Resources Control Board that provides IRWD the ability to divert and put water to beneficial use in accordance with certain terms and a time schedule. The perfection of this appropriate right is subject to IRWD applying for and receiving a license from the State Board. When applying for the permit, IRWD also claimed a riparian right to San Diego Creek water. A recent review conducted by IRWD's legal counsel has concluded that it is advantageous for IRWD to divert water to the Marsh by exercising its riparian right rather than seeking to license its appropriative right. Following is an overview of information supporting this conclusion.

BACKGROUND:

There are three steps to securing an appropriative water right from the State Board's Division of Water Rights: 1) submitting a water right application, 2) obtaining a permit, and 3) obtaining a license. In April 1997, IRWD filed an application to appropriate water by permit with the State Board. IRWD's permit application also included a riparian claim to water from San Diego Creek stating that IRWD had previously exercised a riparian right by diverting water from the creek in quantified amounts. In November 1998, the State Board provided IRWD Permit 20979 (Permit), which is provided as Exhibit "A". This permit allows IRWD to divert and use water from San Diego Creek to support habitat and wildlife enhancements within the constructed wetlands of the San Joaquin Marsh.

Overview of Permit 20979:

The Permit that was issued to IRWD by the State Board includes conditions that the appropriated water be limited to the quantity that can be beneficially used within a 140-acre designated area. The Permit also authorizes a maximum diversion rate of five cubic feet per second, and an annual maximum diversion of 3,600 acre-feet (AF). The Permit specifies a development schedule for IRWD to complete construction of the San Joaquin Marsh and to establish beneficial use of the water by December 31, 2007. The construction of the Marsh was completed in 1998 and the Permit has since then been maximized by putting 3,600 AF per year to beneficial use. To prepare for licensing of the appropriative right, IRWD consultant Stetson Engineering, Inc. conducted an assessment of IRWD's permitted diversions.

Permit Assessment:

Stetson's assessment concluded that, in compliance with the Permit requirements, IRWD submitted Annual Water Use Reports to the State Board that provided information on monthly

diversions and water use, maximum rates of diversion and the status of the project with regard to the full beneficial use of the San Diego Creek. Stetson also determined that the rate of diversion for the current operations of the Marsh does not conform to the operational related terms of the Permit, and that the completion date to license the right was not met.

Discussion with State Board:

IRWD and Stetson participated in several conference calls with the State Board to discuss modifying IRWD's permit to increase the diversion rate and to request a time extension for licensing the right. State Board staff stated that the diversion rate could not be amended in the permit and that IRWD would need to apply for a new permit and provide supporting stream flow analysis. Alternatively, State Board staff suggested that IRWD consider relying upon its existing riparian right to divert water from San Diego Creek, which would not limit the rate of diversion. To determine the best approach to ensure IRWD's right to water, staff engaged legal counsel at Alston & Bird to evaluate both IRWD's San Diego Creek appropriative and riparian rights for purposes of operating the San Joaquin Marsh.

Legal Counsel Review:

In March 2018, IRWD's legal counsel at Alston & Bird completed a review of IRWD's water rights in San Diego Creek. Alston & Bird concluded that since IRWD's Marsh parcels are contiguous to San Diego Creek, that IRWD possesses a riparian right to divert water from San Diego Creek for use on its property. No permit is needed before a riparian right can be exercised and a riparian right is typically not quantified. Alston & Bird concludes that the State Board could not limit IRWD's riparian right absent an adjudication.

Review of Appropriative Right:

IRWD's appropriative right to draw on water from San Diego Creek through Permit 20979 is subject to conditions concerning the diversion and use of the water. The State Board may limit IRWD's appropriative right based on the conditions in the Permit and it is likely that the combined diversions from the riparian and appropriative right would be limited to the face value of the Permit. In other words, the riparian right is not additive to the appropriative right. IRWD could try to request that the State Board consider an interpretation that it is additive, but this would likely entail significant effort. Alternatively, Alston & Bird recommends that IRWD rely upon its existing riparian right to divert at the current quantity and rate of diversion.

Making use of Riparian Right:

IRWD's historic and existing diversions from San Diego Creek are consistent with IRWD's riparian right to water. Such diversions are already considered a baseline condition, therefore IRWD would not need to conduct any environmental review pursuant to the California Environmental Quality Act (CEQA) in making future use of its riparian right. While IRWD's riparian right could be limited in the future by new riparian claims from upstream landowners, an assessment of upstream permit holders and landowners does not seem to indicate that any new claims would be established.

Based on the findings of Alston & Bird's legal review, staff intends to utilize IRWD's riparian right in order to continue to divert water from San Diego Creek for the optimal operation of the San Joaquin Marsh. Staff will notify the State Board of the change to the use of the riparian right in IRWD's Annual Water Use Report. Staff will also advise the State Board that IRWD does not intend to move forward in licensing its permitted appropriative right.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

IRWD's historic and existing diversions from San Diego Creek are consistent with IRWD's riparian right to water. Such diversions are already considered a baseline condition and cannot have a significant effect on the environment, and therefore environmental review pursuant to the CEQA is not necessary.

RECOMMENDATION:

Receive and file.

LIST OF EXHIBITS:

Exhibit "A" – Permit 20979 and Permit Application



Peter M. Rooney
Secretary for
Environmental
Protection

Exhibit "A" State Water Resources Control Board

John P. Caffrey, Chairman



Pete Wilson
Governor

Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-0765 FAX (916) 657-1485
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
Internet Address: <http://www.swrcb.ca.gov>

NOVEMBER 6 1998

In Reply Refer
to: 331:CM:30618

Irvine Ranch Water District
15600 Sand Canyon Ave.
P.O. Box 57000
Irvine, CA 92619

Ladies and Gentlemen:

APPLICATION 30618 PERMIT 20979

Your water right permit is enclosed. The State Water Resources Control Board requires that you submit annual reports showing the progress you have made in the construction of your project or, if constructed, the use made under your permit which would qualify for licensing purposes. We will mail the forms to you when the reports are due.

Please note that, with respect to other rights attaching to this source, the priority of this right commences with the date of the application. Therefore, in time of water shortage, those with rights senior to yours can take their water first. Additional limitations on the diversion of water are specified by the terms of this permit. You should read the terms and conditions carefully so that you are familiar with your responsibilities as an appropriator of water under this entitlement.

After the project has been completed, an inspection will be made to determine the amount of water which has been placed to beneficial use within the terms of the permit. A license will then be issued confirming a right to that amount of water.

Please inform us of any changes in address or ownership.

Sincerely,

Ed Dito
Program Manager
Application and Petition Section

WR 14a (11/94)

SURNAME
LLW 540 REV 2/98

(Signature)
7-22-98

9/15 7/23/98

FINALED BY:

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20979

Application 30618 of Irvine Ranch Water District

15600 Sand Canyon Avenue, P.O. Box 57000, Irvine, CA 92619

filed on May 16, 1997, has been approved by the State Water Resources Control Board
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

San Diego Creek

Upper Newport Bay

2. Location of point of diversion By California Coordinate in Zone 6	40-acre subdivision of public land survey or projection thereof	Section Projected	Township	Range	Base and Meridian
Point of Diversion #1 North 546,900 feet and East 1,515,800 feet	SW $\frac{1}{4}$	8	6S	9W	SB
Point of Diversion #2 North 547,552 feet and East 1,512,995 feet	SW $\frac{1}{4}$	8	6S	9W	SB

County of Orange
SWRCB 14 (6-94)

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Wildlife Enhancement	140 Acres	8 17	6S 6S	9W 9W	SB SB	

The place of use is shown on map dated 6-17-97 on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 5 cubic feet per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 3600 acre-feet per year (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants (0000006)

7. Construction work shall begin within two years of the date of this permit and thereafter shall be prosecuted with reasonable diligence. (0000007)

8. Construction work shall be completed by December 31, 2003. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 2007. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1)adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2)the water quality objectives cannot be achieved solely through the control of waste discharges (0000013)

14. During the season specified in this permit, the total quantity and rate of water diverted and used under this permit and under permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in this permit. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the State Water Resources Control Board.

Permittee shall take and use water under the existing right claimed by permittee only in accordance with law (0000021)

15. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue. (0000025)

16. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "taking" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

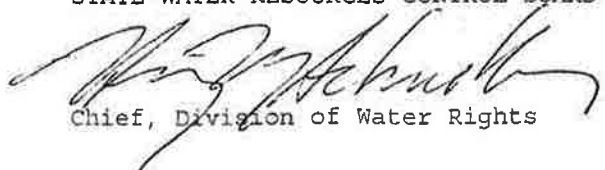
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated **NOVEMBER 6 1998**

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights

MINIMUM FILING FEE: \$100.00
FILE ORIGINAL & ONE COPY
TYPE OR PRINT IN BLACK INK
(For explanation of entries required, see
booklet "How to File an Application to
Appropriate Water in California")

STATE OF CALIFORNIA
State Water Resources Control Board
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95812-2000

97 FEB 18 AM 10:35

☒ APPLICATION TO APPROPRIATE WATER BY PERMIT

(Check one
box only)

or

☐ REGISTRATION OF SMALL DOMESTIC USE APPROPRIATION*

(If this form is used to register a small domestic use appropriation, the
terms "application" and "applicant" herein, and in related forms, shall
mean "registration" and "registrant".)

Application No.

30618

(Leave blank)

1. APPLICANT

Irvine Ranch Water District

(Name of applicant)

15600 Sand Canyon Avenue

P.O. Box 57000

(Mailing address)

Irvine

(City or town)

CA

(State)

92619

(Zip code)

(714) 453-5300

(Telephone number where you may be reached
between 8 a. m. and 5 p. m. - include area code)

2. SOURCE

a. The name of the source at the point of diversion is San Diego Creek

(If unnamed, state that it is an unnamed stream, spring, etc.)

tributary to Upper Newport Bay

b. In a normal year does the stream dry up at any point downstream from your project? YES ☐ NO ☒ If yes, during
what months is it usually dry? From N/A to

What alternate sources are available to your project should a portion of your requested direct diversion season be
excluded because of a dry stream or nonavailability of water? Reclaimed Water

3. POINTS OF DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of Orange (Irvine Subdivision)

List all points giving coordinate distances from section corner or other as shown by Board registrations - California Coordinate System - <u>ZONE 6</u>		Point is within (40-acre subdivision)		Section	Township	Range	Base and Mendon
Inlet - <u>N 346,700 E 1,515,800</u>		1/4 of	1/4	8	6S	9W	3B
Inlet - <u>N 547,532 E 1,512,995</u>		1/4 of	1/4	8	6S	9W	3B
Inlet - <u>2,188,319:6,078,367</u>		1/4 of	1/4				
Inlet - <u>2,188,971:6,075,562</u>		1/4 of	1/4				

POD
POD

c. Does applicant own the land at the point of diversion? YES ☒ NO ☐

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken
to obtain right of access:

4. PURPOSE OF USE, AMOUNT and SEASON

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose,
and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second
(approximately 16,000 gallons per day). Purpose must only be "Domestic" for registration of small domestic use.*

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
<u>WILDLIFE ENHANCEMENT</u> *see supplement	<u>5 CFS</u>		<u>JAN 1</u>	<u>DEC 31</u>			
		<u>3,600</u>	TOTAL AMOUNT			TOTAL AMOUNT	

PER SUPPLEMENT
12-3-97

b. Total combined amount taken by direct diversion and storage during any one year will be 3,600 acre-feet.

* Not to exceed 4,500 gallons per day by direct diversion or 10 acre-feet per annum by storage.

WR 1 (5/91)

FOR0053-R1

5. JUSTIFICATION OF AMOUNT (For small domestic use registration, complete item b. only) *see supplement

a. IRRIGATION: Maximum area to be irrigated in any one year is 140 acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-FEET PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date

b. DOMESTIC: Number of residences to be served is . Separately owned? YES ☐ NO ☐
 Total number of people to be served is . Estimated daily use per person is
 Total area of domestic lawns and gardens is square feet. (Gallons per day)
 Incidental domestic uses are

(Dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock Maximum number
 Describe type of operation:

d. RECREATIONAL: Type of recreation: Fishing ☐ Swimming ☐ Boating ☐ Other ☐
 (Feed lot, dairy, range, etc.)

e. MUNICIPAL: (Estimated projected use)

POPULATION 5-Year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
PERIOD	POP.	Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre-foot
Present						

Month of maximum use during year is . Month of minimum use during year is

f. HEAT CONTROL: The total area to be heat protected is net acres.
 Type of crop protected is
 Rate at which water is applied to use is gpm per acre.
 The heat protection season will begin about and end about
 (Date) (Date)

g. FROST PROTECTION: The total area to be frost protected is net acres.
 Type of crop protected is
 Rate at which water is applied to use is gpm per acre.
 The frost protection season will begin about and end about
 (Date) (Date)

h. INDUSTRIAL: Type of industry is
 Basis for determination of amount of water needed is

i. MINING: The name of the claim is . Patented ☐ Unpatented ☐
 The nature of the mine is . Mineral to be mined is
 Type of milling or processing is
 After use, the water will be discharged into
 in 1/4 of 1/4 of Section , T , R , B. & M.
 (40-acre subdivision) (Name of stream)

j. POWER: The total fall to be utilized is feet. The maximum amount of water to be used through the penstock
 is cubic feet per second. The maximum theoretical horsepower capable of being generated by the
 works is . Electrical capacity is kilowatts at % efficiency.
 (Cubic feet per second x fall = H.P.) (H.P. x 0.746 = efficiency)
 After use, the water will be discharged into
 (Name of stream)
 in 1/4 of 1/4 of Section , T , R , B. & M. FERC No.
 (40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES ☒ NO ☐ If yes, list specific species
 and habitat type that will be preserved or enhanced in item 17 of Environmental Information form WR 1-2. *see supplement

l. OTHER: Describe use: . Basis for determination of amount of water needed is

FCR0063-R1

6. PLACE OF USE

- a. Does applicant own the land where the water will be used? YES ☒ NO ☐ Is land in joint ownership? YES ☐ NO ☒
(All joint owners should include their names as applicants and sign the application.)
If applicant does not own land where the water will be used, give name and address of owner and state what arrangements have been made with the owner.

N/A

USE IS WITHIN (40-acre subdivision)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
1/4 of 1/4	see attached parcel map					
1/4 of 1/4						
1/4 of 1/4						
1/4 of 1/4						
1/4 of 1/4						
1/4 of 1/4						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships, and ranges, and show detail on map.)

7. DIVERSION WORKS

- a. Diversion will be by gravity by means of N/A
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from instream wetwell Pump discharge rate 5 cfs Horsepower 50
(Sump, offset well, channel, reservoir, etc.) (cfs or gpm)
- c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel)	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not)	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width)	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
Pipe	CML Steel	12 inch	100	12	+	5 cfs
Pipe	DIP	24 inch	1220	12	+	5 cfs
Pipe	AIP	18 inch	2000	4	-	5 cfs

- d. Storage reservoirs: (For underground storage, complete Supplement 1 to WR1, available upon request.)

Name or number of reservoir, if any	DAM			RESERVOIR		
	Vertical height from downstream base of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)
N/A						

- e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)	HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)	Estimated storage below outlet pipe entrance (dead storage)
N/A				

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be _____ cfs. Diversion to offstream storage will be made by: ☐ Pumping ☐ Gravity N/A

8. COMPLETION SCHEDULE

- a. Year work will start 1996 b. Year work will be completed 1997
c. Year water will be used to the full extent intended 1997 d. If completed, year of first use N/A

9. GENERAL

- a. Name of the post office most used by those living near the proposed point of diversion is 17192 Murphy Avenue, Irvine,
- b. Does any part of the place of use comprise a subdivision on file with the State Department of Real Estate? YES ☐ NO ☒ CA 92623
 If yes, state name of the subdivision _____
 If no, is subdivision of these lands contemplated? YES ☐ NO ☒
 Is it planned to individually meter each service connection? YES ☐ NO ☐ If yes, When? N/A
- c. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: No known downstream diversions occurring.
- d. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES ☐ NO ☒ If yes, explain: N/A

10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES ☒ NO ☐
 If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion
Riparian	1996	Nitrogen Removal Testing 5 cfs	Nov-Dec	San Diego Creek	See #3 above

11. AUTHORIZED AGENT (Optional)

With respect to ☒ all matters concerning this water right application ☐ those matters designated as follows:

Irvine Ranch Water District

Kenneth A. Thompson

(Name of agent)

(714) 453-5850

(Telephone number of agent between 8 a. m. and 5 p. m.)

P.O. Box 57000

(Mailing address)

Irvine

(City or town)

CA

(State)

92619-7000

(Zip code)

is authorized to act on my behalf as my agent.

12. SIGNATURE OF APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated 4-18 1997, at Irvine, California

Ms. (initials)

Miss. Mrs. [Signature]

(Signature of applicant)

(If there is more than one owner of the project, please indicate their relationship.)

Ms. Mr.

Miss. Mrs. _____

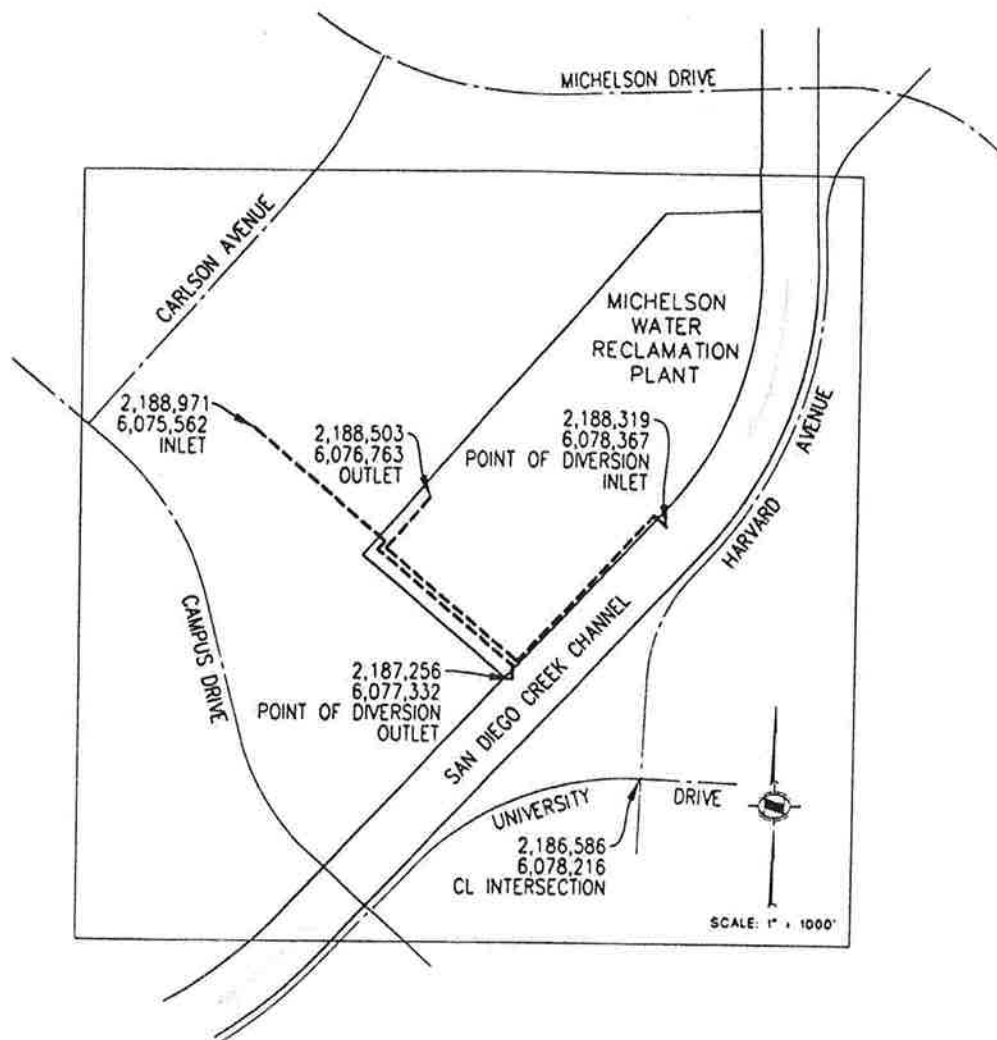
(Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P. O. Box 2000, Sacramento, CA 95810, with \$100 minimum filing fee.

NOTE:

If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued. There is no additional fee for registration of small domestic use.

13. MAP



- (1) Show location of the stream or spring, and give name.
- (2) Locate and describe the point of diversion (i. e. the point at which water is to be taken from the stream or spring) in the following way: Begin at the most convenient known corner of the public land survey, such as a section or quarter section corner (if on unsurveyed land more than two miles from a section corner, begin at a mark or some natural object or permanent monument that can be readily found and recognized) and measure directly north or south until opposite the point which it is desired to locate; then measure directly east or west to the desired point. Show these distances in figures on the map as shown in the instructions.
- (3) Show location of the main ditch or pipeline from the point of diversion.
- (4) Indicate clearly the proposed place of use of the water. *See attached exhibit

14. SUPPLEMENTAL INFORMATION

- a. If you are applying for a permit, Environmental Information form WR1-2 should be completed and attached to this form.
- b. If you are registering a small domestic use, Fish and Game Information form WR1-3 should be completed and attached to this form.
- c. If you are applying for underground storage, Supplement 1 to WR 1 (available upon request) should be completed and attached to this form.

SUPPLEMENT TO APPLICATION TO APPROPRIATE WATER BY PERMIT

4. PURPOSE of Use, AMOUNT and SEASON

The maximum diversion rate will be 5 cfs, occurring between April 1 and September 30, and if water quality and weather conditions permit, between October 1 and March 31. A maximum 3,600 acre feet of water per year will be diverted. All the water will be diverted into two deep ponds used to insure adequate water quality, then into a maximum 67 acres of shallow open water "duck ponds". Some of the water will be used to irrigate approximately 26.5 acres of riparian habitat associated with the duck ponds.

Up to 5 cfs will pass through the ponds and back into San Diego Creek. This flow-through operation will minimize algae growth, eliminate nuisance stagnant water and vector conditions, and remove approximately half of the nitrogen in the creek water.

Based on irrigation demand (which will be a function of weather, season, type of vegetation, and stage of growth), water in the duck ponds will be delivered into the adjacent portions of the San Joaquin Marsh to maintain riparian and wetland areas covering approximately 46.5 acres. The primary purpose of this water is to maintain vegetation associated with natural wetland and riparian habitats. Any irrigation tail water will be returned into the duck ponds, and subsequently discharged back into San Diego Creek. A maximum 5 cfs will be consumed in the San Joaquin Marsh. (See #5 below)

5. a & k JUSTIFICATION of AMOUNT

The uses of the diverted water are irrigation of habitat (a) and wildlife preservation/enhancement (k). The diversion will be used to supply water to a single system that is composed of 67 acres of duck ponds and a 73 acre riparian area mitigation site. All of the diverted water initially flows through the ponds to provide habitat for a multitude of migratory and non-migratory bird species. Up to 5 cfs is required to minimize algae growth and minimize stagnant and vector conditions in the duck ponds. The flow of up to 5 cfs exiting the duck ponds is either delivered into the irrigation system for the riparian area mitigation site or returned into San Diego Creek. The methods of irrigation are flood, spray, and drip. The amount of flow consumed in irrigation versus the amount returned into San Diego Creek is dependent on weather conditions, season, types of vegetation and stage of growth. The diversion season will be between April 1 and September 30, and if and to the extent weather and water quality conditions permit, October 1 through March 31. A maximum of 3,600 acre-feet per year will be diverted.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P.O. Box 2000, Sacramento, CA 95812-2000

**APPLICATION TO APPROPRIATE WATER BY PERMIT
ENVIRONMENTAL INFORMATION**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 30618
(leave blank)

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETE, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

San Diego Creek water will be diverted into various portions of the San Joaquin Marsh. Approximately 5 cfs will be used to maintain waterfowl ponds and remove nitrogen from the creek water.

Diverted water will be used to irrigate wetland and riparian areas in the San Joaquin Marsh. The total demand for water should not exceed 5 cfs, and any water in excess of the irrigation needs will be returned into San Diego Creek. The excess water will be returned several hundred yards downstream of the diversion.

For a more detailed explanation of water use, refer to the San Joaquin Marsh Enhancement Plan EIR and Wetland Water Supply Project EIR.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your project by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

(a) Person contacted N/A Date of contact _____
Department _____ Telephone () _____

(b) Assessor's Parcel No.: *445-061-49,53; 445-073-05 (Pages attached)*

(c) City Zoning Designation: *City of Irvine Open Space: Preservation/Recreation*

(d) Are any county permits required for your project? Yes

If you answered yes, check appropriate spaces below:

_____ Grading Permit, _____ Use Permit, X Watercourse Obstruction

Permit, _____ Change of Zoning, _____ General Plan Change, Other

(explain): _____

(e) Have you obtained any of the required permits described above? Yes

If you answered yes, provide a complete copy of each permit obtained.

(Copy enclosed)

3. Are any additional state or federal permits required for your project? Yes
[i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.] For each agency from which a permit is required provide the following information:

Permit type: *(See attached permits)*

Person(s) contacted N/A Agency _____

Date of contact _____ Telephone () _____

4. Has any public agency prepared an environmental document for any aspect of your project? Yes

If so, please submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the public agency.

*Copy enclosed of: City of Irvine Marsh Enhancement Plan EIR and
Irvine Ranch Water District Wetlands Water
Supply Project EIR*

If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your project or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

N/A

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your water right application cannot proceed until such documents are submitted.

5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No

If so, explain: N/A

If you answered yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your project? No

Person contacted N/A Date of contact N/A

What method of treatment and disposal will be used? N/A

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? Yes

Do you know of any archeological or historic sites located within the general project area? Yes

If so, explain: *Cultural resources within the study area primarily consist of midden loci and lithic scatters associated with villages and temporary camps. There is evidence of Native American burials in the project area. The San Joaquin Marsh Enhancement Plan Section 4.3 discusses cultural resources and provides a cultural resources mitigation plan.*

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

(a) Along the stream channel immediately downstream from the proposed point(s) of diversion

- (b) Along the stream channel immediately upstream from the proposed point(s) of diversion
- (c) At the place(s) where the water is to be used.

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area. (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

Subalpine Conifer
 Red Fir
 Lodgepole Pine
 Mixed Conifer
 Sierran Mixed Conifer
 White Fir
 Klamath Mixed Conifer
 Douglas-Fir
 Jeffrey Pine
 Ponderosa Pine
 Eastside Pine
 Redwood
 Pinyon-Juniper
 Juniper
 Aspen
 Closed-Cone Pine-Cypress
 Montane Hardwood-Conifer
 Montane Hardwood
 Valley Foothill Hardwood
 Blue Oak Woodland
 Valley Oak Woodland
 Coastal Oak Woodland
 Valley Foothill Hardwood-Conifer
 Blue Oak Digger Pine
 Eucalyptus
 Montane Riparian
 Valley Foothill Riparian
 Desert Riparian
 Palm Oasis
 Joshua Tree

Shrub Dominated Communities

Alpine Dwarf-Shrub
 Low Sage
 Bitterbrush
 Sagebrush
 Montane Chaparral
 Mixed Chaparral
 Chamise-Redshank Chaparral
 Coastal Scrub
 Desert Succulent Shrub
 Desert Wash
 Desert Scrub
 Alkali Desert Scrub

Herbaceous Dominated Communities

* Annual Grassland
 Perennial Grassland
 * Wet Meadow
 * Fresh Emergent Wetland
 Saline Emergent Wetland
 Pasture

Aquatic Communities

Riverine
 * Lacustrine
 Estuarine
 Marine

Developed Communities

Cropland
 Orchard-Vineyard
 Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program, at 916/653-7203)

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to construction and operation of your project. Consider all aspects of your project, including diversion structures, water distribution and use facilities, and changes in the places of use due to additional water development.

Within San Diego Creek, no trees or large shrubs will be removed. Within the San Joaquin Marsh, some trees and large shrubs were removed and mitigated to accommodate the restoration. Since the San Joaquin Marsh is considered a wetland, all vegetation removal is under USACOE 404 Permit and was reviewed by other responsible agencies.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your project (Note: See footnote denoted by * under Question 11 below):

Fish common to Southern California fresh water streams including carp, chubs, and shiners were identified in San Diego Creek in the vicinity of the wetwell intake. The intake is located adjacent to the pilot channel and is connected by a temporary channel to the pilot channel minimizing to insignificance the impact on the fishery. Discussion of fish, infauna, and plant communities are contained in the Addendum to the Irvine Ranch Water District's Wetlands Water Supply Project EIR.

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and changes in the places of water use (Note: See footnote denoted by * below):

Primary plant communities are Tule Marsh, Willow-Woodland/Mulefat Scrub and Alkali Meadow/Seasonal Wetland, Seasonal Pond and Ruderal Lowland/Upland. Primary animal species other than birds include: five species of amphibian, sixteen species of reptile, and twenty-one species of mammals. Numerous bird species including migratory water fowl, raptors, passerines and swallows are present. Five listed or proposed bird species and one reptile have been observed in the marsh. Detailed lists are contained in the San Joaquin Marsh Enhancement Plan EIR Section 4.4. Impacts and mitigations are stipulated in the 404 Permit and 1601 Agreement.

***Note:** The purpose of Questions 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the project area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information for expertise to complete your answers, you should hire a fishery consultant and/or wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under **Environmental and Ecological Services**, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at 916/324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? Yes

If so, explain: *Grading to construct the intake structure, surrounding stilling basin, and connection to the pilot channel required movement of several hundred yards of creek bed. An ACOE 404 Permit and CDFG 1601 Agreement have been secured for the work (attached).*

f:\sandstoneqa\hyde

MAP

NOTE: CCS INDICATES CALIFORNIA
COORDINATE SYSTEM, NUMERICAL
DIGITS INDICATE YEAR.

COORDINATES SHOWN HEREON
ARE BASED ON CCS83, ZONE 6.
EXCEPT WHERE CCS27 IS NOTED.

2,188,971
6,075,562
INLET

SEC. 8 T. 6 S. R. 9 W.

MICHELSON DRIVE

MICHELSON
WATER
RECLAMATION
PLANT

PLACE OF USE
140 ACRES

(CCS83) 2,188,319
6,078,367
POINT OF DIVERSION
INLET

2,188,503
6,076,763
OUTLET

CCS27 COORDINATES PER
U.S.G.S. TUSTIN QUAD
N 546,900
E 1,515,800

SAN DIEGO CREEK CHANNEL

2,187,256
6,077,332
POINT OF DIVERSION
OUTLET

UNIVERSITY

2,186,586
6,078,216
CL INTERSECTION

DRIVE

SEC. 17 T. 6 S. R. 9 W.

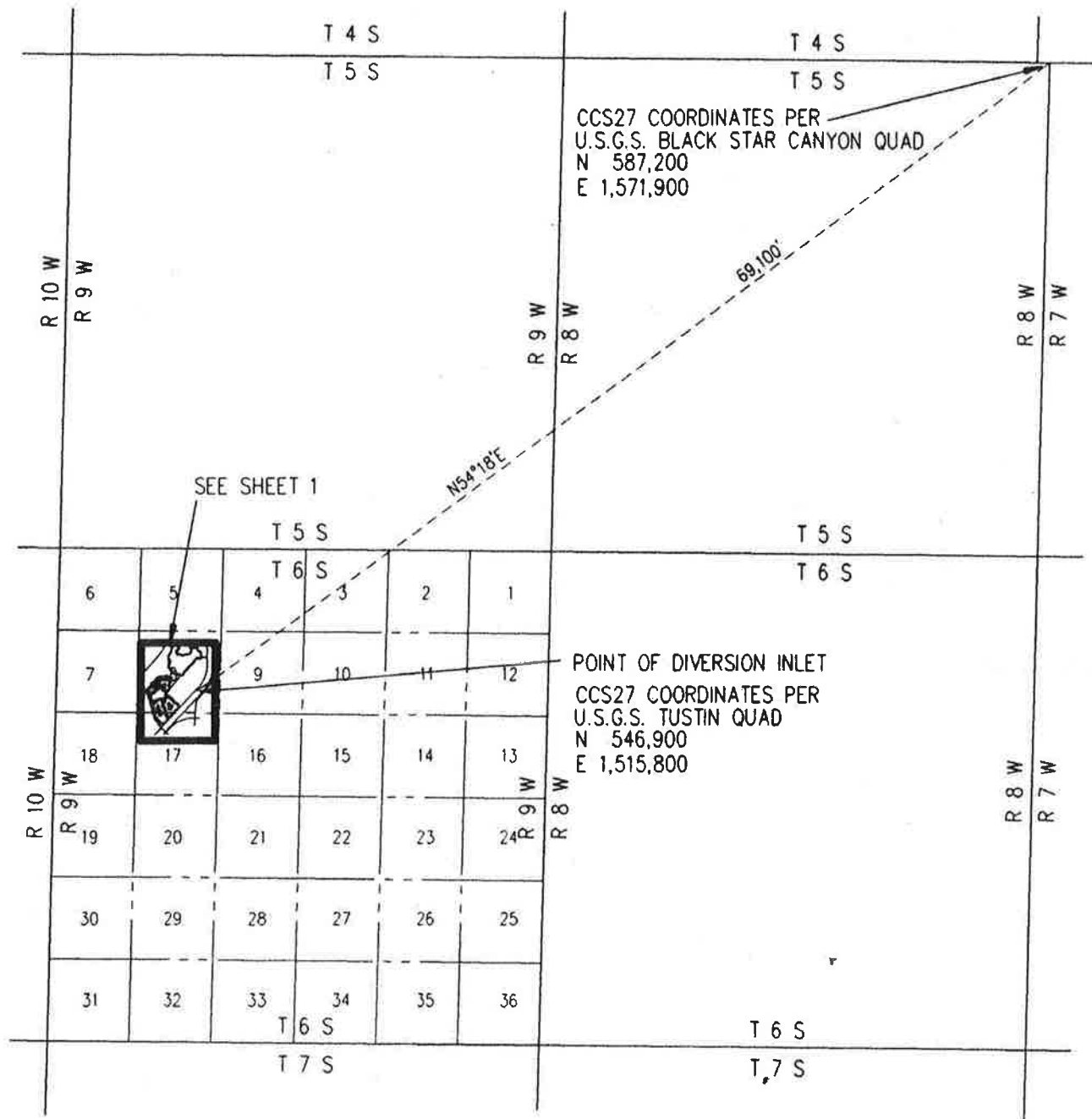


I, Rory S. Williams, do hereby certify that this map was prepared by me
from notes taken during an actual survey made under my supervision on
December 31, 1996, and that it correctly represents the project
described in the accompanying application and shows the locations of
streams and ditches in the immediate vicinity.

Rory S. Williams 6-17-97
Rory S. Williams, L.S. 6654 Date

SHEET 1 OF 2

VICINITY MAP




SCALE: 1" = 10000'

W.O. 971-16
M: \DUCKCLUB\TOPO\APPLICA2

SHEET 2 OF 2

April 5, 2018

Submitted by: P. Weghorst

Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

PARTICIPATION IN THE UNIVERSITY OF CALIFORNIA, IRVINE WATER RESEARCH CENTER

SUMMARY:

In 2014, the University of California, Irvine established an interdisciplinary center in the UCI School of Social Ecology called Water UCI. Water UCI has requested that IRWD and other local water agencies become partners in establishing a water related Industry-University Cooperative Research Center that would be co-funded by the National Sciences Foundation (NSF). The Research Center would focus on areas of research that are important to Orange County and water agencies in other coastal areas. As a funding partner of the Research Center, IRWD would have a seat on the Advisory Board that would suggest research concepts and the selection of researchers to conduct research of importance and benefit to IRWD and the other partners. IRWD's funding contributions would vary between \$30,000 and \$50,000 per year, depending on how many other water agencies participate in the Research Center. The National Water Research Institute (NWRI) has agreed to become an industry advisor to the Research Center and to help avoid duplications of efforts in the research community. Staff recommends that IRWD send a letter of commitment to Water UCI to participate as a funding partner and member of the Advisory Board of the proposed water related Industry-University Cooperative Research Center.

BACKGROUND:

IRWD has a long standing relationship with UCI that includes cooperating in the implementation of research projects, supporting student internship programs, implementing water conservation programs, and maximizing the use of recycled water. In 2014, UCI formed an interdisciplinary center in the UCI School of Social Ecology called Water UCI. Water UCI was formed to encourage collaboration among UCI faculty, students and researchers and to engage with regional and global organizations (including water agencies and non-governmental organizations) on water and water-energy nexus issues.

Recently, Water UCI requested that IRWD become a partner in establishing an Industry-University Cooperative Research Center that would be co-funded by the NSF. The NSF supports the development and evolution of these types of research centers, providing a financial and procedural framework for membership and operations. The purpose of the Cooperative Research Center at UCI will be to perform cutting-edge research in science, engineering and technology areas of interest to water agencies in the Orange County area that are also of interest to other coastal areas. An overview of the Research Center that would be established in partnership with Water UCI is provided as Exhibit "A".

Research Center Funding:

Funding to support the Cooperative Research Center will come from water agencies that agree to participate as members of the Center's Industrial Advisory Board. At least 90% of the Research

Center's program income must be used to support direct costs of research, and up to 10% may be used to support indirect costs. Member agencies would each contribute between \$30,000 and \$50,000 per year for the first five years that the Research Center is in operation. The amount would vary depending on how many agencies are participating on the Advisory Board. The total contributions required from all partners combined would be \$150,000 per year. If five agencies participate on the Advisory Board, then each agency would contribute \$30,000 per year. If three agencies participate, then each agency would contribute \$50,000 per year. It is expected that funding would not need to be provided by the funding agencies until starting in Fiscal Year 2020-21.

During the first five years that the Cooperative Research Center is in operation, the NSF would match the Advisory Board partner's contributions up to \$150,000 per year. The combined Advisory Board participant and NSF contributions would result in \$300,000 in research funds being available for the Advisory Board to direct and manage research as described below. Future contributions by the NSF would diminish after the first five years as other funding sources are secured to make the Research Center independent of the NSF.

Avoiding Duplication of Efforts:

Staff recently met with senior managers at Water UCI and the Executive Director of NWRI to discuss how best to avoid duplication of efforts between the proposed Research Center and other water related research efforts ongoing locally and throughout the country. As a result of the meeting, Water UCI has agreed that the Research Center should focus on areas of research that are important to Orange County and water agencies in other coastal areas. In addition, NWRI has agreed to become an industry advisor to the Research Center and to help identify and avoid duplications of efforts in the research community.

Research Center Management:

The Advisory Board will advise the Center's management with respect to the selection of research projects and strategic planning. Research project concepts developed by the Advisory Board would be formulated into proposal requests that would be submitted to UCI and other cooperating universities. The Advisory Board would review the competitive proposals and award research funding to selected faculty working with graduate students. Each research project would have a principal researcher and in many cases would have more than one mentor from partner agencies participating on the Advisory Board. Non-funding industry advisors such as NWRI would provide support and advice to the Advisory Board during the competitive process.

Benefits to IRWD:

IRWD's participation as a funding partner in the Cooperative Research Center would provide IRWD a seat on the Advisory Board and allow IRWD to play a significant role in directing research of importance to the District and other Orange County water agencies. Water UCI has solicited input from IRWD, Orange County Water District, and Municipal Water District of

Orange County on research areas of interest that would benefit the agencies and be of national interest. The common areas of interest include:

- Reverse osmosis membrane research;
- Potable water treatment optimization;
- Potable reuse water quality monitoring technology;
- Brine concentration and management;
- Wetland treatment operations and design;
- Natural treatment systems;
- Emerging contaminant/pharmaceuticals-related research;
- Potential for direct potable reuse in Orange County;
- Storm water capture and use;
- Water use efficiency;
- Water supply reliability planning including climate variability implications; and
- Unintended consequences that water use efficiency programs have on recycled water quality and supply development, wastewater systems, and treatment processes.

In addition to IRWD, agencies that are considering participating in the Research Center include Santa Margarita Water District, Orange County Sanitation District, Municipal Water District of Orange County, and Moulton Niguel Water District.

FISCAL IMPACTS:

Depending on how many water agencies commit to participating as a funding partner in the proposed Research Center, IRWD would need to contribute between \$30,000 and \$50,000 per year for research over the first five years that the Research Center is operating. It is expected that funding would not need to be provided by IRWD until starting in Fiscal Year 2020-21. At that time, adequate funding would be requested in the operating budget. The annual contributions to the Research Center would be made consistent with staff authorities.

ENVIRONMENTAL COMPLIANCE:

None.

RECOMMENDATION:

That IRWD send a letter of commitment to Water UCI indicating IRWD's interest in participating as a funding partner and member of the Industry Advisory Board of the proposed water-related Industry-University Cooperative Research Center.

LIST OF EXHIBITS:

Exhibit "A" – Overview of Water UCI Industry-University Cooperative Research Center

EXHIBIT “A”

Overview of Water UCI Industry-University Cooperative Research Center (IUCRC)

Provided by Water UCI – February 15, 2018
(Revised March 16, 2018)

Water UCI is an interdisciplinary center in the UC Irvine School of Social Ecology. Water UCI was launched in July 2014 to: 1) foster collaboration among UCI faculty, students, and researchers on boundary-spanning research, education, and outreach; and, 2) employ Southern California as a point of departure to engage regional and global stakeholders (e.g., water agencies, NGOs) in tackling grand challenges facing the world's freshwater such as climate variability, population growth, urbanization, and the energy-water nexus.

The **NSF IUCRC** program enables industrially-relevant, pre-competitive research via a multi-member, sustained partnerships among industry, academe, and government. The partnership is formalized in each Center's **Industrial Advisory Board (IAB)**, which advises the Center's management on all aspects of the Center, from research project selection and evaluation to strategic planning. It is important to note that all IAB members have common ownership of the entire IUCRC research portfolio; however, individual firms can provide additional support for specific "enhancement" projects under separate arrangements with the respective university. The partnership is given even greater strength by the direct involvement of industry representatives in research projects. Each project in the Center has a principal researcher (typically the project's research professor) and in many cases also has one or more mentors from industry (who may be a IAB representatives or engineers or scientists assigned from an IAB member company).

New IUCRCs start at Phase I that lasts five years. As a Center progresses, it is likely to have increased opportunities for funding from additional firms, other federal agencies and laboratories, and state and local governments; thus, increasing the leverage of NSF funds. After five years, Sites within Centers that continue to meet the IUCRC Program requirements may request support for a second five-year (Phase II) period. After ten years, Sites within Centers may apply for a third five-year (Phase III) period. Phase III awards are provided for Centers that demonstrate significant impact on industry research as measured through robust and sustained membership, student impact, annual reports, site visits, and adherence to IUCRC requirements. Centers are expected to be fully supported by private and public partners after fifteen years as an IUCRC.

Required Funding From Industry Partners

Membership fees received by the Center are considered program income. At least 90% of the IUCRC program income must be used to support direct costs of the research, and up to 10% may be used to support indirect costs.

Membership fee requirement levels (per Site) are:

- *Phase I:* a minimum of \$150,000 in-cash (no in-kind cash equivalent) annually and 3 distinct full members.
- *Phase II:* a minimum of \$200,000 in-cash (no in-kind cash equivalent) annually and 4 distinct full members.
- *Phase III:* a minimum of \$250,000 in-cash (no in-kind cash equivalent) annually and 5 distinct full members.

Funding from NSF

- *Phase I - First Five Year Center Award*
Site meeting minimum membership requirement receives \$150,000 annually from NSF.
- *Phase II - Second Five Year Center Award*
Site meeting minimum membership requirement receives \$100,000 annually from NSF.
- *Phase III - Third Five Year Center Award*
Site meeting minimum membership requirement receives \$50,000 annually from NSF.

Phase I and Phase II Sites that exceed minimum membership requirements during their five years of operations are eligible to request additional funding for the subsequent Phase. The additional requested amount is equivalent to half of the total in-cash only membership fees collected in excess of the required minimum during the current operating Phase, not to exceed \$50,000 per Site, per year.

Water UCI IUCRC: Water Resilience and Sustainability Center

Participating Universities: University of California, Irvine and University of Nevada, Reno, Sacramento State University (potential)


Potential Industry Funding Partners: OCWD, IRWD, MWDOC, Santa Margarita, Moulton Niguel Water District

Industry Advisor: National Water Research Institute (NWRI)

Research thrusts focused on issues of concern to coastal water agencies (potential research areas- actual thrusts to be determined in partnership with Industry Advisory Board):

- Reverse osmosis membrane research
- Potable water treatment optimization
- Potable reuse water quality monitoring technology
- Brine concentration and management
- Wetland treatment operations and design
- Natural treatment systems
- Emerging contaminant/pharmaceuticals related research

- Potential for direct potable reuse in Orange County
- Storm water capture and use
- Water use efficiency
- Water supply reliability planning including climate variability implications
- Unintended consequences water use efficiency programs have on recycled water quality and supply development, wastewater systems, and treatment processes

April 5, 2018
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

2018 LEGISLATIVE AND REGULATORY UPDATE

SUMMARY:

This report provides an update on the 2018 legislative session and IRWD's legislative and regulatory priorities. As legislation and regulations develop, staff will provide updates and recommendations to the Water Resources Policy and Communications Committee and the Board, as appropriate. Staff recommends that the Board consider the following positions:

- *AB 2050 (Caballero, D-Salina): Small Water System Authority Action of 2018 — “SUPPORT”;*
- *AB 1876 (Frazier, D-Fairfield): Sacramento-San Joaquin Delta: Delta Plan 2018 — “OPPOSE”;*
- *AB 2283 (Holden, D- Pasadena): Income Taxes: Exclusion of Turf Removal Rebates — “SUPPORT”;*
- *AB 2890 (Ting, D-San Francisco): Land Use: Accessory Dwelling Units — “SEEK AMENDMENTS”;*
- *AB 2711 (Chen, R-Brea): Property Tax Revenue Allocations: County of Orange — “WATCH”;*
- *AB 3170 (Friedman, D-Glendale): Sales and Use Taxes: Exemptions for Water Efficiency — “SUPPORT”;*
- *SB 831(Wieckowski, D-Fremont): Land Use: Accessory Dwelling Units — “SEEK AMENDMENTS”;*
- *SB 1469 (Skinner, D-Oakland): Land Use: Accessory Dwelling Units — “SEEK AMENDMENTS”; and*
- *SB 998 (Dodd, D-Napa): Discontinuation of Residential Water Service — “OPPOSE UNLESS AMENDED”.*

BACKGROUND:

Over the past few weeks, the bills introduced this year have met the “30-days in print” requirement, have been amended and are being heard in policy committees. This year, the last day for policy committees to hear fiscal bills is April 27, while May 11 is the policy committee deadline for non-fiscal bills.

A copy of the 2018 Legislative Matrix is attached as Exhibit “A”. Exhibit “B” is the 2018 Legislative Update Report Links to Bill and Regulatory Texts, which contains links to the bills and regulations discussed below, unless a separate exhibit is noted.

State Budget Update:

February Revenue Numbers:

On March 9, 2018, State Controller Betty Yee released her monthly report on the State's finances. She announced that the State took in \$6.51 billion during the month of February. This was 6.3 percent lower than proposed budget estimates and 8.7 percent lower than projections contained in the FY 2017-2018 Budget Act. Additionally, the Controller reported that:

“For the fiscal year overall, the “big three” sources of General Fund revenue, personal income tax (PIT), retail sales and use tax, and corporation tax, are beating estimates in the enacted budget. For the first eight months of the 2017-18 fiscal year, total revenues of \$81.07 billion are 3.1 percent higher than expected in the January budget proposal, 6.0 percent above the enacted budget's assumptions, and 10.6 percent higher than the same period in 2016-17.”

The State's outstanding loan balance was \$9.72 billion, which was 27.9% less than proposed budget estimates during the month of February. Unused borrowable resources exceed projections by 28.3%.

2018 State Legislative Update:

“Making Water Conservation a California Way of Life”:

Since the beginning of last year, staff has worked with various stakeholders and the Association of California Water Agencies (ACWA) on long-term water use efficiency and drought planning legislation. As reported to the Board, there were a number of bills introduced this year that relate to water use efficiency. The two comprehensive bills that seek to implement “Making Water Conservation a California Way of Life” remain AB 1668 (Friedman, D-Glendale) and SB 606 (Hertzberg, D-Van Nuys/Skinner, D-Oakland).

In late February, the authors released proposed amendments to AB 1668 and SB 606. The proposed amendments are positive in that they resolve several of the issues raised by the water community, but several important issues remain to be resolved. The largest of these issues relate to drought resilient supplies, the need for cost-effectiveness and feasibility to be considered when performance measures are developed for the commercial, industrial and institutional sector, language related to the outdoor standard, and enforcement.

As of the writing of this report, the proposed amendments have yet to be placed into the bills. It is expected that the amendments could be put into the bills as early as this week. Staff continues to work with various stakeholders on the bills in order to seek amendments requested by the water community that would improve the proposals currently before the Legislature and ensure they can be implemented consistent with the intent of the authors and the Administration. Staff will provide an update on the ongoing discussions taking place on the legislation.

Water Tax - SB 623 (Monning, D-Santa Cruz) and Budget Trailer Bill Proposal:

In 2017, Senator Bill Monning (D-Santa Cruz) authored SB 623. SB 623 would have established the Safe and Affordable Drinking Water Fund in the State Treasury and would have provided that the moneys in the fund be continuously appropriated to the State Water Resources Control Board for grants, loans, contracts, or services to assist those without access to safe and affordable drinking water consistent with a fund implementation plan to be adopted annually by the State Board. On August 21, 2017, the bill was amended to include a fee on fertilizer, a fee on milk, and a monthly water tax of the following:

- \$0.95 per month for meters less than or equal to 1”;
- \$4.00 per month for meters less than or equal to 2”;
- \$6.00 per month for meters less than or equal to 4”;
- \$10.00 per month for meters greater than 4”; and
- Customers without a meter would be taxed at a rate of \$0.95.

SB 623 remains in the Assembly Rules Committees. Last year, IRWD adopted an “oppose/oppose unless amended” position on SB 623 and advocated against any water tax inconsistent with the Board-adopted policy on a public good charge/statewide user fee. In addition, earlier this year the Administration released a budget trailer bill labeled as “Safe and Affordable Drinking Water Act” which proposed in the form of a budget trailer bill the agricultural fees and water tax included in SB 623. Given the budget trailer bill’s similarity to SB 623 and its inconsistency with the Board-adopted policy on a public good charge/statewide user fee, IRWD adopted an “oppose/oppose unless amended” position on the budget trailer bill.

On March 14 and 15, the Assembly Budget Subcommittee No. 3 on Resources and Transportation and the Senate Budget Subcommittee No. 2 on Resources, Environmental Protection, Energy and Transportation heard the Administration’s budget trailer bill. Both subcommittees have held the budget trailer bill open to allow further consideration of the water tax. Staff has continued to work with ACWA and the District’s other industry partners to oppose a water tax. Staff will be available to provide an update on any new developments.

AB 2050 (Caballero, D-Salinas): Small Water System Authority Action of 2018:

In addition to the discussions taking place on a water tax to address water quality issues within disadvantaged communities, the water community has continued to think about other ways to address the challenges facing many communities in the state. The Eastern Municipal Water District (EMWD), in partnership with the California Municipal Utilities Association (CMUA), has put forth a proposal that would address the management and governance challenges facing water systems within disadvantaged communities. The proposal has been authored and introduced by Assemblymember Anna Caballero (D-Salinas) in AB 2050.

AB 2050 is intended to create a new category of water agency — a Small System Water Authority with unique powers to absorb, improve and competently operate currently non-compliant public water systems with either contiguous or non-contiguous boundaries. Small System Water Authorities would consolidate failing small water systems that are voluntarily donated to the Authority to provide technical, managerial and financial capabilities to ensure the provision of safe, clean, affordable, and accessible water and local governance.

As currently in print, AB 2050 would create the Small System Water Authority Act of 2018. The bill was recently amended to provide more concrete actions for implementation. Specifically, it requires the State Board to issue a written notice to cure by March 1, 2019, to any public agency, private water company, or mutual water company that has less than 3,000 service connections or serves less than 10,000 people, and is not in compliance with applicable drinking water standards as of December 31, 2018. Non-compliant water systems have 180 days to remedy the non-compliance or to prepare a plan to permanently remedy the violations. If the violations are not remedied, the system may be consolidated into a Small System Water Authority.

IRWD had previously taken a “support in concept” position on AB 2050. Given the important role governance will play in California’s ability to address water quality issues within disadvantaged communities, and now that AB 2050 provides clear conditions for consolidation and clear steps for improving water quality, staff recommends a change from “support in concept” to a “support” position on the bill.

In addition to AB 2050, there are several other bills related to consolidations of water or wastewater agencies:

- *AB 2501(Chu, D-Milpitas): Drinking water: Consolidation and Extension of Service-* AB 2501, authored by Assemblymember Kaasen Chu (D-Milpitas), seeks to amend the consolidation authorities granted to the State Board in SB 88 (2015). SB 88 authorized the State Board to order a water system to take over and consolidate with a public water system or a state small water system that consistently fails to provide an adequate supply of safe drinking water within a disadvantaged community in order to ensure that those communities would no longer receive unsafe drinking water. In addition to the authority granted in SB 88, AB 2501 seeks to extend the State Board’s consolidation authority. If enacted, AB 2501 would allow the State Board to order a water system to take over, consolidate or provide service where the disadvantaged community is reliant on a water system that has 200 connections or less, individual domestic wells, or an unregulated water system serving fewer than five connections; and
- *SB 1215 (Hertzberg, D-Van Nuys): Drinking Water Systems and Sewer Systems: Consolidation and Extension of Service -* Senator Bob Hertzberg has authored SB 1215. Like AB 2501, SB 1215 seeks to expand the State Board’s authority for mandatory consolidations past the authority included in SB 88 (2015). Specifically, SB 1215 would authorize the State Board to order a sewer service provider to consolidate with a wastewater system service, or extend sewer service to, a disadvantaged community where the residents of a disadvantaged community are

served by an onsite sewage treatment system (e.g., septic systems) than cannot provide reliable and sustainable onsite sewage treatment service. The bill would also authorize the State Board to order a consolidation where the disadvantaged community is not served by either an onsite sewage treatment system or a sewer system.

Both AB 2050 and SB 1215 have been topics of conversation within IRWD's industry associations. Staff will be available to provide an update on these discussions.

AB 1876 (Frazier, D-Fairfield): Sacramento-San Joaquin Delta: Delta Plan:

As he has done for each of the past several years, Assemblymember Jim Frazier (D-Fairfield) has introduced a bill related to the Delta. This year, AB 1876 has been introduced. AB 1876 would increase the size of the Delta Stewardship Council, and would eliminate the council on July 1, 2020. In its place, the bill proposes to establish the Delta Protection Commission as the Council's successor. The Commission would have the authority to review any significant project or proposed project within the scope of the Delta Plan, including the actions of state and federal agencies, that may affect the unique cultural, recreational, and agricultural values. Additionally, the Commission would be authorized to identify, evaluate and adopt measures to address:

- Impacts to the cultural, recreational, and agricultural values of the Delta;
- A project or proposed project's consistency with the resources management plan; and
- Delta community concerns regarding large-scale habitat plan development and implementation.

AB 1876 would change and impede the process for moving the California WaterFix forward. As a result, staff recommends that the Board adopt an "oppose" position on AB 1876 and authorize staff to work with IRWD's industry and association partners should the bill move forward.

AB 2283 (Holden, D-Pasadena): Income Taxes: Exclusion of Turf Removal Rebates:

As a means of encouraging greater water use efficiency and conservation, public water agencies throughout California have developed programs offering their customers rebates for the installation of water-saving devices and landscapes. Under state law, these rebates are excluded from the definition of gross income and not taxable. AB 2283, authored by Assemblymember Chris Holden (D-Pasadena), seeks to extend the tax exemption for water conservation rebates related to turf removal. Specifically, AB 2283 would extend the sunset date for the exemption from January 1, 2019, to January 1, 2024.

IRWD has supported federal and state tax exemptions for water conservation rebates. Given the District's past advocacy efforts on conservation rebates and California's ongoing water use efficiency efforts, staff recommends that the Board adopt a "support" position on AB 2283.

AB 2711 (Chen, R-Brea): Property Tax Revenue Allocations: County of Orange:

On March 20, Assemblymember Phillip Chen (R-Brea) “gutted and amended” AB 2711 to authorize the County of Orange to increase the total amount of ad valorem property tax revenue that is to be allocated to it each year and to decrease the amount of property tax revenue that is allocated to the county Educational Revenue Augmentation Fund and those revenue otherwise required to be allocated to school districts. AB 2711 is sponsored by the County of Orange and is an attempt to bring more equity to the amount of property tax revenue the County receives compared to other California counties. According to the County, last year the County received six cents per dollar of property tax generated in the county, whereas the average county received 14 cents, and the bill is an attempt to remedy this inequity.

IRWD agrees with the County of Orange that more of Orange County’s property taxes should be retained locally. The Orange County community should not remain a perpetual donor to the State of California continuing to send a larger than average portion of its property taxes to Sacramento. While IRWD understands the County’s desire to increase the share of property taxes it receives and supports policy changes to that effect, the District has not supported the taking of local property taxes to fix Orange County’s property tax imbalance and has advocated that any increase in the County’s property tax percentage should come from the State’s property tax share, as is done throughout the state.

Staff recommends that the Board adopt a “watch” position on AB 2711 and authorize the District to move to an “oppose/oppose unless amended” position should the bill be amended to negatively impact the District’s property tax revenue.

AB 3170 (Friedman, D-Glendale): Sales and Use Taxes: Exemptions for Water Efficiency:

As California looks to “Make Water Conservation a California Way of Life,” members of Legislature continue to propose legislation that is aimed at encouraging greater water conservation. AB 3170, authored by Assemblymember Laura Friedman, is no different. The bill proposes a sales tax holiday for water efficiency products sold the last weekend in March of each year. The types of water efficiency products eligible for the sales tax exemption would be soaker and drip irrigation equipment, irrigation system moisture control equipment, mulch, rain barrels, permeable ground covering, and Water Sense products.

Given the District’s past advocacy efforts on conservation rebates and California’s ongoing water use efficiency efforts, staff recommends that the Board adopt a “support” position on AB 3170.

SB 831(Wieckowski, D-Fremont): Land Use: Accessory Dwelling Units:

This year, there have been a number of bills introduced related to accessory dwelling units (ADU). The most prominent is SB 831 authored by Senator Bob Wieckowski (D-Fremont). Senator Wieckowski has been an advocate for ADUs and the elimination of zoning restrictions and development, connection and other fees on such units. SB 831 seeks to continue eliminating zoning and fee burdens on the creation of ADUs.

Relevant to IRWD are the bill's provisions that related to fees and charges. SB 831 provides that an ADU "shall not be subject to impact fees, connection fees, capacity charges, or any other fees levied by a local agency, school district, special district, or water corporation." While IRWD does not charge connection or capacity charges for ADUs, the prohibition is written broadly and as a result, may prevent the District from levying appropriate cost-of-service based rates and charges for services provided to the ADU or due to increased services provided to a property with an ADU. For example, the broad language may prevent the District from charging a higher fixed charge should the property require a larger meter due to the construction on an ADU. Because of the language related to fees and of the potential impact that language may have on IRWD, staff recommends that the Board adopt a "seek amendments" position on SB 831, and authorize staff to seek clarifying amendments to limit any impact the bills may have on a water or wastewater provider's ability to charge cost-of-service based rates and charges.

AB 2890 (Ting, D-San Francisco) and SB 1469 (Skinner, D-Oakland), bills that also deal with ADUs, contain a similar provision regarding impact fees, connection fees, capacity charges, or any other fees levied by a local agency, school district, special district, or water corporation.

Staff recommends that the Board adopt a "seek amendments" position on these bills too, and authorize staff to seek clarifying amendments to limit any impact the bills may have on a water or wastewater provider's ability to charge cost-of-service based rates and charges.

SB 998 (Dodd, D-Napa): Discontinuation of Residential Water Service:

SB 998, authored by Senate Bill Dodd (D-Napa), would establish new statutory provisions governing when a public water system may discontinue water service at a residential property. Among its many provisions, the bill would prohibit a public water system from discontinuing residential water service for nonpayment until a customer has been delinquent for at least 60 days and has been provided adequate notice about their options to avoid discontinuation of their water service. The bill also prohibits if certain situations exist including a prohibition on the discontinuation of water service if an individual living at the residence is:

- 65 years of age or older and receiving in-home care;
- Undergoing hospice care;
- Suffering from a life-threatening medical condition that a licensed physician, a person licensed pursuant to the Osteopathic Initiative Act, or a nurse practitioner certifies will worsen if residential service is *discontinued*;
- An infant; or
- A severely disabled child.

Additionally, the bill limits the reconnection fees and interest charges on past due bills.

Currently, ACWA, CMUA, League of Cities, California Water Association and California Special Districts Association have adopted "oppose unless amended" positions on SB 998, but

are working with the author to develop amendments that would make the bill more palatable to the water community. Staff has been participating, and will continue to participate, in the ACWA and CMUA working group on the bill.

At this time, staff recommends that the Board consider an “oppose unless amended” position on SB 998. Staff will continue to work through the District’s associations to seek amendments to the bill and will only communicate the District’s position on the bill should the association’s conversations with the author stop being productive.

2018 State Regulatory Update:

State Water Resources Control Board “Prohibiting Wasteful Water Use Practices” Regulations:

At the end of last year, the State Board proposed and accepted comments on draft regulations “Prohibiting Wasteful Water Use Practices.” The District, along with many others in the water community, submitted comments on the draft regulations. Of particular interest to the District was the inclusion of recycled water irrigation of publicly-owned or maintained turf within the draft regulations.

At the end of January, the State Board released revised draft regulations. The revised regulations now exclude recycled water irrigation of publicly-owned and maintained turf from the prohibited uses if the recycled water irrigation system serving the landscape was installed prior to January 1, 2018. The State Board considered the revised regulations at its meeting on February 20, and asked its staff to consider revisions to the draft regulations. The release of those revised regulations is expected to occur by April 5 with State Board consideration expected at its April 20 meeting. Staff will provide an update on any new developments related to the regulations.

2018 State Water Bonds

Proposition 68: The California Clean Water and Safe Parks Act:

Proposition 68, also known as SB 5 (De León, 2016) and the California Clean Water and Safe Parks Act, is a general obligation bond that will be considered by voters in June. The \$4 billion bond includes park, watershed/habitat, water and flood protection infrastructure funding allocations:

- Parks Funding: \$1.283 billion
 - \$725 million for the creation and expansion of neighborhood parks in park-poor communities;
 - \$218 million for the restoration and preservation of existing state park facilities;
 - \$200 million for per capita grants to local governments for local park rehabilitation and improvements;
 - \$40 million in grants to local jurisdictions whose voters have passed local measures improving local or regional park infrastructure;
 - \$30 million in grants to regional park and open space districts and counties;

- \$30 million for new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments;
 - \$25 million competitive grant program for cities, counties, and districts in non-urbanized areas; and
 - \$15 million for grants to cities and districts with populations of 200,000 or less in urbanized communities.
- *Watershed/Habitat Funding:* \$1.547 billion
 - \$767 million to the state conservancies, the Wildlife Conservation Board, California Natural Resources Agency, and the Salton Sea Authority;
 - \$443 million for various climate adaptation and habitat resiliency projects;
 - \$175 million for ocean, bay, and coastal protection;
 - \$162 million for grants for the California River Parkways Act of which \$16 million is available to the Santa Ana River Conservancy Program;
 - *Water Infrastructure Funding:* \$620 million
 - \$290 million for regional sustainability for drought and groundwater recharge investments to achieve regional sustainability;
 - \$250 million is available for clean drinking water and drought programs; and
 - \$80 million for competitive grants for treatment and remediation of groundwater supplies.
 - *Flood Protection Funding:* \$550 million
 - \$550 million shall be available for flood protection and repair.

Water Supply and Water Quality Act of 2018:

The Water Supply and Water Quality Act of 2018 is the \$8.877 billion general obligation bond proposed by Jerry Meral for the November 2018 election. The bond, if placed on the ballot and approved by voters, would authorize \$3.03 billion for safe drinking water and water quality; \$2.895 billion for watershed and fisheries improvements; \$940 million for habitat protection; \$855 million for improved water conveyance; \$685 million for groundwater sustainability/storage; and \$472 million for surface water storage/dam repairs. The proposed bond/ballot measure is currently pending signature verification within the Secretary of State's Office.

2018 Federal Legislation:

2018 Omnibus Bill:

On March 20, 2018, President Trump signed the 2018 omnibus bill, which funds the federal government through September 30, 2018. The \$1.3 trillion omnibus appropriation bill included a number of appropriations and provisions of interest to the IRWD:

- *Wildfire Funding:* The bill included a legislative and appropriations fix to wildfire response and non-fire forest funding. The fix appropriates dedicated funding sources for

fire response/firefighting and fire suppression. The fire suppression funding will allow the U.S. Forest Service and U.S. Department of the Interior to pay for forest health and restoration projects to help prevent catastrophic fires. The separation of these two funding sources will end the regular borrowing of funds from non-fire activities to pay for wildlife response;

- ***Water Infrastructure Funding:*** The bill also included increased funding for the Clean Water State Revolving Fund (SRF) and the Drinking Water SRF. The Clean Water SRF appropriation was increased from \$1.39 billion for Fiscal Year 2017 to \$1.7 billion for Fiscal Year 2018. The Drinking Water SRF was increased from \$863 million for Fiscal Year 2017 to \$1.16 billion for Fiscal Year 2018. Additionally, the bill included the following appropriations:

FY 2018 and FY 2017 Water Infrastructure Appropriations			
Agency/Program	2017 Omnibus	2018 Omnibus	Difference
WIFIA	\$30 million	\$63 million	\$33 million
DOI, Bureau of Reclamation	\$1.15 billion	\$1.48 billion	\$330 million
Title XVI and WIIN Recycling Programs	\$34.4 million	\$54.4 million	\$20 million
CalFed	\$37 million	\$37 million	\$0
WaterSMART Grants	\$28.5 million	\$34 million	\$5.5 million
Western Drought	\$44 million	\$4 million	-\$40 million
WIIN Desalination	\$6 million	\$12 million	\$6 million
WIIN Water Storage	\$67 million	\$134 million	\$67 million
WIIN Operational Review & Listed Species	\$7 million	\$30 million	\$23 million
U.S. Army Corps (Civil Works) Operations and Maintenance	\$3.15 billion	\$3.63 billion	\$480 million
U.S. Army Corps (Civil Works) Construction	\$1.88 billion	\$2.08 billion	\$200 million

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

That the Board adopt a “SUPPORT” position on AB 2050 (Caballero, D-Salina); an “OPPOSE” position on AB 1876 (Frazier, D-Fairfield); a “SUPPORT” position on AB 2283; a “SEEK AMENDMENTS” position on AB 2890 (Ting, D-San Francisco); a “WATCH” position on AB 2711 (Chen, R-Brea); a “SUPPORT” position on AB 3170 (Friedman, D-Glendale); a

“SEEK AMENDMENTS” position on SB 831(Wieckowski, D-Fremont); a “SEEK AMENDMENTS” position on SB 1469 (Skinner, D-Oakland); and an “OPPOSE UNLESS AMENDED” position on SB 998 (Dodd, D-Napa).

LIST OF EXHIBITS:

Exhibit “A” – IRWD Legislative Matrix

Exhibit “B” – 2018 Legislative Update Report Links to Bill Texts

EXHIBIT "A"
IRWD 2016 LEGISLATIVE MATRIX
Updated 04/02/2018

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 18</u> Garcia E (D)	Clean Water, Climate, and Coastal Protection Act		Enacts the California Clean Water, Climate, Coastal Protection and Outdoor Access For All Act, which would authorize the issuance of bonds to finance a clean water, climate, and coastal protection and outdoor access for all program. Provides for the submission of these provisions to the voters at the statewide direct primary election.	08/31/2017 - In SENATE. Joint Rule 62(a) suspended.;08/31/2017 - From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on GOVERNANCE AND FINANCE.;08/31/2017 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.
<u>AB 161</u> Levine (D)	Department of Finance: Infrastructure Investment		Authorizes the Department of Finance to identify infrastructure projects in the state for which the department will guarantee a rate of return on investment for an investment made in that infrastructure project by the Public Employees' Retirement System.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: Not heard.
<u>AB 196</u> Bigelow (R)	Greenhouse Gas Reduction Fund: Water Supply		Amends the Global Warming Solutions Act, which creates the Greenhouse Gas Reduction Fund and authorizes specified investments, including water use and supply. Authorizes the use of the moneys in the fund for electric pump efficiency, water and wastewater systems, pump and pump motor efficiency improvements, and drinking water transmission and distribution systems' water loss if the investment furthers the regulatory purposes of the act and is consistent with law.	09/01/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 732</u> Frazier (D)	Levee Maintenance		Extends indefinitely the operation of the authorization to advance funds to reimburse local agencies under a program for the maintenance or improvement of project or nonproject levees. Postpones the operation of certain related provisions.	09/01/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 869</u> Rubio (D)	Sustainable Water Use: Recycled Water		Requires long-term standards for urban water conservation and water use to include a credit for recycled water. Prohibits an urban retailer water supplier from being required to reduce the amount of recycled water it produces, sells, or distributes for beneficial	08/24/2017 - From SENATE Committee on NATURAL RESOURCES AND WATER with author's amendments.;08/24/2017 - In

IRWD 2016 LEGISLATIVE MATRIX
Updated 04/02/2018

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			potable or nonpotable uses during a period when water conservation measures are in effect.	SENATE. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES AND WATER.
<u>AB 987</u> Calderon I (D)	Water Quality, Supply, and Infrastructure Improvement		Amends existing law relating to the State General Obligation Bond Law. Relates to the capital asset exception provided under Proposition 1. Clarifies that a conflict exists for purposes of that exception if any provision of this division authorizes, either expressly or by necessary implication, a project or program that would not result in the creation of a capital asset, including projects relating to the prevention, cleanup, treatment, or remediation of contaminated groundwater, or other such projects.	09/11/2017 - In SENATE. Read second time. To third reading.;09/11/2017 - Re-referred to SENATE Committee on RULES.
<u>AB 1000</u> Friedman (D)	Water Conveyance: Unused Facility Capacity	WATCH	Prohibits a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal and state lands.	09/01/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 1017</u> Santiago (D)	Collective Bargaining Agreements: Arbitration		Amends the existing law, with regard to disputes concerning collective bargaining agreements for private employees. Provides for such provision apply to public employment. Limits liability for attorney's fees under such provisions to a labor organization or employer.	09/15/2017 - In ASSEMBLY. Ordered returned to SENATE. *****To SENATE.
<u>AB 1270</u> Gallagher (R)	Dams and Reservoirs: Inspections and Reporting		Amends existing law that requires the Department of Water Resources to inspect dams, reservoirs, and appurtenant structures once per fiscal year. Requires the owner of a dam to operate critical outlet and spillway control features on an annual basis and to demonstrate their full operability in the presence of the Department. Provides certain inspection reports may be withheld from public	02/26/2018 - Signed by GOVERNOR.;02/26/2018 - Chaptered by Secretary of State. Chapter No. 2018-3

IRWD 2016 LEGISLATIVE MATRIX
Updated 04/02/2018

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			release. Requires the Department to provides specified information on its website.	
<u>AB 1273</u> Gallagher (R)	Environmental Quality Act: Exemption: Levee Repairs		Amends the California Environmental Quality Act (CEQA). Exempts from the requirements of the CEQA, repairs of critical levees of the State Plan of Flood Control within an existing levee footprint to meet standards of public health and safety. Requires the lead agency to take certain actions regarding the repairs.	07/11/2017 - In SENATE Committee on NATURAL RESOURCES AND WATER: Failed passage.
<u>AB 1323</u> Weber (D)	Sustainable Water Use and Demand Reduction		Requires the Department of Water Resources to convene a stakeholder workgroup. Requires the workgroup to develop, evaluate, and recommend proposals for establishing new water use targets for urban water suppliers and report to the Governor and the Legislature. Requires all expenses to be the responsibility of the nonstate agency stakeholders.	08/21/2017 - In SENATE Committee on APPROPRIATIONS: To Suspense File.
<u>AB 1420</u> Aguilar-Curry (D)	Water Rights: Small Irrigation Use		Requires State Water Resources Control Board to give priority to adopting general conditions that permit a registrant to store water for small irrigation use during times of high streamflow in exchange for the registrant reducing diversions during periods of low streamflow. Exempts an entity from the requirement to enter into a lake or streambed alteration agreement with the department under specified circumstances.	09/01/2017 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<u>AB 1654</u> Rubio (D)	Water Conservation	CO- SPONSOR & SUPPORT	States the intent of the Legislature to enact legislation necessary to help make water conservation a California way of life.	07/19/2017 - Re-referred to SENATE Committee on RULES.
<u>AB 1667</u> Friedman (D)	Water Management Planning	OPPOSE	Requires the State Water Resources Control Board to adopt long-term standards for urban water conservation and water use on or before the specified date. Requires the board to adopt performance measures for commercial, industrial, and institutional water use on or before that date. Require an urban water supplier to calculate a water use target beginning the calendar year after the board adopts	07/11/2017 - In SENATE Committee on NATURAL RESOURCES AND WATER: Heard, remains in Committee.

IRWD 2016 LEGISLATIVE MATRIX
Updated 04/02/2018

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			long-term standards for urban water conservation and water use. Relates to submission of specified information.	
<u>AB 1668</u> Friedman (D)	Water Management Planning	OPPOSE UNLESS AMENDED	Requires the State Water Resources Control Board to adopt long term standards for the efficient use of water and performance measures for certain water uses. Requires the department to conduct necessary studies. Establishes a specified number of gallons as a standard for indoor residential water use effective until a specified date. Requires use of available data to identify small water suppliers and rural communities that may be at risk of drought and water shortage no later than a specific date.	09/15/2017 - From SENATE Committee on APPROPRIATIONS: Do pass to Committee on RULES.
<u>AB 1740</u> Daly (D)	Fire Insurance: Valuation of Loss		Deletes the provisions regarding the actual cash value of the claim of total loss to the structure and instead requires that the actual cash value of the claim, for either a total or partial loss to the structure or its contents, be the amount it would cost the insured to repair, rebuild, or replace the thing lost or injured less a fair and reasonable deduction for physical depreciation based upon its condition at the time of the injury or the policy limit, whichever is less.	01/16/2018 - To ASSEMBLY Committee on INSURANCE.
<u>AB 1745</u> Ting (D)	Vehicles: Clean Cars 2040 Act		Requires all new passenger vehicles to be zero emissions vehicles after a specified date. States that zero emissions vehicles cannot produce exhaust emissions of any criteria pollutant or greenhouse gas under any operational mode or condition. Exempts large commercial vehicles (larger than a specified number of pounds) and does not apply to vehicles owned by people moving into California from other states.	01/16/2018 - To ASSEMBLY Committee on TRANSPORTATION.
<u>AB 1748</u> Steinorth (R)	Property Taxation: Base Year Value Transfer		Requires, subject to specified procedures, the base year value of property that is eligible for the homeowner's exemption of any person, regardless of age or disability, to be transferred to any replacement dwelling, regardless of the value of the replacement property or whether the replacement property is located within the same county.	02/27/2018 - In ASSEMBLY. Coauthors revised.

IRWD 2016 LEGISLATIVE MATRIX
Updated 04/02/2018

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1770</u> Steinorth (R)	Local Government: Investments		Revises the maximum 5-year maturity requirement regarding investment in securities by a local agency to instead require that the securities have a maximum remaining security of 5 years or less. Eliminates the requirement that the securities issuer be rated A or its equivalent or better for the issuer's debts as provided by an NRSRO.	01/22/2018 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 1876</u> Frazier (D)	Sacramento-San Joaquin Delta: Stewardship Council		Increases the membership of the Delta Stewardship Council. Makes the provisions establishing the Delta Stewardship Council inoperative on a specified date. Provides for the Delta Protection Commission on that date to succeed to, and to be vested with the duties of the previous Council.	03/14/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/14/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 1945</u> Garcia E (D)	Greenhouse Gas Reduction Fund: Investment Plan		Require the state board to work with state agencies administering grant programs that allocate moneys from the Greenhouse Gas Reduction Fund to add specified cobenefits, to give specified communities preferential points during grant application scoring, and to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications. Requires the Department of Finance to include in the investment plan specified information on the applications received.	03/15/2018 - To ASSEMBLY Committee on NATURAL RESOURCES.;03/15/2018 - From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
<u>AB 1989</u> Mathis (R)	Water and Wastewater Loan and Grant Program		Appropriates a specified amount to the State Water Resources Control Board. Provides funding to eligible applicants for specified purposes relating to drinking water and wastewater treatment.	03/15/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.;03/15/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.

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<u>AB 1991</u> Mathis (R)	Safe Drinking Water State Revolving Fund		Requires the State Water Resources Control Board to post information on its internet web site regarding implementation of the Safe Drinking Water Revolving Fund Law and expenditures from the Fund.	03/15/2018 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.;03/15/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 2003</u> Daly (D)	Public Contracts: Sanitation Districts	SUPPORT	Relates to existing law which requires a sanitation district, when an expenditure for work exceeds a specified amount, to contract with the lowest responsible bidder after notice. Requires the notice to be published in a manner that the district board determines to be reasonable, which may include, but is not limited to, newspapers, Internet Web sites, radio, television, or other means of mass communication.	02/12/2018 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 2017</u> Chiu (D)	Public Employers: Employee Organizations		Prohibits a public employer from deterring or discouraging prospective public employees from becoming or remaining members of an employee organization. Expands the definition of public employer to include those employers of excluded supervisory employees and judicial council employees.	03/21/2018 - From ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY with author's amendments.;03/21/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.
<u>AB 2038</u> Gallagher (R)	Countywide Drought and Water Shortage Contingency Plans		Requires the Department of Water Resources, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify small water suppliers and rural communities that may be at	02/16/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

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			risk of drought and water shortage vulnerability and requires the department to notify counties and groundwater sustainability agencies of those suppliers or communities.	
<u>AB 2042</u> Steinorth (R)	Personal Income Tax Credits: Graywater Reuse Systems		Allows a credit against the personal income tax equal to a certain percent of the cost of installing a residential graywater reuse system in the taxpayer's residence located in the state. Limits the cumulative amount of the credit. Requires the Franchise Tax Board to receive and evaluate applications that are submitted by taxpayers to receive a residential graywater reuse system credit and to certify to the taxpayer the amount of the credit that is authorized.	03/19/2018 - From ASSEMBLY Committee on REVENUE AND TAXATION with author's amendments.;03/19/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on REVENUE AND TAXATION.
<u>AB 2050</u> Caballero (D)	Small System Water Authority Act of 2018	SUPPORT IN CONCEPT	Creates the Small System Water Authority Act to authorize the creation of small system water authorities to have powers to absorb, improve, and competently operate noncompliant public water systems. Requires the State Water Resources Control Board to provide certain notices to systems that are not compliant with drinking water standards.	03/19/2018 - To ASSEMBLY Committees on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS and LOCAL GOVERNMENT.;03/19/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;03/19/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 2060</u> Garcia E (D)	Water: Grants: Advanced Payments		Requires the Department of Water Resources to provide advanced payment for specified water projects of a specified amount or specified percentage of a grant award, whichever is less. Eliminates the requirement that the grant award for the project be less than a specified amount to obtain advanced payment. Eliminates the repeal of advanced payment provisions.	03/20/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

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<u>AB 2064</u> Gloria (D)	Integrated Regional Water Management Plans: Grants		Requires a project proponent, upon completion of the first one-half of a project receiving a regional water management grant award, to provide a first one-half project accountability report to the Department of Water Resources that reports the completion of objectives for the first one-half of the project and documents the expenditure and use of advanced grant funds.	04/02/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<u>AB 2065</u> Ting (D)	Local Agencies: Surplus Land		Expands the definition of local agency to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with the requirements for the disposal of surplus land.	02/22/2018 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 2071</u> Bloom (D)	Accessory Dwelling Units: Improvements: Liability		Provides that a public entity, public officer, or an employee of a public entity, is not liable for any personal injury, death, property damage, or inverse condemnation, that has arisen from or is related to the use of an accessory dwelling unit and that is proximately caused by any utility system that the public entity owns, operates, or maintains if the legislative body of a local agency has permitted the equipment, or accessory dwelling unit, to remain in the same location prior to a specified date.	02/22/2018 - To ASSEMBLY Committees on LOCAL GOVERNMENT and JUDICIARY.
<u>AB 2072</u> Quirk (D)	State Water Resources Control Board: Contaminants		Requires the State Water Resources Control Board to establish and maintain a dedicated program to research the potential effects of constituents of emerging concern in water sources on human and ecosystem health.	03/20/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.
<u>AB 2077</u> Limon (D)	Electricity: Net Energy Metering: Eligible Customer		Relates to net energy metering of eligible customer-generators of electricity.	02/16/2018 - To ASSEMBLY Committee on UTILITIES AND ENERGY.
<u>AB 2123</u> Cervantes (D)	District-Based Elections		Permits a political subdivision and a prospective plaintiff bringing an action under the state Voting Rights Act to enter into a written	03/20/2018 - From ASSEMBLY Committee on ELECTIONS AND

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			agreement to extend the time period during which a prospective plaintiff is prohibited from commencing an action for up to an additional 90 days in order to provide additional time to conduct public outreach, encourage public participation, and receive public input.	REDISTRICTING with author's amendments.;03/20/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ELECTIONS AND REDISTRICTING.
<u>AB 2154</u> Bonta (D)	Public Employment: Labor Relations: Release Time		Prescribes requirements relating to release time that would apply to all of the public employers and employees subject to specified public employee acts and would generally repeal the provisions relating to release time in those acts.	04/02/2018 - From ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY with author's amendments.;04/02/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.
<u>AB 2179</u> Gipson (D)	Municipal Corporations: Public Utility Service		Authorizes a municipal corporation to utilize the alternative procedures to lease, sell, or transfer that portion of a municipal utility used for furnishing sewer service outside the boundaries of the municipal corporation.	03/01/2018 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 2225</u> Limon (D)	Government: Storing and Recording Electronic Media		Requires the Department of Technology and the Secretary of State to approve and adopt appropriate uniform statewide standards for the purpose of storing and recording permanent documents in electronic media, and specifies that cloud computing shall be defined by the Department of Technology based on industry-recognized standards.	03/19/2018 - To ASSEMBLY Committee on PRIVACY AND CONSUMER PROTECTION.;03/19/2018 - From ASSEMBLY Committee on PRIVACY AND CONSUMER PROTECTION with author's amendments.;03/19/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PRIVACY AND CONSUMER PROTECTION.
<u>AB 2241</u> Rubio (D)	The Open and Transparent Water Data Act		Amends the Open and Transparent Water Data Act. Requires the Department of Water Resources to work to improve the open and	03/15/2018 - To ASSEMBLY Committee on WATER, PARKS AND

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			transparent access to data by reducing the fractured or duplicative reporting of the same data to multiple governmental agencies and departments, and by reducing the reporting burden on entities providing data to governmental agencies.	WILDLIFE.;03/15/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 2242</u> Rubio (D)	Urban Water Management Planning		Amends the Urban Water Management Planning Act. Requires an urban water supplier, to include in its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry years, including a repeat of consecutively historic driest years the urban water supplier has experienced.	03/15/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.;03/15/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 2249</u> Cooley (D)	Public Contracts: Local Agencies: Alternative Procedure		Authorizes public projects of a specified amount or less to be performed by the employees of a public agency, authorize public projects of a specified amount or less to be let to contract by informal procedures, and require public projects of more than a specified amount to be let to contract by formal bidding procedures.	03/01/2018 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 2266</u> Bigelow (R)	Urban Water Management Plans: Adoption		Requires urban water suppliers to prepare and adopt urban water management plans within a specified number of years after becoming urban water suppliers.	03/15/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.;03/15/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 2277</u> Mathis (R)	Solid Waste Facilities: Pharmaceutical Waste		Vests the Department of Resources Recycling and Recovery with the primary responsibility for the disposal of home- generated pharmaceutical waste and would require the Department of	03/01/2018 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

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			Resources Recycling and Recovery, in collaboration with the State Department of Public Health, the Department of Toxic Substances control, and the California State Board of Pharmacy, to adopt regulations authorizing the incineration of home-generated pharmaceutical waste by solid waste facilities.	
<u>AB 2278</u> Berman (D)	Local Government Renewable Energy Self Generation		Amends the Local Government Renewable Energy Self Generation Program. Revises how the bill credit is calculated. Requires the electrical corporation to use the time of use periods and certain seasonal definitions. Requires the PUC and an electrical corporation to consider climate change benefits when determining whether to propose any rate tariff, bill credit, or otherwise, that impacts the ability of local government to operate renewable generating facilities.	03/21/2018 - From ASSEMBLY Committee on UTILITIES AND ENERGY with author's amendments.;03/21/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on UTILITIES AND ENERGY.
<u>AB 2283</u> Holden (D)	Income Taxes: Exclusion: Turf Removal Program		Extends the operation of existing law which provides an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf removal water conservation program.	03/19/2018 - From ASSEMBLY Committee on REVENUE AND TAXATION: Do pass to Committee on APPROPRIATIONS.
<u>AB 2341</u> Mathis (R)	California Environmental Quality Act		Specifies that, except as provided, the aesthetic effects of projects meeting certain requirements are not significant effects on the environment for the purposes of California Environmental Quality Act and that the lead agency is not required to evaluate the aesthetic of those projects.	03/01/2018 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 2370</u> Holden (D)	Lead Exposure: Child Daycare Facilities		Amends existing law relating to the State Safe Drinking Water Act. Repeals requirements for a community water system that serves certain schoolsites and licensed child day care facilities for the testing of lead in the potable water system. Requires the Department of Social Services to adopt regulations for the testing of drinking water at licensed child care centers for lead and that results be submitted to the Department. Provides that child care facilities may apply for funding of possible renovations.	04/02/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

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<u>AB 2379</u> Bloom (D)	Waste Management: Polyester Microfiber		Requires that clothing made from fabric that is more than a specified percentage of polyester bear a conspicuous label stating that the garment sheds plastic microfibers when washed and recommending hand washing. Prohibits a person from selling or offering for sale clothing made from fabric that is more than a specified percentage polyester that does not bear that label.	03/08/2018 - To ASSEMBLY Committees on NATURAL RESOURCES and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 2432</u> Obermolte (R)	California Voting Rights Act		Prohibits the courts under the California Voting Rights Act, from imposing district-based elections unless the plaintiff has established that district-based elections would remedy the dilution of abridgment of voting rights and that alternatives to district-based elections would not achieve greater voting rights and other benefits.	03/05/2018 - To ASSEMBLY Committees on ELECTIONS AND REDISTRICTING and JUDICIARY.
<u>AB 2434</u> Bloom (D)	Strategic Growth Council: Health in All Policies		Establishes the Health in All Policies Program, to be administered by the Strategic Growth Council, for the purposes of incorporating health, equity, and sustainability considerations into decision making across sectors and policy areas.	03/21/2018 - From ASSEMBLY Committee on HEALTH with author's amendments.;03/21/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on HEALTH.
<u>AB 2441</u> Frazier (D)	Sacramento-San Joaquin Delta Abandoned Vessel Removal		Excludes from the deposit in the State Treasury to the credit of the General Fund requirements relating to the use of rental income received from surface uses of public lands, all rental income from surfaces uses for lands in the Sacramento-San Joaquin Delta. Creates the Sacramento-San Joaquin Delta Abandoned Vessel Removal Account and requires that moneys in the account to the commission for the removal of abandoned and derelict commercial vessels from lands and waterways.	03/13/2018 - From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.;03/13/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
<u>AB 2447</u> Reyes (D)	California Environmental Quality Act: Land Use		Requires the Office of Environmental Health Hazard Assessment by a specific date to publish a list of subject land uses, and a map that identifies disadvantaged communities and areas within 1/2 mile radius of the disadvantaged communities. Requires a lead agency to provide certain notices required by CEQA to owners and occupants	03/15/2018 - To ASSEMBLY Committees on NATURAL RESOURCES and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.;03/15/2018 -

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			of property located within one-half mile of any parcel or parcels, and to any schools located within one mile of any parcel or parcels, involving a subject of land use.	From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
<u>AB 2464</u> Harper (R)	California Coastal Act: Port of Newport Beach		Relates to a port master plan for the port of Hueneme, Long Beach, Los Angeles, or San Diego Unified Port District located within the coastal zone. Applies this port master plan provision to the Port of Newport Beach located within the coastal zone, except as provided.	03/05/2018 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 2470</u> Grayson (D)	Invasive species: Greenhouse Gas Reduction		Establishes the Invasive Species Council of California, composed as prescribed, to help coordinate a comprehensive effort to exclude invasive species already established in the state. Establishes a California Invasive Species Advisory Committee to advise the council on a broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as minimizing the economic, ecological, and human health impacts that invasive species cause.	03/05/2018 - To ASSEMBLY Committees on AGRICULTURE and NATURAL RESOURCES.
<u>AB 2501</u> Chu (D)	Drinking Water: Consolidation and Extension of Service		Redefines small public water system for purposes of the California Safe Drinking Water Act as a system with 200 connections or less. Authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a disadvantaged community is reliant on a state small water system, an individual well, or an unregulated water system serving fewer than five connections.	03/08/2018 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 2516</u> Eggman (D)	Dams: Reservoir Restrictions		Requires the Department of Water Resources to post, and update quarterly, on its Internet Web site a report containing the name of each reservoir subject to restriction, the effective date of the reservoir restriction, the reason for the restriction, and actions that would allow the restrictions to be removed, if no reservoir	03/05/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

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			restrictions are in effect, would require the department to post this fact on its Internet Web site.	
<u>AB 2528</u> Bloom (D)	Climate Adaptation		Relates to existing law that requires the Natural Resources Agency to update the state's climate adaptation strategy to identify vulnerabilities to climate change by sectors. Specifies that the water sector includes the component of habitat resiliency areas. Requires state agencies to maximize the objective of protecting and enhancing habitat resiliency areas.	03/05/2018 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 2541</u> Salas (D)	Safe Drinking Water State Revolving Fund		Relates to existing laws grant funding, and principal forgiveness and 0% financing on loans, from the Safe Drinking Water State Revolving Fund to a project for a water system with a service area that qualifies as a severely disadvantaged community. Authorizes the board, to the extent permitted by federal law, to provide up to 100% grant funding, and principal forgiveness and 0% financing on loans, from the Safe Drinking Water State Revolving Fund.	03/15/2018 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.;03/15/2018 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;03/15/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 2551</u> Wood (D)	Forest and Wildland Health Improvement		Requires the Department of Forestry and Fire Prevention to establish, implement, and administer the Forest and Wildland Health Improvement and Fire Prevention Program, which is intended to promote forest and wildland health, restoration, and resilience, and improve fire prevention and preparedness throughout the state. Requires the department to take specified actions to improve forest and wildland health and resilience, including evaluating and proposing changes to statewide fire suppression goals.	03/05/2018 - To ASSEMBLY Committee on NATURAL RESOURCES.

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<u>AB 2571</u> Gonzalez (D)	Public Employee Retirement Systems: Investments		Restricts new, additional, or renewed investments by a public investment fund to an alternative investment vehicle where, if the investment vehicle is managed by an investment manager, the investment manager has adopted and committed to comply with a race and gender pay equity policy consistent with requirements established in the bill.	03/19/2018 - To ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.
<u>AB 2649</u> Arambula (D)	Water Rights: Temporary Permit: High Precipitation		Requires the State Water Resources Control Board to prioritize a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife. Exempts temporary permits for these projects from the Environmental Quality Act. Requires the Board to set a reduced application fee for a temporary permit applicant for these projects.	03/22/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.;03/22/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/22/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 2697</u> Gallagher (R)	Wildlife, Bird, and Waterfowl Habitat		Requires the Wildlife Conservation Board to establish a program, which may include direct payments or other incentives, to encourage landowners to voluntarily cultivate or retain cover crops or natural vegetation on idled lands to provide waterfowl, upland game bird, and other wildlife habitat cover for purposes, including, but not limited to, encouraging the use of idle agricultural lands for wildlife habitat.	03/08/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 2711</u> Chen (R)	Property Tax Revenue Allocations: County Of Orange		Requires the auditor of the County of Orange to increase the total amount of ad valorem property tax revenue that is otherwise required to be allocated to the county by the county equity amount and to commensurately decrease the amount of ad valorem property tax revenue that is otherwise required to be allocated to the county Educational Revenue Augmentation Fund and, if necessary, the amount of those revenue otherwise required to be allocated to school districts.	03/20/2018 - From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.;03/20/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.

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<u>AB 2728</u> Chen (R)	Replacement Of Corroded Or Lead-containing Plumbing		Authorizes the State Water Resources Control Board to establish a grant program to provide funding to a county or qualified nonprofit organization, as specified, to provide low-interest loans to defined property owners for the replacement of corroded or lead-containing plumbing and service lines that adversely impact drinking water standards for the installation of a point-of-use or point-of-entry water treatment system, as specified.	03/14/2018 - In ASSEMBLY. Coauthors revised.
<u>AB 2812</u> Limon (D)	Data Storage and Protection Standards: Local Agencies		Creates the Office of Cloud Migration in the Department of Technology. Requires the office to promote cloud-based data storage as an efficient and cost-effective means of data storage and protection for local agencies and to assist local agencies in integrating cloud-based storage into their information technology systems and their technology recovery plans. Requires the office to operate in partnership with private industry and the nonprofit community to maximize the assistance provided to local agencies.	03/23/2018 - From ASSEMBLY Committee on PRIVACY AND CONSUMER PROTECTION with author's amendments.;03/23/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PRIVACY AND CONSUMER PROTECTION.
<u>AB 2815</u> Gray (D)	Water Rights: Appropriations of Water		Makes nonsubstantive changes in provisions of the State Water Resources Control Board water rights program.	02/16/2018 - INTRODUCED.
<u>AB 2828</u> Friedman (D)	Waste Discharge Requirements: Produced Water		Requires the State Water Resources Control Board to conduct a public hearing, as specified, to determine whether using produced water from an oil and gas operation for specified water uses would pose a hazard to the public, employees that regularly interact with the produced water, or the environment.	03/08/2018 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 2890</u> Tine (D)	Land use: accessory dwelling units		Authorizes accessory dwelling units to be created in areas that are developed with single-family or multifamily units. Limits the types of restrictions a local agency may impose on accessory dwelling units, and revises the standards required for accessory dwelling units. Specifies that an accessory dwelling unit is not subject to certain fees levied by local governments.	From ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT with author's amendments.

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<u>AB 2898</u> Gloria (D)	Emergency Services: Local Emergencies		Requires a review of a local emergencies by the governing body of a city or county to occur at specified time intervals under the Emergency Services Act .	03/19/2018 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 2957</u> Gallagher (R)	Water: Institute for Water Innovation and Technology		Requests the Board of Governors of the California Community Colleges to establish the California Institute for Water Innovation and Technology in order to achieve specified goals, including developing the state's next generation of water professionals and technicians and growing the state's economy by creating new opportunities for jobs in water research, management, and technology. Provides for the location of the Institute.	03/20/2018 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/20/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 2966</u> Aguilar-Curry (D)	Disaster Relief		Provides that the state share for the removal of dead and dying trees in connection with the Governor's proclamation of a state of emergency issued on a specified date is no more than 90 percent of total state eligible costs.	03/08/2018 - To ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION.
<u>AB 2970</u> Cooper (D)	Public Employees: New Employee Orientations		Requires that the date, time, and place of a new employee orientation by a state or local public employer be confidential and not be shared with anyone other than employees or the exclusive representative.	03/20/2018 - From ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY with author's amendments.;03/20/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY.
<u>AB 2975</u> Friedman (D)	Wild and Scenic Rivers		Takes action to remove or delist any river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers system, requires the Secretary of the Natural Resources Agency, after holding a public hearing on the issue, to take any necessary action to add the river or segment of a river to the state wild and scenic rivers system and to classify that river or segment of a river.	03/08/2018 - To ASSEMBLY Committee on NATURAL RESOURCES.

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<u>AB 3027</u> Chavez (R)	California Environmental Quality Act: Attorneys Fees		Limits the awarding of attorney's fees to certain entities for a prevailing party that is a plaintiff or petitioner in an action or proceeding under the California Environmental Quality Act (CEQA).	03/12/2018 - To ASSEMBLY Committees on NATURAL RESOURCES and JUDICIARY.
<u>AB 3031</u> Quirk (D)	Safety in Employment: Power Tools: Training		Requires an employer whose employees are involved in using power tools or other equipment for the cutting, grinding, coring, or drilling of concrete or masonry materials to provide specified training to those employees to reduce health hazards associated with the inhalation or ingestion of dust arising from those operations.	03/12/2018 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<u>AB 3045</u> Gallagher (R)	Natural Resources Agency: Division of Safety		Establishes within the Natural Resources Agency the Division of Safety of Dams. Transfers authority over dams and reservoirs from the Department of Water Resources to the division.	03/12/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 3155</u> Cooper (D)	Public Works: Definition		Expands the meaning of the term public works for purposes of requirements regarding the payment of prevailing wages, to include warranty work, and would include warranty work within the definition of construction as it is used to define "public works".	03/12/2018 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<u>AB 3170</u> Friedman (D)	Sales and Use Taxes: Exemptions: Water Efficiency		Exempts from sales and use taxes the gross receipts from the sale of, and the storage, use, or other consumption of, qualified water efficiency products sold or purchased during a 3-day period, for which a layaway agreement is entered into, a raincheck is issued, or other specified orders are placed, during this period.	03/12/2018 - To ASSEMBLY Committee on REVENUE AND TAXATION.
<u>AB 3187</u> Grayson (D)	Biomethane: Solid Waste Facility Permits: Rates		Requires the Department of Resources Recycling and Recovery to streamline the permitting process for anaerobic digestion facilities to allow holders of solid waste facility permits to modify those permits to include anaerobic digestion facilities. Authorizes gas corporations to include in their rate bases all reasonable costs	03/19/2018 - To ASSEMBLY Committees on NATURAL RESOURCES and UTILITIES AND ENERGY.;03/19/2018 - From ASSEMBLY Committee on NATURAL RESOURCES with

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			incurred to interconnect biomass conversion facilities and anaerobic digestion facilities to their common carrier pipelines.	author's amendments.;03/19/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
<u>AB 3206</u> Friedman (D)	Water Conservation: Water Meters: Accuracy		Requires the State Energy Resources Conservation and Development Commission to adopt regulations setting standards for the accuracy of water meters purchased, repaired, or reconditioned on and after the effective date of specified regulations, including water meters installed pursuant to the Water Measurement Law.	03/15/2018 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 3222</u> O'Donnell (D)	Public Works: Prevailing Wages		Expands the definition of public works, for the purposes of provisions relating to the prevailing rate of per diem wages, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a project for a charter school, as defined, when the project is paid for, in whole or in part, with the proceeds of conduit revenue bonds, as defined, that were issued on or after a specified date.	03/12/2018 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<u>AB 3253</u> Banking and Finance Cmt	Local Government: Financial Affairs		Increases the percentage of a local agency's funds that can be invested of the agency's surplus funds in deposits at specified types of financial institutions that use a private sector entity to assist in the placement of deposits and in certificates of deposit at specified types of financial institutions.	03/22/2018 - To ASSEMBLY Committees on LOCAL GOVERNMENT and BANKING AND FINANCE.;03/22/2018 - From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.;03/22/2018 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.
<u>AB 3254</u> Local Government Cmt	Local Government Organization: Omnibus		Revises the definitions of affected territory and inhabited territory under the Local Government Reorganization Act of 2000 to include territory that is to receive extended services from a local agency, and additionally defines the term uninhabited territory for purposes of the Act.	03/22/2018 - To ASSEMBLY Committee on LOCAL GOVERNMENT.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>ACA 24</u> Waldron (R)	Property Taxation: Transfer of Base Year Value		Requires the Legislature to provide for the transfer of base year value of property that is substantially damaged or destroyed by a disaster, as declared by the Governor, occurring on or after a specified date through a specified date, to comparable property located within the same or a different county that is acquired or newly constructed as a replacement for the substantially damaged or destroyed property.	02/14/2018 - INTRODUCED.
<u>ACA 28</u> Mathis (R)	Water: Projects: Funding		Provides that, from specified state revenues, there shall be set apart, in unspecified percentages, moneys to be applied by the state for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 and, of the amount remaining, for specified water projects of the Department of Water Resources and the State Water Resources Control Board.	02/26/2018 - INTRODUCED.
<u>SB 5</u> de Leon (D)	California Drought, Water, Parks, Climate		Enacts the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018. Authorizes the issuance of bonds of a specified sum pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all programs. Reallocates a specified portion of the unissued bonds to finance the purposes of drought, water, parks, climate, coastal protection, and outdoor access, upon voter approval.	10/15/2017 - Signed by GOVERNOR.;10/15/2017 - Chaptered by Secretary of State. Chapter No. 2017-852
<u>SB 24</u> Portantino (D)	Political Reform Act of 1974: Economic Interest		Amends the Political Reform Act which requires certain disclosures to include a statement indicating the fair market value of investments or interests in real property and the aggregate value of income received from each reportable source. Revises the dollar amounts associated with these ranges.	08/31/2017 - In ASSEMBLY. To Inactive File.
<u>SB 45</u> Mendoza (D)	Political Reform Act: Mass Mailing Prohibition		Prohibits a mass mailing from being sent within a specified number of days preceding an election by or on behalf of a candidate whose name will appear on the ballot, except as otherwise required by law.	10/15/2017 - Chaptered by Secretary of State. Chapter No. 2017-827

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 49</u> de Leon (D)	Environmental and Workers' Defense Act		Relates to the California Environmental, Public Health, and Workers Defense Act of 2017. Relates to clean air, drinking water, discharge of pollutants into the atmosphere and waters, and endangered species. Requires specified agencies to take prescribed actions to maintain and enforce standards pertaining to air, water, and protected species. Prohibits a state agency from amending rules to be less stringent in protection of workers' rights and workers' safety than established by federal law.	09/12/2017 - From ASSEMBLY Committee on RULES with author's amendments.;09/12/2017 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on RULES.
<u>SB 57</u> Stern (D)	Natural Gas Storage: Moratorium		Amends an existing law which requires the State Oil and Gas Supervisor to continue a prohibition against a specified natural gas injection into the Aliso Canyon natural gas storage facility. authorizes the Governor during a state of emergency, which may include a sudden and severe energy shortage, to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency.	02/01/2018 - Died on Inactive File.
<u>SB 210</u> Leyva (D)	Heavy Duty Vehicle Inspection and Maintenance Program		Authorizes the State Air Resources Board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty on road motor vehicles. Authorizes the state board to assess a fee and penalty as part of the program. Creates the Truck Emission Check Fund and the Diesel Emission System Inspection and Smoke Test Account in the fund, with all the moneys deposited in each fund to be available upon appropriation.	08/28/2017 - In ASSEMBLY. Suspend Assembly Rule 96.;08/28/2017 - Re-referred to ASSEMBLY Committee on RULES.
<u>SB 224</u> Jackson (D)	Personal Rights: Sexual Harassment		Amends existing law which establishes liability for sexual harassment when the plaintiff proves specified elements and existing law which states that a relationship may exist between a plaintiff and certain persons. Includes an investor, elected official, lobbyist, director, and producer among those listed persons who may be liable to a plaintiff for sexual harassment.	01/22/2018 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

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<u>SB 473</u> Hertzberg (D)	California Endangered Species Act		Amends the California Endangered Species Act which prohibits the taking of an endangered or threatened species. Provides that the accidental take of candidate, threatened, or endangered species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities is not prohibited by the act.	09/08/2017 - In ASSEMBLY. To Inactive File.
<u>SB 606</u> Skinner (D)	Water Management Planning	OPPOSE UNLESS AMENDED	Requires an urban retail water supplier to calculate an urban water use objective and its actual urban water use by specified dates and requires a report. Imposes civil liability for a violation of an order or regulation issued pursuant to certain provisions. Authorizes the State Water Resources Control Board to issue a regulation or information order requiring a wholesale water supplier, urban retail water supplier, or distributor of a public water supply to provide a monthly report of certain information.	09/13/2017 - Withdrawn from ASSEMBLY Committee on RULES.;09/13/2017 - In ASSEMBLY. Ordered to third reading.;09/13/2017 - In ASSEMBLY. Suspend Assembly Rule 96.
<u>SB 623</u> Monning (D)	Water Quality: Safe and Affordable Drinking Water Fund	OPPOSE/ OPPOSE UNLESS AMENDED	Establishes the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the state board. requires the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with projects relating to safe and affordable drinking water.	09/01/2017 - Re-referred to ASSEMBLY Committee on RULES.
<u>SB 771</u> de Leon (D)	California Environmental Quality Act		Relates to The California Environmental Quality Act. Establishes a continuing education requirement for employees of public agencies who have primary responsibility to administer the act.	09/13/2017 - In ASSEMBLY. To Inactive File.
<u>SB 778</u> Hertzberg (D)	Safe Drinking Water Fund		Requires the State Water Resources Control Board to track and publish on its Internet Web site an analysis of all voluntary and ordered consolidations of water systems that have occurred on or after a certain date. Requires the published information to include the resulting outcomes of the consolidations and whether the consolidations have succeeded or failed in providing an adequate	09/01/2017 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			supply of safe drinking water to the communities served by the consolidated water systems.	
<u>SB 831</u> Wieckowski (D)	Land use: accessory dwelling units		Relates to accessory dwelling units in single-family and multi-family residential zones. Deletes the requirement that the area be zoned to allow single-family and multi-family use. Revises standards for local ordinances to include a prohibition on considering the square footage of a proposed accessory dwelling unit when calculating an allowable floor-to-area ratio for the lot.	03/13/2018 - From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments.;03/13/2018 - In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING.
<u>SB 919</u> Dodd (D)	Water Resources: Stream Gages		Requires the Department of Water Resources to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for reactivating existing gages. Requires the Department develop the plan to address significant gaps in information necessary for water management. Requires the Department to give priority in the plan to placing or reactivating stream gages where lack of data contributes to conflicts in water management actions.	03/15/2018 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<u>SB 952</u> Anderson (R)	Water Conservation: Local Water Supplies		States the intent of the Legislature to enact legislation that would require the State Water Resources Control Board to recognize local water agency investment in water supply and ensure that local agencies receive sufficient credit for these investments in meeting any water conservation or efficiency mandates.	02/08/2018 - To SENATE Committee on RULES.
<u>SB 963</u> Allen (D)	Water Replenishment Districts		Repeals a reserve fund authorization for a water replenishment district. Repeals certain requirements.	03/21/2018 - Re-referred to SENATE Committee on GOVERNANCE AND FINANCE.
<u>SB 966</u> Wiener (D)	Onsite Treated Nonpotable Water Systems		Requires the State Water Resources Control Board, in consultation with the California Building Standards Commission, to adopt regulations for risk based water quality standards for the onsite treatment and reuse of nonpotable water. Authorizes the Board to contract with public or private entities regarding the content of the	03/21/2018 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;03/21/2018 - In SENATE. Read second time and amended. Re-

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			standards and exempts those contracts from review and approval of the Department of General Services.	referred to Committee on ENVIRONMENTAL QUALITY.
<u>SB 998</u> Dodd (D)	Discontinuation Of Residential Water Service		Requires an urban and community water system as a public water system that supplies water to more than a certain number service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment available in specified languages of the people residing in its service area. Requires certain aspect to be available on it's system web site and be provided annually to customers in writing.	03/22/2018 - From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS with author's amendments.;03/22/2018 - In SENATE. Read second time and amended. Re-referred to Committee on ENERGY, UTILITIES AND COMMUNICATIONS.
<u>SB 1032</u> Moorlach (R)	California Public Employees' Retirement System		Authorizes a contracting agency to terminate its contract with the Board of Administration of the Public Employees' Retirement System the agency's will and would not require the contracting agency to fully fund the board's pension liability upon termination of the contract. Authorizes the board to reduce the member's benefits in the terminated agency pool by the percentage of liability unfunded.	02/22/2018 - To SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.
<u>SB 1033</u> Moorlach (R)	Public Employees Retirement: Reciprocal Benefits		Requires an agency participating in the public employees retirement system that increases the compensation of a member who was previously employed by a different agency to bear all actuarial liability for the action, if it results in an increased actuarial liability beyond what would have been reasonably expected for the member. Requires the increased liability be in addition to reasonable compensation growth that is anticipated for a member who works for employer or employers over an extended time.	02/22/2018 - To SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.
<u>SB 1147</u> Hertzberg (D)	Natural Resources Agency: Database: Lands and Easements		Requires the Natural Resources Agency to maintain an interactive statewide map of those lands and easements that would be made available, as feasible, to the public on the agency's Internet Web site. Makes additional nonsubstantive changes to the Natural Resources Agency regulations.	02/22/2018 - To SENATE Committee on NATURAL RESOURCES AND WATER.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 1167</u> Anderson (R)	Eminent Domain: Final Offer of Compensation		Provides that if a court finds, on motion of a defendant that a plaintiff's offer was lower than a specified percentage of the compensation awarded in the proceeding, then the court would be required to include the defendant's litigation costs in the costs allowed.	02/22/2018 - To SENATE Committee on JUDICIARY.
<u>SB 1215</u> Hertzberg (D)	Drinking Water Systems and Sewer Systems: Consolidation		Authorizes the State Water Resources Control Board to set timeline and performance measures to facilitate completion of extension of service of drinking water under the Safe Drinking Water Act. Authorizes ordered consolidation with a receiving sewer system for, or extension of sewer service to, a disadvantaged community under specified circumstances.	03/01/2018 - To SENATE Committees on ENVIRONMENTAL QUALITY and GOVERNANCE AND FINANCE.
<u>SB 1226</u> Bates (R)	Building Standards: Accessory Dwelling Units		Authorizes the enactment of a local ordinance to authorize, when a record of the issuance of a building permit for an accessory dwelling unit does not exist, specified enforcement officials to make a determination of when the accessory dwelling unit was constructed and apply the State Housing Law, the building standards published in the California Building Standards Code, and other specified rules and regulations in effect when the accessory dwelling unit was determined to be constructed.	03/01/2018 - To SENATE Committee on TRANSPORTATION AND HOUSING.
<u>SB 1284</u> Jackson (D)	Employers: Annual Report: Pay Data		Requires that, on or before a certain date annually, an employer that is incorporated under the laws of this state a specified number of employees is to submit a pay data report to the Department of Industrial Relation. Requires the Department to make the reports available to certain agencies.	03/15/2018 - Re-referred to SENATE Committees on LABOR AND INDUSTRIAL RELATIONS and JUDICIARY.
<u>SB 1301</u> Beall (D)	State Permitting: Environment: Processing Times		Requires the department of Fish and Wildlife, the San Francisco Bay Conservation and Development Commission, the California Coastal Commission, the State Water Resources Control Board, and a California Regional Water Quality Control Board, for certain permits that each entity administers, to keep an accurate record of permit processing times.	03/01/2018 - To SENATE Committees on NATURAL RESOURCES AND WATER and ENVIRONMENTAL QUALITY.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 1364</u> Vidak (R)	Safe, Clean, Reliable Water Supply Act		Makes a nonsubstantive change in findings and declarations of the Safe, Clean, Reliable Water Supply Act.	03/08/2018 - To SENATE Committee on RULES.
<u>SB 1433</u> Moorlach (R)	Public Employees' Pension Reform Act		Makes nonsubstantive changes to the state's Public Employees' Pension Reform Act.	04/02/2018 - From SENATE Committee on RULES with author's amendments.;04/02/2018 - In SENATE. Read second time and amended. Re-referred to Committee on RULES.
<u>SB 1469</u> Skinner (D)	Land Use: Accessory Dwelling Units		Authorizes accessory dwelling units to be created in areas that are developed with single-family or multifamily units. Limits the types of restrictions a local agency may impose on accessory dwelling units. Revises the standards required for accessory dwelling units. Specifies that an accessory dwelling unit is not subject to impact fees and other fees.	03/22/2018 From SENATE Committee on RULES with author's amendments. 03/22/2018
<u>SB 1496</u> Governance and Finance Cmt	Validations		Enacts the Second Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	03/15/2018 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>SB 1497</u> Governance and Finance Cmt	Validations		Enacts the First Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	03/15/2018 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>SB 1498</u> Governance and Finance Cmt	Local Government Omnibus Act of 2018		Relates to existing law which sets forth various provisions governing cities that reference various officers and employees. Makes these references gender neutral.	03/15/2018 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>SB 1499</u> Governance and Finance Cmt	Validations		Enacts the Third Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	03/15/2018 - To SENATE Committee on GOVERNANCE AND FINANCE.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 1502</u> Environmental Quality Cmt	South Coast Air Quality Management District: Notice		Authorizes the South Coast Air Quality Management District board to send electronically a notice of proposed regulatory action, to publish the notice on its Internet Web site not less than 30 days prior to the public hearing.	03/21/2018 - To SENATE Committee on ENVIRONMENTAL QUALITY.
<u>SCA 4</u> Hertzberg (D)	Water Conservation		Declares the intent of the Legislature to amend the California Constitution to provide a program that would ensure that affordable water is available to all Californians and to ensure that water conservation is given a permanent role in California's future.	02/16/2017 - To SENATE Committee on RULES.
<u>SCA 18</u> Allen (D)	Elections: Recalls and Legislative Vacancies		Repeals the provision of the constitution that prohibits the officer who is the subject of a recall election from being a candidate in the recall election, thereby enabling an officer who is the subject of a recall to be removed from, and elected to, his or her office in the same election. Requires the Governor to fill a vacancy in either house of the Legislature by appointment within 45 days of the date of the vacancy or by a special election.	03/15/2018 - To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

Exhibit “B”

2018 Legislative Update Report: Links to Bill & Regulatory Texts (as of April 2, 2018)

Bill Number/Version Date	Link to Bill Text
AB 1668 (Friedman) as amended	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1668
AB 1876 (Frazier) as amended	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1876
AB 2050 (Caballero) as amended	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2050
AB 2283 (Holden) as introduced	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2283
AB 2501 (Chu) as introduced	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2501
AB 2711 (Chen) as amended	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2711
AB 2890 (Ting) as introduced	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2890
AB 3170 (Friedman) as introduced	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3170
SB 5 (De León, 2016) as enacted	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB5

SB 606 (Hertzberg/Skinner), as amended	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB606
SB 623 (Monning), as amended	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB623
SB 831 (Wieckowski) as amended	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB831
SB 998 (Dodd) as amended	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB998
SB 1215 (Hertzberg)	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1215
SB 1469 (Skinner)	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1469
“Safe and Affordable Drinking Water” Budget Trailer Bill	http://dof.ca.gov/Budget/Trailer_Bill_Language/documents/SafeandAffordableDrinkingWater.pdf