

AGENDA
 IRVINE RANCH WATER DISTRICT
 WATER RESOURCES POLICY AND COMMUNICATIONS
 COMMITTEE MEETING
 THURSDAY, JANUARY 5, 2023

This meeting will be held in-person at the District’s headquarters located at 15600 Sand Canyon Avenue, Irvine, California. The meeting will also be broadcasted via Webex for those wanting to observe the meeting virtually.

To observe this meeting virtually, please join online using the link and information below:

Via Webex:

<https://irwd.webex.com/irwd/j.php?MTID=mb6fadb0e927921f60db9ecf9907e10eb>

Meeting Number (Access Code): 2491 311 4353

Meeting password: BntcPgF74K3

As courtesy to the other participants, please mute your phone when you are not speaking.

PLEASE NOTE: Participants joining the meeting will be placed into the Webex lobby when the Committee enters closed session. Participants who remain in the “lobby” will automatically be returned to the open session of the Committee once the closed session has concluded. Participants who join the meeting while the Committee is in closed session will receive a notice that the meeting has been locked. They will be able to join the meeting once the closed session has concluded.

CALL TO ORDER 10:00 a.m.

ATTENDANCE Committee Chair: John Withers _____
 Member: Karen McLaughlin _____

<u>ALSO PRESENT</u>	Paul Cook	_____	Paul Weghorst	_____
	Wendy Chambers	_____	Cheryl Clary	_____
	Fiona Sanchez	_____	Jim Colston	_____
	Christine Compton	_____	Kellie Welch	_____
	Mark Tettermer	_____	Amy McNulty	_____
	John Fabris	_____	Michael Van Dyke	_____
	_____	_____	_____	_____

PUBLIC COMMENT NOTICE

If you wish to address the Committee on any item, please submit a request to speak via the “chat” feature available when joining the meeting virtually. Remarks are limited to three minutes per speaker on each subject. Public comments are limited to three minutes per speaker on each subject. You may also submit a public comment in advance of the meeting by emailing comments@irwd.com before 5:00 p.m. on January 4, 2023.

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; and determine which items may be approved without discussion.

ACTION

4. 2023 LEGISLATIVE AND REGULATORY UPDATE – COMPTON

Recommendation: That the Board adopt an “Support” position on AB 30 (Ward), and a “Watch” position on SB 3 (Dodd) and SB 34 (Umberg).
5. VERIFICATION OF SUFFICIENT WATER SUPPLY FOR THE MARKET PLACE DEVELOPMENT PROJECT – WELCH / AKIYOSHI / SANCHEZ / WEGHORST


Recommendation: That the Board approve the Verification of Sufficient Water Supply for the Market Place Development
6. PRINCIPLES FOR AGREEMENT WITH UNIVERSITY OF CALIFORNIA, IRVINE – TETTEMER / WEGHORST

Recommendation: The Board authorize the General Manager to execute an agreement with University of California, Irvine, to delegate cross-connection control, backflow prevention, and recycled water use related roles and responsibilities to the University with the oversight by IRWD, based on the principles presented.

OTHER BUSINESS

7. Directors’ Comments
8. 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 electronically via the Webex meeting noted. Upon request, the District will provide for written agenda materials in appropriate alternative formats, and reasonable disability-related modification or accommodation to enable individuals with disabilities to participate in and provide comments at public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, or alternative format requested at least two days before the meeting. Requests should be emailed to comments@irwd.com. Requests made by mail must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

January 5, 2023
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

2023 LEGISLATIVE AND REGULATORY UPDATE

SUMMARY:

This report provides an update on the 2023 legislative session, regulatory issues, and IRWD 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 the Board consider the following actions/positions:

- *AB 30 (Ward) – Atmospheric Rivers Research, Mitigation, and Climate Forecasting Program: “SUPPORT;”*
- *SB 3 (Dodd) – Discontinuation of Residential Water Service: “WATCH;”*
- *SB 34 (Umberg) – Orange County Surplus Land Disposal Violations: “WATCH.”*

BACKGROUND:

The 2023-2024 state legislative session convened on December 5, 2022. New members of the Legislature were sworn into office that day. The Legislature then recessed until January 4, 2023, when it will reconvene the first year of the 2023-2024 legislative session. January 20, 2023 is the last day for bill requests to be submitted to the Office of the of the Legislative Counsel. The bill introduction deadline this year is February 17, 2023, although resolutions and constitutional amendments can be introduced after that date. The first policy committee deadlines are in late April and early May 2023.

A copy of the Legislative Matrix is provided as Exhibit “A”. Links to the bills discussed below are included within each discussion unless a separate exhibit is noted.

2023 California State Budget:

Assembly Budget Blueprint 2023-24:

On December 7, 2022, Assembly Budget Committee Chair Phil Ting (D-San Francisco) unveiled the Assembly Budget Blueprint 2023-24, “[Serving California: Making Government Work](#)” (the Blueprint). In the context of the \$24 billion “budget problem” projected by the Legislative Analyst’s Office, the Blueprint downplays the budget deficit and cites 10 years of planning for revenue volatility with \$37 billion in General Fund and Rainy Day Fund Reserves available to address the shortfall. The Blueprint also proposes to protect the past 10 years of State investment made in education, homelessness, health, human services, resources, and public safety. To do this, it presents a budget balancing approach that would:

- Shift spending to special funds temporarily, when possible, and consider borrowing from special funds;

- Reevaluate the timing of planned one-time expenditures, expediting “key infrastructure investments that are ready to go,” adjusting budget plans to more accurately reflect the timing of other expenditures, and potentially shifting billions of dollars of 2020-2023 expenditures to later years;
- Use reserves, which are sufficient to preserve all core programs, as planned; and
- Evaluate inflation cost adjustments for state expenditures, when appropriate.

The Blueprint also proposes crafting a “modernized” Gann Limit for voters to consider in 2024. (The Gann Limit, approved by California voters in 1979, capped state and local government spending at 1978-1979 levels, as adjusted for changes in population and inflation.) The Blueprint’s changes purport to “encourage building reserves and reducing debts,” and revisit reserve laws and initiatives to encourage larger reserves in the future.

While the Assembly has released its budget strategy plan, the Senate has not yet released its budget strategy. It will probably not do so until Governor Gavin Newsom submits his proposed Fiscal Year 2023-2024 budget to the Legislature on January 10, 2023. Staff will discuss the Blueprint and key issues to follow in the development of the Fiscal Year 2023-2024 budget with the Committee.

2023 State Legislative Update:

AB 30 (Ward, D-San Diego) – Atmospheric Rivers Research, Mitigation, and Climate Forecasting Program:

AB 30 (Ward, D-San Diego), which is a reintroduction of AB 2078 (Flora, R-Ripon) from last year, proposes to rename the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program, which is in the Department of Water Resources (DWR), the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. Additionally, the bill would require DWR to take certain actions to improve atmospheric river predictions and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions. It would also require DWR to take all actions within its existing authority to operate reservoirs in a manner that improves flood protection and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers.

Staff recommends the Board adopt a “support” position on AB 30, which is consistent with the position adopted by IRWD on AB 2078 last year.

SB 3 (Dodd, D-Napa) – Discontinuation of Residential Water Service:

SB 3 (Dodd, D-Napa) would expand the applicability of the Water Shutoff Protection Act (a.k.a., SB 998) to community water systems with 200 or fewer service connections. Under existing law, the Water Shutoff Protection Act (established in 2018) requires public water systems with more than 200 service connections to have a written policy on the discontinuation of residential

water service, prohibits the shutoff of water service until a customer's bill has been delinquent for 60 days, and caps reconnection fees for restoring water service.

As presently drafted, SB 3 does not alter the applicability of the Water Shutoff Protection Act to water providers like IRWD, but there is a high likelihood that SB 3 will be substantially amended before it is heard in its first policy committee. Staff recommends the Board adopt a "watch" position on SB 3, in its current form. Staff will monitor the bill closely and engage, as appropriate, as amendments for the bill are discussed.

SB 23 (Caballero, D-Salinas) – Water Supply and Flood Risk Reduction Projects Expedited Permitting:

SB 23 (Caballero, D-Salinas) expresses the intent of the Legislature to enact subsequent legislation to expedite the regulatory permitting process for water supply and flood risk reduction projects, consistent with "California's Water Supply Strategy, Adapting to a Hotter, Drier Future," released by Governor Newsom's administration in August 2022. SB 23 is sponsored by the Association of California Water Agencies (ACWA), and the association is currently working to develop substantive amendments for the bill. Staff will provide the Committee with an update on that effort.

SB 34 (Umberg, D-Santa Ana) – Orange County Surplus Land Disposal Violations:

SB 34 (Umberg, D-Santa Ana) seeks to amend the Surplus Land Act (SLA). Specifically, it would require the County of Orange and any Orange County city, if notified by the Department of Housing and Community Development (HCD) that its planned sale of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days. It would also prohibit the County or city from disposing of the land until HCD determines that the alleged violation has been cured or corrected.

Like Senator Umberg's SB 361 from last year, SB 34 was introduced in response to the controversy over the City of Anaheim's proposed sale of Angel Stadium. In contrast with SB 361, SB 34 does not include lands that are leased and only includes lands that are sold. As a result, SB 34, as currently drafted, does not make leases subject to the SLA. Should this bill be amended to include leases, which would make leases subject to the SLA and would impact IRWD, staff will work with IRWD's Sacramento advocates to seek the removal of all references to leases from the bill. Given the bill's current language, staff recommends the Board adopt a "watch" position on SB 34.

2023 State Regulatory Update:

The following is a list of some of the State regulations and agency reports staff is monitoring, tracking, or planning to engage in over the next three to 12 months. As the next drafts of the regulations or reports are released for public review and comment, staff will engage, as appropriate. The pending regulations, administrative actions and reports actively being tracked include the:

- Executive and regulatory actions on COVID-19;
- Executive and regulatory actions related to the drought;
- CARB’s [Proposed Advanced Clean Fleets Regulation](#);
- [California Endangered Species Act Listing](#) for the Southern California Steelhead;
- California Natural Resources Agency (CNRA) [30 x 30 California Implementation](#);
- CNRA’s [Water Resilience Portfolio Implementation](#) and [Resiliency 2.0 Implementation](#);
- DWR’s [2023 California Water Plan Update](#);
- DWR and the State Board’s implementation of the “[Making Water Conservation a California Way of Life](#)” legislation:
 - DWR and the State Board’s Indoor Water Use Study and Indoor Water Use Standard Recommendations;
 - [DWR’s Outdoor Water Use Recommendations](#); and
 - DWR’s Work Group on CII performance measures;
- State Board’s development of a “[Cross Connection Policy Handbook](#);”
- State Board’s [Direct Potable Reuse Regulations](#);
- State Board’s implementation of the Lead and Copper Rule;
- State Board’s [Safe and Affordable Funding for Equity and Resilience \(SAFER\) Drinking Water Program](#);
- State Board’s development of a maximum contaminant levels for per- and polyfluoroalkyl substances (PFAS);
- State Board’s [Proposed Vapor Intrusion Assessment Amendment to Resolution 92-49](#);
- The Governor’s Office of Planning and Research (OPR)’s [Integrated Climate Adaptation and Resiliency Program \(ICARP\) Grant Programs](#); and
- South Coast AQMD’s [Cumulative Impacts from Air Toxics for CEQA Projects](#).

2022 Federal Legislative and Regulatory Update:

Water Resources Development Act of 2022 (WRDA 2022):

On December 15, 2022, the United States Senate passed the [2022 Water Resources Development Act of 2022 \(WRDA 2022\)](#) on a bipartisan 83-11 vote. WRDA 2022 was as part of the [James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 \(H.R. 7776\)](#).

WRDA 2022 includes authorizations for 106 feasibility studies and the construction or modification of 31 projects. It also directs the U.S. Army Corps to expedite several ongoing

studies and projects, and it authorizes or reauthorizes the environmental infrastructure authorities of the Corps pertinent to drinking water, wastewater, and stormwater management projects.

Among the provisions of interest to the District is the authorization of a Prado Basin ecosystem restoration project proposed in partnership with the Orange County Water District (OCWD) that restores 606 acres of valuable riparian and associated habitats downstream of Prado Dam in San Bernardino, Riverside, and Orange Counties. This project has an estimated federal cost of \$35,265,100 and an estimated non-federal cost of \$22,373,900.

Kern Fan Groundwater Storage Project Outreach:

IRWD's federal advocacy efforts at the end of 2022 continued to largely focus on seeking federal funding for the Kern Fan Groundwater Storage Project and advocating for an increased funding authorization for the federal Water Storage Program. Staff will provide an update on those efforts.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

That the Board adopt an "SUPPORT" position on AB 30 (Ward), and a "WATCH" position on SB 3 (Dodd) and SB 34 (Umberg).

LIST OF EXHIBITS:

Exhibit "A" – IRWD Legislative Matrix

Note: This page is intentionally left blank.

EXHIBIT “A”
IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 9</u> Muratsuchi (D)	California Global Warming Solutions Act of 2006		Requires the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.	12/05/2022 - INTRODUCED.
<u>AB 12</u> Haney (D)	Tenancy: Security Deposits		Prohibits a landlord from demanding or receiving security for a rental agreement for residential property in an amount or value in excess of an amount equal to one month's rent, regardless of whether the residential property is unfurnished or furnished, in addition to any rent for the first month paid on or before initial occupancy.	12/05/2022 - INTRODUCED.
<u>AB 30</u> Ward (D)	Atmospheric Rivers: Research, Mitigation, and Climate		Requires the Department of Water Resources to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.	12/05/2022 - INTRODUCED.
<u>AB 34</u> Valencia (D)	Elections: Independent Redistricting Commissions		States the intent of the Legislature to enact legislation to establish an independent redistricting commission in the County of Orange.	12/05/2022 - INTRODUCED.
<u>AB 37</u> Bonta M (D)	Political Reform Act of 1974: Campaign Funds: Security		Authorizes a candidate or elected officer to use campaign funds to pay or reimburse the state for the reasonable costs of installing and monitoring a home or office electronic security system, and for the reasonable costs of providing personal security to a candidate, elected officer, or the immediate family and staff of a candidate or elected officer, if those costs are reasonably related to the candidate or elected officer's status as a candidate or elected officer.	12/05/2022 - INTRODUCED.
<u>AB 43</u> Holden (D)	Greenhouse Gas Emissions: Building Materials: Credits		Expresses the intent of the Legislature to enact future legislation establishing a Low Carbon Product Standard to facilitate a credit trading platform for building materials. The bill would express the further intent of the Legislature to enact future legislation to require that the LCPS establish a compliance system.	12/05/2022 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 62</u> Mathis (R)	Statewide Water Storage: Expansion		Establishes a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal.	12/06/2022 - INTRODUCED.
<u>AB 64</u> Mathis (R)	Fish and Wildlife: Beaver		States the intent of the Legislature to enact subsequent legislation that would improve beaver management and conservation across the state.	12/06/2022 - INTRODUCED.
<u>AB 66</u> Mathis (R)	Natural Resources Agency: Water Storage Projects		Requires the Natural Resources Agency, and each department, board, conservancy, and commission within the agency, to approve the necessary permits for specified projects within 180 days from receiving a permit application, and would deem those permits approved if approval does not occur within this time period.	12/06/2022 - INTRODUCED.
<u>AB 70</u> Rodriguez (D)	Emergency Response: Trauma Kits		Applies the requirement to place at least 6 trauma kits on the premises to certain structures that are constructed prior to January 1, 2023, and subject to subsequent modifications, renovations, or tenant improvements.	12/12/2022 - INTRODUCED.
<u>AB 78</u> Ward (D)	Grand Juries		Requires the fee for grand jurors to be equal to 70% of the county median daily income for each day's attendance. Requires the list of grand jurors to contain the person's gender, age, race or ethnicity, and residential ZIP Code or supervisorial district of the respective counties. Requires a separate list to be published in a newspaper containing each person's name and the name of the judge who selected the jurors.	12/15/2022 - INTRODUCED.
<u>AB 83</u> Lee (D)	Political Reform Act of 1974: Contributions		Expands the prohibition against foreign campaign contributions to include contributions, expenditures, or independent expenditures made by a foreign-influenced business entity, as defined, in connection with an election or ballot measure.	12/16/2022 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>ACA 1</u> Aguiar-Curry (D)	Local Government Financing: Affordable Housing		Creates an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city or county.	12/05/2022 - INTRODUCED.
<u>ACA 2</u> Alanis (R)	Public Resources: Water and Wildfire Resiliency Act		Establishes the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. Requires the moneys in the fund to be appropriated by the Legislature and requires that 50% of the moneys in the fund be used for water projects, and that the other 50% of the moneys in the fund be used for forest maintenance.	12/05/2022 - INTRODUCED.
<u>SB 3</u> Dodd (D)	Discontinuation of Residential Water Service		Expands the scope of the Water Shutoff Protection Act by requiring that it instead applies to a community water system, defined to have the same meaning as existing law. Requires a community water system that supplies water to 200 service connections or fewer to comply with the act's provisions on and after August 1, 2024.	12/05/2022 - INTRODUCED.
<u>SB 12</u> Stern (D)	Global Warming Solutions Act of 2006: Emissions Limit		Requires the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.	12/05/2022 - INTRODUCED.
<u>SB 23</u> Caballero (D)	Water Supply and Flood Risk Reduction Projects		Expresses the intent of the Legislature to enact subsequent legislation to expedite the regulatory permitting process for water supply and flood risk reduction projects, as provided.	12/05/2022 - INTRODUCED.
<u>SB 29</u> Glazer (D)	Political Reform Act of 1974: Education Program		Relates to the Political Reform Act of 1974. Authorizes the Fair Political Practices Commission to establish and administer a political reform education program as an alternative to an administrative proceeding. Establishes eligibility requirements for the political reform education	12/05/2022 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			program, including that the person has little or no experience with the act and that the violation resulted in minimal or no public harm.	
SB 31 Jones (R)	Encampments: Sensitive Areas: Penalties		Prohibits a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon any street, sidewalk, or other public right-of-way within 1000 feet of a sensitive area. Specifies that a violation of this prohibition is a public nuisance that can be abated and prevented. The bill would also provide that a violation of the prohibition may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor.	12/05/2022 - INTRODUCED.
SB 34 Umberg (D)	Surplus Land Disposal: Violations: Orange County		Requires the County of Orange, or any city located within Orange County, if notified by the Department of Housing and Community Development that its planned sale of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days. Prohibits an Orange County jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until the department determines that it has complied with existing law.	12/05/2022 - INTRODUCED.
SB 37 Caballero (D)	Tenancy		Makes findings and declarations relating to senior housing and would state the intent of the Legislature to subsequently amend this bill to include provisions that would enact meaningful tenancy reform to ensure that aging adults can remain safely housed.	12/05/2022 - INTRODUCED.
SB 38 Laird (D)	Battery Storage Facilities: Safety Systems		States the intent of the Legislature to enact future legislation to address the need for better safety systems at battery storage facilities.	12/05/2022 - INTRODUCED.
SB 48 Becker (D)	Building Performance Standards		Provides that it is the intent of the Legislature to enact subsequent legislation to create building performance standards for improvements in energy efficiency and reductions in the emissions of greenhouse gases in large buildings, including measures to ensure that making the necessary investments to improve these buildings will improve equity and avoid displacement or increased energy burdens, especially in disadvantaged communities.	12/05/2022 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 55</u> Umberg (D)	Vehicles: Catalytic Converters		Prohibits a dealer or retailer from selling a new motor vehicle equipped with a catalytic converter unless the catalytic converter has been engraved or etched with the vehicle identification number of the vehicle to which it is attached.	12/06/2022 - INTRODUCED.
<u>SB 57</u> Gonzalez (D)	Utilities: Extreme Weather Events		States the intent of the Legislature to enact future legislation to prohibit shutting off utility service during extreme weather events.	12/16/2022 - INTRODUCED.
<u>HR 616</u> Tlaib (D)	Water Shutoffs Prohibition		Prohibits water shutoffs during the Coronavirus disease 2019 emergency period, provides drinking and waste water assistance to households.	01/28/2021 - To HOUSE Committee on EDUCATION AND LABOR.
<u>HR 737</u> Valadao (R)	California Operational Flexibility and Drought Relief		Extends the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.	02/02/2021 - INTRODUCED.;02/02/2021 - To HOUSE Committee on NATURAL RESOURCES.
<u>HR 1015</u> Napolitano (D)	Water Recycling and Reuse Project Grants	SUPPORT	Establishes a grant program for the funding of water recycling and reuse projects.	02/11/2021 - INTRODUCED.;02/11/2021 - To HOUSE Committee on NATURAL RESOURCES.
<u>HR 1352</u> Lawrence (D)	Trust Fund for Water and Sewer Infrastructure		Establishes a trust fund to provide for adequate funding for water and sewer infrastructure.	04/05/2021 - In HOUSE Committee on AGRICULTURE: Referred to Subcommittee on CONSERVATION AND FORESTRY.
<u>HR 1848</u> Pallone (D)	National Infrastructure		Rebuilds and modernizes the Nation's infrastructure to expand access to broadband and Next Generation 9-1-1, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure, redevelop brownfields, strengthen health care infrastructure, create jobs, and protect public health and the environment.	01/20/2022 - In HOUSE Committee on NATURAL RESOURCES: Referred to Subcommittee on ENERGY AND MINERAL RESOURCES.
<u>HR 1915</u> DeFazio (D)	Federal Water Pollution Control Act		Amends the Federal Water Pollution Control Act to reauthorize certain water pollution control programs.	06/22/2021 - In HOUSE. Placed on HOUSE Union Calendar.

IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>HR 2238</u> Lowenthal A (D)	Single Use Plastic Production Reduction		Amends the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging, to improve the responsibility of producers in the design, collection, reuse, recycling, and disposal of their consumer products and packaging, to prevent pollution from consumer products and packaging from entering into animal and human food chains and waterways.	03/29/2021 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.
<u>HR 2467</u> Dingell D (D)	Hazardous Substances		Requires the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.	07/22/2021 - In SENATE. Read second time.;07/22/2021 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>HR 2468</u> Garamendi (D)	Federal Infrastructure Aid Program Materials		Ensures that certain materials used in carrying out federal infrastructure aid programs are made in the United States.	06/07/2021 - In HOUSE Committee on AGRICULTURE: Referred to Subcommittee on COMMODITY EXCHANGES, ENERGY, AND CREDIT.
<u>HR 3291</u> Tonko (D)	Water System Assistance		Amends the Safe Drinking Water Act to provide assistance for states, territories, areas affected by natural disasters, and water systems and schools affected by PFAS or lead, and to require the Environmental Protection Agency to promulgate national primary drinking water regulations for PFAS, microcystin toxin, and 1,4-dioxane.	06/29/2021 - In HOUSE. Placed on HOUSE Union Calendar.
<u>HR 3292</u> Dingell D (D)	Residential Emergency Relief Program		Requires the Administrator of the Environmental Protection Agency to carry out a residential emergency relief program to provide payment assistance for households to retain water service.	05/19/2021 - In HOUSE Committee on ENERGY AND COMMERCE: Referred to Subcommittee on ENVIRONMENT.
<u>HR 3293</u> Blunt Rochester (D)	Drinking Water and Wastewater Service Assistance		Amends the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish programs to assist low-income households in maintaining access to drinking water and wastewater services.	06/29/2021 - From HOUSE Committee on ENERGY AND COMMERCE: Reported as amended.

IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>HR 3404</u> Huffman (D)	Drought Preparedness	SUPPORT IF AMENDED	Provides drought preparedness and improved water supply reliability to the nation.	07/05/2021 - In HOUSE Committee on NATURAL RESOURCES: Referred to Subcommittee on WATER, OCEANS AND WILDLIFE.
<u>HR 3622</u> Pappas (D)	Water Quality Criteria		Requires the Administrator of the Environmental Protection Agency to develop effluent limitations guidelines and standards and water quality criteria for PFAS under the Federal Water Pollution Control Act, provides Federal grants to publicly owned treatment works to implement such guidelines and standards.	06/01/2021 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.
<u>HR 4099</u> Napolitano (D)	Water Recycling and Reuse Projects		Directs the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects.	06/29/2021 - Subcommittee on WATER, POWER AND OCEANS hearings held.
<u>HR 4602</u> Lowenthal A (D)	Do Not Flush Labeling	SUPPORT	Directs the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling.	07/22/2021 - In HOUSE Committee on ENERGY AND COMMERCE: Referred to Subcommittee on DIGITAL COMMERCE AND CONSUMER PROTECTION.
<u>HR 5118</u> Neguse (D)	Continental Divide National Scenic Trail		Directs the Secretary of Agriculture to prioritize the completion of the Continental Divide National Scenic Trail, and for other purposes.	07/29/2022 - In HOUSE. HA Amendment offered by Representative Schrier.;07/29/2022 - In
<u>HR 5689</u> DeFazio (D)	Private Nonprofit Organizations	SUPPORT	Improves the provision of Federal resources to help build capacity and fund risk-reducing, cost-effective mitigation projects for eligible state, local, tribal, and territorial governments and certain private nonprofit organizations.	04/06/2022 - To SENATE Committee on HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>HR 6591</u> McClain (R)	Disposable Nonwoven Wipes Flushability	SUPPORT	Requires the Administrator of the Environmental Protection Agency to publish a rule that establishes standards for the flushability of disposable nonwoven wipes.	02/03/2022 - To HOUSE Committee on ENERGY AND COMMERCE.
<u>HR 6705</u> Blunt Rochester (D)	Improvements to Rivers and Harbors		Provides for improvements to the Rivers and harbors of the United States, to provide for the conservation and development of water and related resources.	02/14/2022 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.
<u>HR 7900</u> Smith A (D)	Department of Defense Appropriations		Authorizes appropriations for Fiscal Year 2023 for military activities of the Department of Defense and for military construction, prescribes military personnel strengths for such fiscal year.	08/03/2022 - In SENATE. Read second time. Placed on Legislative Calendar under General Orders.
<u>S 914</u> Duckworth (D)	Safe Drinking Water Act		Amends the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts.	04/29/2021 - In SENATE. Amendment SA 1469 proposed by Senator Kennedy
<u>S 1907</u> Gillibrand (D)	Water Quality Criteria		Requires the Administrator of the Environmental Protection Agency to develop effluent limitations guidelines and standards and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement such guidelines and standards.	05/27/2021 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>S 2334</u> Cortez-Masto (D)	Water Recycling and Reuse Project Grants		Directs the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, amends the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, provides emergency drought funding.	05/25/2022 - Subcommittee on WATER AND POWER hearings held.
<u>S 2454</u> Padilla (D)	Alternative Water Source Projects		Amends the Federal Water Pollution Control Act to reauthorize the pilot program for alternative water source projects.	07/22/2021 - In SENATE. Read second time.;07/22/2021 - To SENATE Committee on

IRWD 2023 LEGISLATIVE MATRIX
Updated 12/22/2022


Bill No. Author	Title	IRWD Position	Summary/Effects	Status
				ENVIRONMENT AND PUBLIC WORKS.
<u>S 3600</u> Peters G (D)	Cybersecurity Improvement		Improves the cybersecurity of the Federal Government.	03/01/2022 - In SENATE. Amendment SA 4954 proposed by Senator Peters for Senator Wicker.;03/01/2022 -
<u>S 3624</u> Carper (D)	Improvements to Rivers and Harbors		Provides for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources.	02/10/2022 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<u>S 3956</u> Merkley (D)	Do Not Flush Labeling Requirements	SUPPORT	Directs the Administrator of the Environmental Protection Agency to establish a grant program to improve the effectiveness of education and outreach on Do Not Flush labeling, and to require the Federal Trade Commission, in consultation with the Administrator, to issue regulations requiring certain products to have Do Not Flush labeling.	03/30/2022 - To SENATE Committee on COMMERCE, SCIENCE, AND TRANSPORTATION.
<u>S 4231</u> Feinstein (D)	Water Infrastructure	SUPPORT	Supports water infrastructure in reclamation States.	05/25/2022 - Subcommittee on WATER AND POWER hearings held.
<u>S 4669</u> Feinstein (D)	Western Riverside National Wildlife Refuge		Establishes the Western Riverside National Wildlife Refuge.	07/28/2022 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.

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January 5, 2023

Prepared by: K. Welch / E. Akiyoshi

Submitted by: F. Sanchez / P. Weghorst

Approved by: Paul Cook 

WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

VERIFICATION OF SUFFICIENT WATER SUPPLY FOR THE MARKET PLACE DEVELOPMENT PROJECT

SUMMARY:

In October 2022, IRWD received a request from the City of Irvine to complete a Verification of Sufficient Water Supply (WSV) for the Market Place Development Project in Irvine. Staff has completed the WSV for the project and recommends the Board approve the document.

BACKGROUND:

The proposed Market Place Development Project is located within the City of Irvine between Jamboree Road, the 261 Eastern Transportation Corridor and Bryan Avenue in Planning Area 4. A location map of the project is provided as Exhibit “A”. On July 12, 2022, the Board approved a Water Supply Assessment (WSA) for the proposed project. The WSA included the replacement of approximately 205,000 square feet of existing commercial use with up to 1,400 residential units. Since then, the proposed number of Market Place residential units has been reduced from 1,400 to 1,261 dwelling units.

As required under SB 221, and as part of the tract map approval process for projects with 500 or more dwelling units, the City has requested that IRWD prepare a WSV for the Market Place Development Project. A WSV has been completed for the proposed project and is provided as Exhibit “B”. The WSV is based upon the approved WSA containing IRWD’s determination that a sufficient water supply is available.

SB 221 requires several elements be included in the WSV that are not covered or required in the WSA. These elements are primarily covered in Sections 1(b)(ii), 1(b)(iii) and 1(b)(iv) of the “Detailed Verification” section in the attached WSV. This information, together with the WSA approved by IRWD in July 2022, reflects IRWD’s confirmation that the project water demands, together with demands from any other developments that have previously received WSVs or will-serves, or other projects that have come to IRWD’s attention either through developers or through the respective land use agency approval process, are, in the aggregate, within the demands identified by that WSA. In accordance with this procedure, the attached WSV is based on the WSA and on information contained in the WSV.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

This study is exempt from the California Environmental Quality Act as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15262 which provides exemption for planning studies.

RECOMMENDATION:

That the Board approve the Verification of Sufficient Water Supply for the Market Place Development.

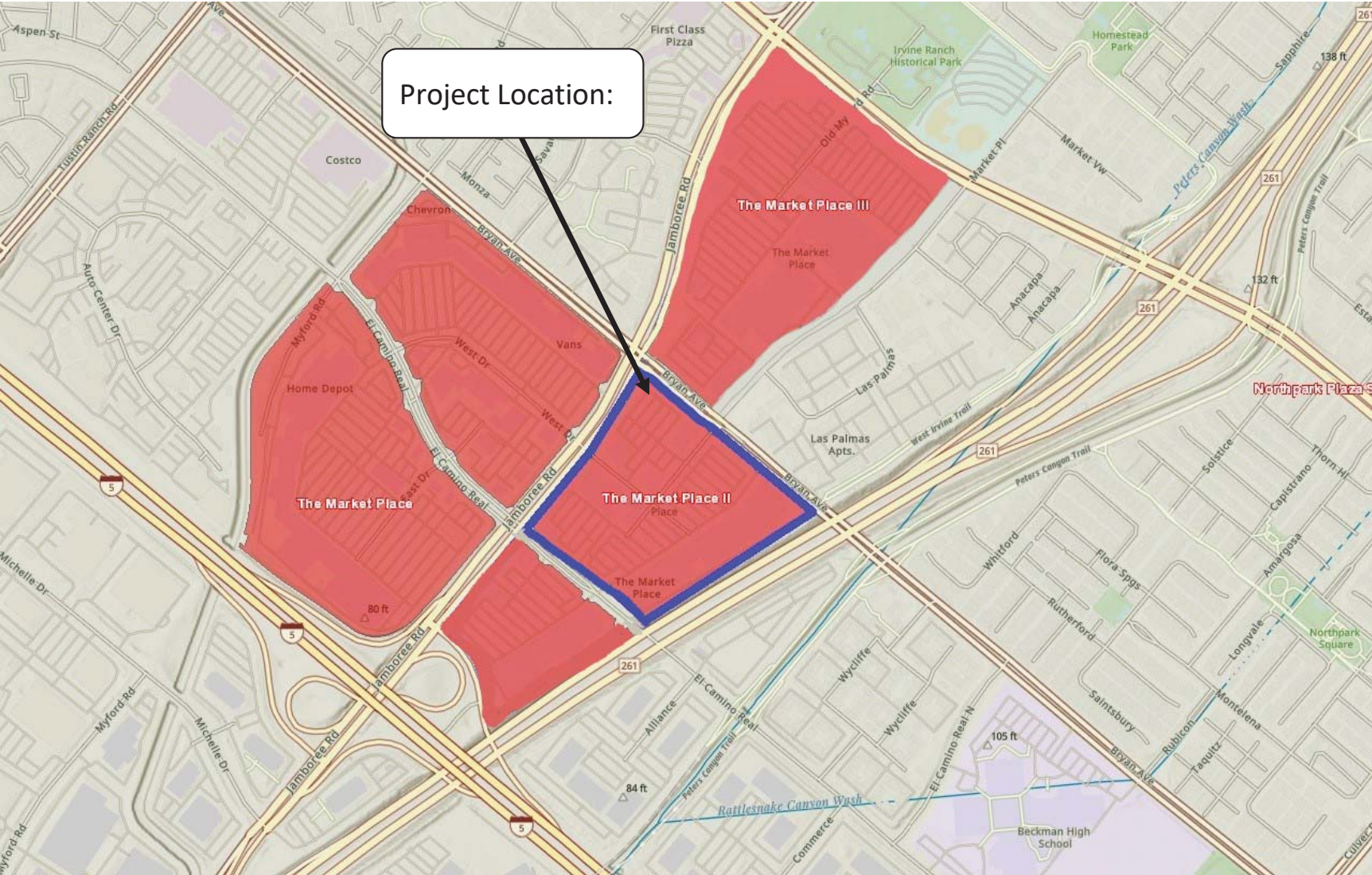
LIST OF EXHIBITS:

Exhibit "A" – Location Map

Exhibit "B" – Verification of Sufficient Water Supply for the Market Place Development

Exhibit "A"

Market Place Development Project Location



Note: This page is intentionally left blank.

EXHIBIT "B"

IRVINE RANCH WATER DISTRICT VERIFICATION OF SUFFICIENT WATER SUPPLY Government Code §66473.7

To: (Lead Agency)
City of Irvine
One Civic Center Plaza
Irvine, CA 92623-9575

(Applicant)
The Irvine Company
550 Newport Center Drive
Newport Beach, CA 92660

Project Information

Project Title: The Market Place (APN 104-351-32) (see Exhibit A)

Tentative Map Application No. 2022-162 Verification requested prior to tentative map application

Number of residential units in Project: 1,261

Uses in Project including non-residential (type, no. of employees, sq. ft. of floor space, acreage):
(see Exhibit B)

Acreage to be devoted to landscape (excluding individual residence yards): _____ (see Exhibit B)

The projected water demand for the Project was included in IRWD's most recently adopted urban water management plan.

A Water Supply Assessment that included the Project was adopted by IRWD on July 11, 2022: The Market Place. A copy of the Assessment is attached hereto and incorporated herein by this reference (see Exhibit C).

Verification of Availability of Sufficient Water Supply

On _____, the Board of Directors of the Irvine Ranch Water District (IRWD) approved the within Verification and made the following determination regarding the above-described Project:

- A sufficient water supply is available for the Project.
The total water supplies available to IRWD during normal, single-dry and multiple-dry years within a 20-year projection will meet the projected water demand of the Project in addition to the demand of existing and other planned future uses, including, but not limited to, agricultural and manufacturing uses.
- A sufficient water supply is not available for the Project.

The foregoing determination is based on the following Water Supply Verification Information and supporting information in the records of IRWD.

Signature _____ Date _____ Title _____

WATER SUPPLY VERIFICATION INFORMATION

Purpose of Verification

Irvine Ranch Water District (“IRWD”) is the public water system that will supply water service (both potable and nonpotable) to the project identified on the cover page of this verification (the “Project”). As a public water system, IRWD is required by Section 66473.7 of the Government Code (the “Verification Law”) to provide the City with a verification of the availability of a sufficient water supply for non-exempt subdivisions of more than 500 residential units in conjunction with (or prior to) the City’s approval of a tentative map. The City has found the Project to include a subdivision that is subject to verification and not exempt under the Verification Law.

The Verification Law provides that a verification shall be supported by substantial evidence, which may include, but is not limited to, any of the following (i) IRWD’s most recently adopted urban water management plan; (ii) a water supply assessment previously adopted for the project under Water Code 10910, *et seq.*; or (iii) other analytical information substantially similar to the assessment of service reliability required by Water Code Section 10635 to be included in the urban water management plan. The Verification Law also specifies the elements to be contained in a verification with respect to (i) supplies relied upon that are not currently available; (ii) reasonably foreseeable impacts of the subdivision on the availability of water resources for agricultural and industrial uses within IRWD’s service area that are not currently receiving water; and (iii) rights to extract additional groundwater needed to supply the subdivision.

A verification does not entitle the Project to service or to any right, priority or allocation in any supply, capacity or facility, or affect IRWD’s obligation to provide service to its existing customers or any potential future customers. In order to receive service, the Project applicant is required to file a completed Application(s) for Service and Agreement with the Irvine Ranch Water District on IRWD’s forms, together with all fees and charges, plans and specifications, bonds and conveyance of necessary easements, and meet all other requirements as specified therein.

Methodology of Verification for Project With Prior Water Supply Assessment

As referenced on the cover page of this verification (the “Verification”), the Project was included within an assessment of water supply approved by IRWD (the “Assessment”). The Assessment contained IRWD’s determination that a sufficient water supply is available for the Project. As described in the Assessment, IRWD does not allocate particular supplies to any project, but identifies total supplies for its service area. However, upon approval of an assessment containing a determination of a sufficient supply, IRWD attributes the demands identified by that assessment to IRWD’s existing and committed demand. Thereafter, each verification approved by IRWD for a subdivision covered by that assessment is based on the assessment and reflects IRWD’s confirmation that the water demands of the subdivision, together with any other subdivisions or developments that have previously received verifications, will-serves, or other approval by IRWD under the same assessment, are, in the aggregate, within the demand identified by that assessment. In accordance with that procedure, this Verification is based on the Assessment. The Assessment’s determination of sufficiency extends through 2042. In addition, this Verification includes the elements required by the Verification Law that are not included within the required contents of the Assessment.

Supporting Documentation

As noted above, the principal supporting documentation for this Verification is the Assessment. Other documentation supports the Assessment and this Verification: IRWD prepares two planning documents to guide water supply decision-making. IRWD's principal planning document is IRWD's "Water Resources Master Plan" ("WRMP"). The WRMP is a comprehensive document compiling data and analyses that IRWD considers necessary for its planning needs. IRWD also prepares an Urban Water Management Plan ("UWMP"), a document required by statute. The UWMP is based on the WRMP, but contains defined elements as listed in the statute (Water Code Section 10631, *et seq.*), and as a result, is more limited than the WRMP in the treatment of supply and demand issues. The UWMP is required to be updated in years ending with "five" and "zero," and IRWD's most recent 2020 UWMP was adopted in June 2021 and the next update for 2025 is anticipated in July 2026. The water demand for the Project will be included in IRWD's 2025 UWMP update.

In addition to the Assessment, the most recent WRMP and the 2020 UWMP mentioned above, other supporting documentation referenced herein is found in Section 5 of this Verification. This includes the most recent Metropolitan Water District of Southern California's (MWD) Urban Water Management Plan (MWD 2020 UWMP) detailing an evaluation by MWD, the wholesaler of IRWD's imported water supplies, of the reliability of MWD's supplies, adopted in May 2021.

The Verification Law requires written proof of entitlement for "not currently available" (referred to herein as "under development") supplies. The Assessment includes such information for both currently available and under development supplies. Due to the number of contracts, statutes and other documents comprising IRWD's written proof of entitlement to its water supplies, in lieu of attachment of such items, they are identified by title and summarized in Section 2 of the Assessment. Copies of the summarized items can be obtained from IRWD.

Sufficiency Calculation Methodology

The methodology for IRWD's comparison of its demands and supplies is set forth in the Assessment, in the section entitled "Assessment Methodology" and subsections thereof entitled "water use factors; dry-year increases;" "planning horizon;" "assessment of demands;" "assessment of supplies;" and "comparison of demand and supply."

Detailed Verification

1. Determination of sufficiency of water supply

(a) Supply and demand comparison

See the Assessment, Section 1, incorporated herein by reference.

(b) Factors considered in determining the sufficiency of the water supply:

(i) The availability of water supplies over a historical record of at least 20 years.

Quantities received in prior years from existing sources identified in (a)(1):

Source	1990	1995	2000	2005	2010	2015	2020
Potable – imported	44,401	28,397	36,777	19,306	15,227	13,674	15,904
Potable – groundwater	10,215	20,020	20,919	37,160	42,089	54,616	42,374
Nonpotable - recycled	11,589	10,518	14,630	15,296	20,847	21,770	26,412
Nonpotable - imported	24,899	2,333	16,343	5,304	5,562	7,869	1,528
Nonpotable – groundwater	816	1,834	2,890	2,285	3,761	3,462	4,795
Nonpotable – native	2,778	5,980	4,949	7,251	837	6,205	1,682
Total	94,698	69,082	96,508	86,602	88,323	107,596	92,695

See also the Assessment, Section 1, incorporated herein by reference.

(ii) The applicability of a water shortage contingency analysis prepared pursuant to Water Code Section 10632 that includes actions to be undertaken by IRWD in response to water supply shortages.

The supply and demand comparisons incorporated from the Assessment into this Verification (see 1(a)) do not reflect the implementation of water shortage emergency measures. In February 2009, IRWD updated Section 15 of its Rules and Regulations – Water Conservation and Water Supply Shortage Program and also updated its Water Shortage Contingency Plan, which is a supporting document for Section 15. IRWD adopted an updated Water Shortage Contingency Plan on June 28, 2021 pursuant to Water Code Section 10632. As stated in IRWD's Water Shortage Contingency Plan, use of local supplies, storage and other supply augmentation measures can mitigate shortages, and be used as necessary and appropriate during declared shortage levels. However, in order to be conservative, IRWD has not reduced its single-dry or multiple-dry year demand projections or increased its single-dry or multiple-dry year supply projections in the Assessment or Verification to account for any water savings that could be achieved by these measures.

(iii) Reduction by IRWD in water supply allocated to a specific water use sector, pursuant to a resolution, ordinance or contract uses.

The supply and demand comparisons incorporated from the Assessment into this Verification (see 1(a)) do not reflect any allocated reductions by IRWD. As noted under the preceding item (ii), IRWD's water shortage contingency plan and Rules and Regulations provide

for voluntary and mandatory water conservation measures that could be invoked in declared water shortage emergencies. These include reductions to certain water uses. However, in order to be conservative, IRWD has not reduced its single-dry or multiple-dry year demand projections or increased its single-dry or multiple-dry year supply projections in the Assessment or Verification to account for water savings that could be achieved by any allocated reductions.

With respect to items (ii) and (iii) above, it is noted that MWD has in effect a management plan for dealing with periodic surplus and shortage conditions, known as Metropolitan Report No. 1150, *Water Surplus and Drought Management Plan*, and as also described in the 2020 MWD UWMP. MWD's demand projections account for the effects of long-term conservation best management practices.

(iv) The amount of water that IRWD can reasonably rely on receiving from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer, including programs identified under federal, state and local water initiatives such as CALFED and Colorado River tentative agreements, based on the inclusion of information with respect to such supplies in Section 2, below.

Local. IRWD directly relies (for a portion of its full build-out annual demand in single and multiple dry-year projections) on the following under development supplies (see 1(a), above): the Irvine Wells (see the Assessment, Section 2(b)(1)(vi) – “POTABLE SUPPLY – GROUNDWATER”). In addition to Orange County Water District (OCWD) reports listed in the Assessment Reference List, OCWD has also prepared a Long Term Facilities Plan (“LTFP”) which provides updated information and was received by the OCWD Board in July 2009 and updated in 2014. The LTFP Chapter 3 describes the efforts being undertaken by OCWD to eliminate long-term overdraft in the Basin. OCWD has an optimal basin management target of 100,000 acre-feet of accumulated overdraft which provides sufficient storage space to accommodate increased supplies from one wet year while also provides enough water in storage to offset decreased supplies during a two- to three year drought. (Source: “Evaluation of Orange County Groundwater Basin Storage and Operational Strategy”, as referenced in *2020-2021 Engineer’s Report on Groundwater Conditions, Water Supply and Basin Utilization in the Orange County Water District*).

With the implementation of OCWD's preferred projects, the Basin yield in the year 2030 would be up to 500,000 AF. The amount that can be produced will be a function of which projects will be implemented by OCWD and how much increased recharge capacity is created by those projects, total demands by all producers, and the resulting Basin Production Percentage (“BPP”) that OCWD sets based on these factors.

IRWD's own recycled water expansion program is also shown as currently available in addition to its currently available recycled water supply from its own existing recycling program. The recycled water supplies are discussed in Section 2 below (see the Assessment, Section 1 – Figures 5, 6, 7 and 8 (supplies denominated “MWRP” and “LAWRP”) and Section 2(a), and Section 2(b)(1) - “NONPOTABLE SUPPLY – RECLAIMED”). Under the recently completed MWRP Phase II Capacity Expansion Project, IRWD increased its tertiary treatment capacity on the existing MWRP site to produce sufficient recycled water to meet the projected demand of the Project through the year 2042. Additional recycling capacity will augment local nonpotable supplies and improve reliability.

As noted in the Assessment, IRWD's demand projections reflect the effect of IRWD's water conservation pricing and other conservation practices; in particular, IRWD's water use factors used to derive its demand projections are based on average water use and incorporate the effect of IRWD's tiered-rate conservation pricing and its other long-term water conservation programs. System losses at a rate of approximately 5% are built into the water use factors. As discussed above, IRWD's supply and demand projections do not take into account water savings that could be achieved by water shortage emergency measures.

Imported. MWD, the supplier of IRWD's imported supplies, relies upon several of the listed projects and programs. MWD supports and provides financial incentives to water reclamation, groundwater recovery, water conservation, ocean desalination and other local resource development programs. MWD calculates its demand forecast by first estimating total retail demand for the region and then factoring in impacts of conservation. Next, it derives projections of local supplies using data on current and expected local supply programs and Integrated Resource Planning (IRP) Local Resource Program Target. The difference between the resulting local demands is the expected regional demand on MWD. These estimates of demands on MWD were developed for average years, a single dry year, and five years of consecutive drought. (2020 MWD UWMP). In the MWD 2020 UWMP, MWD states that it has supply and storage capabilities sufficient to meet projected demands from 2025 through 2045 under a normal year, a single dry year, and five consecutive drought year conditions. See MWD 2020 UWMP Section 2.3 Water Reliability Assessment.

In January 2016, MWD adopted its 2015 IRP Update. In 2022-23, MWD is completing an update to this planning document. In the 2015 IRP Update, MWD continued its adaptive management strategy and integrated future supply actions to improve the viability of potential contingency resources as needed, and to position the region to effectively implement these resources in a timely manner.

2. Required information concerning *under-development* supplies

(a) Written contracts or other proof of valid rights to the identified supplies

See the Assessment, Section 2(b)(1), incorporated herein by reference. See also MWD's 2020 UWMP, Appendix A.3 Justifications for Supply Projections with respect to written contracts and other proof related to MWD's supplies.

(b) Adopted capital outlay program to finance delivery of the supplies

See the Assessment, Section 2(b)(2), incorporated herein by reference. With respect to future groundwater wells (PR Nos. 11828 and 11829), IRWD adopted its fiscal year 2022-23 capital budget on April 26, 2021 (Resolution No. 2021-5), budgeting portions of the funds for such projects. (A copy is available from IRWD on request.) IRWD has approximately \$585.5 million (water) and \$711.1 million (wastewater) of unissued, voter-approved bond authorization. See also MWD's 2020 UWMP, Section 3 and Appendix A.3 Justifications for Supply Projections with respect to capital outlay programs related to MWD's supplies.

(c) Federal, state and local permits to construct delivery infrastructure

See the Assessment, Section 2(b)(3), incorporated herein by reference. See also MWD's 2020 UWMP, Section 3 and Appendix A.3 Justifications for Supply Projections with

respect to permits related to MWD's supplies.

(d) Regulatory approvals for conveyance or delivery of the supplies

See the Assessment, Section 2(b)(4), incorporated herein by reference. See also MWD's 2020 UWMP, Appendix A.3 Justifications for Supply Projections with respect to regulatory approvals related to MWD's supplies.

3. Foreseeable impacts of the Project on the availability of water for agricultural and industrial uses in IRWD's service area not currently receiving water

Based on city planning and other information known to IRWD, there are no agricultural or industrial uses in IRWD's service area that are not within either existing and committed demand or future demand, both of which are included within the supply and demand comparison and determination of sufficiency (see 1(a)).

4. Information concerning the right to extract additional groundwater included in the supply identified for the Project:

Where the water supply for the Project includes groundwater, the verification is required to include an evaluation of the extent to which IRWD or the landowner has the right to extract the additional groundwater needed to supply the Project. See the Assessment, Section 2(b)(1), "POTABLE SUPPLY – GROUNDWATER" and "NONPOTABLE SUPPLY – GROUNDWATER," and Section 4, incorporated herein by reference.

5. References

Water Resources Master Plan, Irvine Ranch Water District, Updated 2017

Water Shortage Contingency Plan, Irvine Ranch Water District, June 2021

2020 Urban Water Management Plan, Irvine Ranch Water District, June 2021

2015 Integrated Resources Plan Update, Metropolitan Water District of Southern California, January 2016

2020 Urban Water Management Plan, Metropolitan Water District of Southern California, May 2021

Master Plan Report, Orange County Water District, April 1999

Groundwater Management Plan 2015 Update, Orange County Water District, June 2015

Final Draft Long-Term Facilities Plan, Orange County Water District, January 2006

Long-Term Facilities Plan 2014 Update, Orange County Water District, November 2014

2020-2021 Engineer's Report on Groundwater Conditions, Water Supply and Basin Utilization in the Orange County Water District, Orange County Water District, February 2022

Exhibit A

Depiction of Project Area

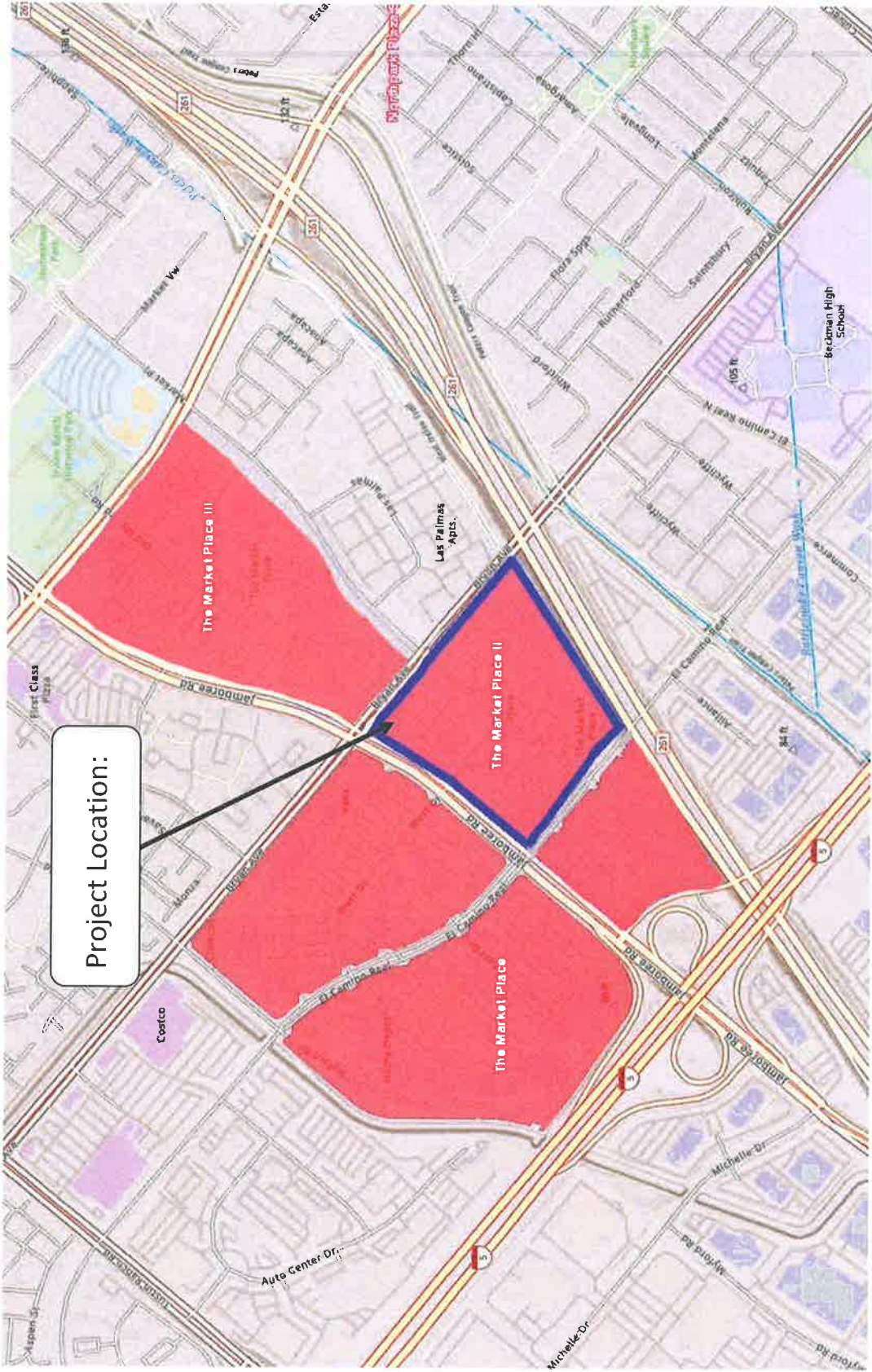


Exhibit B

Uses Included in Project



October 27, 2022

Irvine Ranch Water District
15600 Sand Canyon Avenue
P.O. Box 57000
Irvine, CA 92619-7000

Re: Request for Verification of Sufficient Water Supplies (Government Code §66473.7(b)(1))

The City of Irvine hereby requests verification of the availability of a sufficient water supply for the below-described project. Under Government Code §66473.7(b)(1), written verification of the availability of a sufficient water supply is required in conjunction with or prior to the approval of any tentative map that includes a residential subdivision of more than 500 dwelling units, subject to certain exemptions.

The City has determined that the subject project (1) includes a subdivision meeting the criteria requiring verification of availability of sufficient water supply and (2) does not fall within one of the statutory exemptions for previously developed urban sites, sites surrounded by urban use, or low-income housing sites.

Proposed Project Information

Project Title: The Market Place (APN 104-351-32)

Location of project: 13732 Jamboree Road, Irvine - Planning Area 4 (Lower Peters Canyon)

Planning Area(s): PA 4
(Enclose a project map and exhibits)

Was the project included as part of a previously completed Water Supply Assessment (Water Code §10910)? yes no

If yes, date and project title of Water Supply Assessment 7/12/2022 The Market Place

If no, state reason: CEQA documentation not requiring a Water Supply Assessment was completed prior to January 1, 2002 other: _____

Was a Water Supply Verification previously completed for the project? yes no

If yes, indicate reason for reverification: tract map expiration new Water Supply Assessment required due to project revisions, changed circumstances or new information

Tentative Map Application No.* _____ Tentative Tract No.* _____

Verification is being requested prior to tentative map application (Government Code §66473.7(1) (Indicate next project approval sought)

(*A copy of the tentative map application including the proposed subdivision was sent to IRWD on: October 27, 2022, (Government Code §66455.3))

Type of development included in the project:

- Residential: No. of dwelling units: 1261
 Shopping center or business: No. of employees _____ Sq. ft. of floor space _____
 Commercial office: No. of employees _____ Sq. ft. of floor space _____
 Hotel or motel: No. of rooms _____
 Industrial, manufacturing, processing or industrial park: No. of employees _____
No. of acres _____ Sq. ft. of floor space _____
 Mixed use (check and complete all above that apply)
 Other: _____

Total acreage of project: 16

Acreage devoted to landscape:

Greenbelt _____ golf course _____ parks 2.5
Agriculture _____ other landscaped areas _____

Other factors or uses that would affect the quantity of water needed, such as peak flow requirements:

None

Is the project included in the existing General Plan? No If no, describe the existing General Plan Designation Existing General Plan designation is Regional Commercial. Currently processing General Plan Amendment (00863325-PGA) to add residential entitlement to this designation within PA 4.

The City acknowledges that IRWD's verification will be based on the information hereby provided to IRWD concerning the project. If it is necessary for corrected or additional information to be submitted to enable IRWD to complete the verification, the request will be considered incomplete until IRWD's receipt of the corrected or additional information. If the project changes or the tentative map approval expires after the issuance of a Water Supply Verification, the City will request a new Water Supply Verification if required. In the event of changes in the project, circumstances or conditions of the availability of new information, it will be necessary for the City to request a new Water Supply Assessment prior to completion of the new Water Supply Verification.

The City acknowledges that the Water Supply Verification shall not constitute a "will-serve" or in any way entitle the project applicant to service or to any right, priority or allocation in any supply, capacity or facility, and that the issuance of the Water Supply Verification shall not affect IRWD's obligation to provide service to its existing customers or any potential future customers including the project applicant. In order to receive service, the project applicant shall be required to file a completed Application(s) for Service and Agreement with the Irvine Ranch Water District on IRWD's forms, together with all fees and charges, plans and specifications, bonds and conveyance of necessary easements, and meet all other requirement as specified therein.

CITY OF _____/COUNTY OF ORANGE

By: _____

REQUEST RECEIVED:

Date: October 26, 2022

By: Kellie Welch

Irvine Ranch Water District

REQUEST COMPLETE:

Date: November 1, 2022

By: Kellie Welch

Irvine Ranch Water District

Exhibit C

Water Supply Assessment

**IRVINE RANCH WATER DISTRICT
ASSESSMENT OF WATER SUPPLY
Water Code §10910 et seq.**

To: (Lead Agency)

City of Irvine
One Civic Center Plaza
Irvine, CA 92606

(Applicant)
The Irvine Company
550 Newport Center Drive
Newport Beach, CA 92658-6370

Project Information

Project Title: The Market Place (Exhibit A)

- Residential: No. of dwelling units: 1,400 dwelling units (See Exhibit B)
- Shopping center or business: No. of employees _____ Sq. ft. of floor space _____
- Commercial office: No. of employees _____ Sq. ft. of floor space _____
- Hotel or motel: No. of rooms _____
- Industrial, manufacturing or processing: No. of employees _____ No. of acres _____
Sq. ft. of floor space _____
- Mixed use (check and complete all above that apply) _____
- Other: Greenbelt and parks (see Exhibit B)

Assessment of Availability of Water Supply

On July 11, 2022, the Board of Directors of the Irvine Ranch Water District (IRWD) approved the within assessment and made the following determination regarding the above-described Project:

- The projected water demand for the Project was was not included in IRWD's most recently adopted urban water management plan.
- A sufficient water supply is available for the Project.
The total water supplies available to IRWD during normal, single-dry and multiple-dry years within a 20-year projection will meet the projected water demand of the Project in addition to the demand of existing and other planned future uses, including, but not limited to, agricultural and manufacturing uses.
- A sufficient water supply is not available for the Project. [Plan for acquiring and developing sufficient supply attached. Water Code § 10911(a)]

The foregoing determination is based on the following Water Supply Assessment Information and supporting information in the records of IRWD.

Leslie Bankoshi 7/14/22 District Secretary
Signature Date Title

Water Supply Assessment Information

Purpose of Assessment

Irvine Ranch Water District (“IRWD”) has been identified by the City as a public water system that will supply water service (both potable and nonpotable) to the project identified on the cover page of this assessment (the “Project”). As the public water system, IRWD is required by Section 10910 *et seq.* of the Water Code to provide the City with an assessment of water supply availability (“assessment”) for defined types of projects. The Project has been found by the City to be a project requiring an assessment. The City is required to include this assessment in the environmental document for the Project, and based on the record, make a determination whether projected water supplies are sufficient for the Project and existing and planned uses.

Water Code Section 10910 *et seq.* (the “Assessment Law”) contains the requirements for the information to be set forth in the assessment.

Prior Water Supply Assessments

IRWD does not allocate particular supplies to any project but identifies total supplies for its service area. Because of IRWD’s aggregation of demands and supplies, each assessment completed by IRWD is expected to be generally similar to the most recent assessment, with changes as needed to take into account changes, if any, in demands and supplies, and any updated and corrected information obtained by IRWD. Previously assessed projects’ water demands will be included in the baseline. A newly assessed project’s water demand will have been included in previous water supply assessments for other projects (as part of IRWD’s “full build-out” demand) to the extent of any land use planning or other water demand information for the project that was available to IRWD.

The Project’s water demand was included (as part of IRWD’s “full build-out” demand) in previous water supply assessments performed by IRWD, based on land use planning information available to IRWD. In this water supply assessment, the Project demand will be revised in accordance with updated information provided by the applicant and included in the “with project” demand.

Supporting Documentation

IRWD prepares two planning documents to guide water supply decision-making. IRWD’s principal planning document is IRWD’s “Water Resources Master Plan” (“WRMP”). The WRMP is a comprehensive document compiling data and analyses that IRWD considers necessary for its planning needs. IRWD also prepares an Urban Water Management Plan (“UWMP”), a document required by statute. The UWMP is based on the WRMP, but contains defined elements as listed in the statute (Water Code Section 10631 *et seq.*), and, as a result, is more limited than the WRMP in the treatment of supply and demand issues. Therefore, IRWD primarily relies on its most recent WRMP. The UWMP is required to be updated in years ending with “five” and “zero,” and IRWD’s most recent update of that document (2020 UWMP) was adopted in June 2021.

In addition to the WRMP and the 2020 UWMP mentioned above, other supporting documentation referenced herein is found in Section 6 of this assessment.

Due to the number of contracts, statutes and other documents comprising IRWD's written proof of entitlement to its water supplies, in lieu of attachment of such items, they are identified by title and summarized in Section 2(b) of this assessment (written contracts/proof of entitlement). Copies of the summarized items can be obtained from IRWD.

Assessment Methodology

Water use factors; dry-year increases. IRWD employs water use factors to enable it to assign water demands to the various land use types and aggregate the demands. The water use factors are based on average water use and incorporate the effect of IRWD's tiered-rate conservation pricing and its other water use efficiency programs. The factors are derived from historical usage (billing data) and a detailed review of water use factors within the IRWD service areas conducted as a part of the WRMP. System losses at a rate of approximately 5% are built into the water use factors. Water demands also reflect normal hydrologic conditions (precipitation). Lower levels of precipitation and higher temperatures will temporarily result in higher water demands, due primarily to the need for additional water for irrigation. To reflect this, base (normal) WRMP water demands have been increased by 7% in the assessment during both "single-dry" and "multiple-dry" years. This is consistent with historical regional demand variation as documented in the Metropolitan Water District of Southern California's ("MWD's") Integrated Resources Plan (1996) (Volume 1). This increase in estimated demands is considered conservative and is also consistent with the Municipal Water District of Orange County's ("MWDOC") 2020 UWMP which assumes increased demands in single-dry and multiple dry years of 6% based on MWDOC's Orange County Reliability Study (MWDOC 2020 UWMP, pg. 7-2).

Planning horizon. In accordance with Water Code Section 10910, this assessment reviews demands and supplies covering a 20-year planning horizon. For consistency with IRWD's WRMP, the assessment reviews demands and supplies through the year 2042, which is considered to include build-out or "ultimate development".

Assessment of demands. Water demands are reviewed in this assessment for three development projections (to 2042):

- Existing and committed demand (without the Project) ("baseline"). This provides a baseline condition as of the date of this assessment, consisting of demand from existing development, plus demand from development that has both approved zoning and (if required by the Assessment Law) an adopted water supply assessment.
- Existing and committed demand, plus the Project ("with-project"). This projection adds the Project water demands to the baseline demands.
- Full WRMP build-out ("full build-out"). In addition to the Project, this projection adds potential demands for all presently undeveloped areas of IRWD based on current general plan information, modified by more specific information available to IRWD, as more fully described in Chapter 2 of the WRMP.

Assessment of supplies. For comparison with demands, water supplies are classified as *currently available* or *under development*.

- *Currently available* supplies include those that are presently operational, and those that

will be operational within the next several years. Supplies expected to be operational in the next several years are those having completed or substantially completed the environmental and regulatory review process, as well as having necessary contracts (if any) in place to move forward. These supplies are in various stages of planning, design, or construction.

- In general, supplies *under development* may necessitate the preparation and completion of environmental documents, regulatory approvals, and/or contracts prior to full construction and implementation.

IRWD is also evaluating the development of additional supplies that are not included in either *currently available* or *under-development* supplies for purposes of this assessment. As outlined in the WRMP, prudent water supply and financial planning dictates that development of supplies be phased in over time consistent with the growth in demand.

Water supplies available to IRWD include several sources: groundwater pumped from the Orange County groundwater basin (including the Irvine Subbasin); captured local (native) surface water; recycled sewage; and supplemental imported water supplied by MWD through the MWDOC. The supply-demand comparisons in this assessment are broken down among the various sources and are further separated into potable and nonpotable water sources.

Comparison of demand and supply. The three demand projections noted above (baseline, with-project and full build-out) are compared with supplies in the following ways:

- On a total *annual* quantity basis (stated in acre-feet per year (“AFY”).
- On a *peak-flow* (maximum day) basis (stated in cubic feet per second (“cfs”).
- Under three climate conditions: base (normal) conditions and single-dry and multiple-dry year conditions. (Note: These conditions are compared for *annual* demands and not for *peak-flow* demands. *Peak-flow* is a measure of a water delivery system’s ability to meet the highest day’s demand of the fluctuating demands that will be experienced in a year’s time. Peak demands occur during the hot, dry season and as a result are not appreciably changed by dry-year conditions; dry-year conditions do affect *annual* demand by increasing the quantity of water needed to supplement normal wet-season precipitation.)

Summary of Results of Demand-Supply Comparisons

Listed below are Figures provided in this assessment, comparing projected potable and nonpotable water supplies and demands under the three development projections:

- Figure 1: Normal Year Supply and Demand – Potable Water
- Figure 2: Single Dry-Year Supply and Demand – Potable Water
- Figure 3: Multiple Dry-Year Supply and Demand – Potable Water
- Figure 4: Maximum-Day Supply and Demand – Potable Water
- Figure 5: Normal Year Supply and Demand – Nonpotable Water
- Figure 6: Single Dry-Year Supply and Demand – Nonpotable Water
- Figure 7: Multiple Dry-Year Supply and Demand – Nonpotable Water
- Figure 8: Maximum-Day Supply and Demand – Nonpotable Water

It can be observed in the Figures that IRWD's *supplies* remain essentially constant between normal, single-dry, and multiple-dry years. This result is due to the fact that groundwater and MWD imported water account for the majority of all of IRWD's potable supply, and recycled water, groundwater and imported water comprise all of IRWD's nonpotable supply. Groundwater production typically remains constant or may increase in cycles of dry years, even if overdraft of the basin temporarily increases, as groundwater producers reduce their demand on imported supplies to secure reliability. (See Section 4 herein.) As to imported water, MWD's 2020 Urban Water Management Plan (MWD 2020 UWMP) concludes that MWD has supply capabilities sufficient to meet expected demands from 2025 through 2045 under a single dry year condition and a period of drought lasting five consecutive water years, as well as in a normal water year hydrologic condition. (See also Section 2(b) (1) "IMPORTED SUPPLY - ADDITIONAL INFORMATION," below.) Recycled water production also remains constant and is considered "drought-proof" as a result of the fact that sewage flows remain virtually unaffected by dry years. Only a small portion of IRWD's supply, native water captured in Irvine Lake, is reduced in single-dry and multiple-dry years. The foregoing factors also serve to explain why there is no difference in IRWD's supplies between single-dry and multiple-dry years.

A review of the Figures indicates the following:

- *Currently available* supplies of potable water are adequate to meet annual demands for the *baseline*, *with-project* and *full build-out* scenarios projected under the normal year, and the single- and multiple-dry year conditions through the year 2042. (Figures 1, 2 and 3.) IRWD plans to proceed with the implementation of future potable supplies (*under development*), as shown in the Figures, to improve local reliability during dry-year conditions.
- Adequate *currently available* potable water supply capacity is available to meet *peak-flow* (maximum day) demands for all demand projections through the year 2042. (Figure 4.)
- With respect to nonpotable water, *currently available* supplies are adequate to meet projected annual demands for both the *baseline* and *with-project* demand projections under both dry-year conditions through the year 2042. (Figures 5, 6, 7 and 8.) IRWD has implemented all planned nonpotable supplies, as shown in the Figures, to improve local reliability during dry-year conditions.

The foregoing Figures provide an overview of IRWD potable and nonpotable water supply capabilities. More detailed information on the anticipated development and use of supplies, which incorporates source costs and reliability issues, is provided in the WRMP.

Margins of safety. The Figures and other information described in this assessment show that IRWD's assessment of supply availability contains several margins of safety or buffers:

- "Reserve" water supplies (excess of supplies over demands) will be available to serve as a buffer against inaccuracies in demand projections, future changes in land use, or alterations in supply availability.
- Conservative estimates of annual potable and nonpotable *imported* supplies have been made based on connected delivery capacity (by application of peaking factors as described below in Section 2, footnote 1); additional supplies are expected to be

available from these sources, based on legal entitlements, historical uses and information provided by MWD. In addition to MWD's existing regional supply assessments, this assessment has considered MWD information concerning operational limits on Delta pumping. See "**Actions on Delta Pumping**," below.

- Information provided by MWD, as the imported water supplier, concerning the adequacy of its regional supplies, summarized herein, demonstrates MWD's inclusion of reserves in its regional supply assessments. In addition to MWD's existing regional supply assessments, this assessment has considered MWD's information concerning operational limits on Delta pumping. See "**Actions on Delta Pumping**," below.
- Although groundwater supply amounts shown in this assessment assume production levels within applicable basin production percentages described herein, production of groundwater can exceed applicable basin production percentages on a short-term basis, which can provide additional reliability during dry years or emergencies.

Actions on Delta Pumping. The Sacramento/San Joaquin Delta ("Delta") is a vulnerable component in both the State and Federal systems to convey water from northern portions of California to areas south of the Delta. Issues associated with the Delta have generally been known for years; however, the continuing decline in the number of endangered Delta smelt resulted in the filing of litigation challenging permits for the operation of the Delta pumping facilities. On August 31, 2007, a Federal court ordered interim protective measures for the endangered Delta smelt, including operational limits on Delta pumping, which have an effect on State Water Project ("SWP") operations and supplies. On June 4, 2009, a federal biological opinion imposed rules that further restrict water diversions from the Delta to protect endangered salmon and other endangered fish species. At present, several proceedings concerning Delta operations are ongoing to evaluate options to address Delta smelt impacts and other environmental concerns. In addition to the regulatory and judicial proceedings to address immediate environmental concerns, the Delta Vision process and Bay-Delta Conservation Plan ("BDCP") process are defining long-term solutions for the Delta. In addition, State and federal agencies and water user entities are currently engaged in the development of the Delta Conveyance Project (previously California WaterFix), which is aimed at making physical and operational improvements in the Delta necessary to improve south of the Delta SWP water supplies and water quality and protect ecosystem health in the Delta (MWD 2020 UWMP). Prior to the 2007 court decision, MWD's Board approved a Delta Action Plan in May 2007, that described short, mid and long-term conditions and the actions to mitigate potential supply shortages and to develop and implement long-term solutions. To address uncertainties in expected SWP supplies, in October 2007, MWD prepared its 2007 Integrated Resources Plan ("IRP") Implementation Report, in which MWD estimated that it could see as much as up to a 22% reduction on average of its SWP supplies based on the court order. As part of its ongoing long term planning, in its 2010 IRP Update, MWD identified changes to the long-term plan and established direction to address the range of potential changes in water supply planning. The 2010 IRP also discusses dealing with uncertainties related to impacts of climate change (see additional discussion of this below), as well as actions to protect endangered fisheries. The 2010 IRP Update emphasizes an evolving approach and suite of actions to address the water supply challenges that are posed by uncertain weather patterns, regulatory and environmental restrictions, water quality impacts and changes in the state and the region. The 2010 IRP Update includes MWD's Adaptive Resource Management Strategy three components: Core Resources Strategy, Supply Buffer Implementation and Foundational Actions, which together provides the basis for the 2010 IRP Update. The 2010 IRP Update expands the concept of developing a planning buffer from the 2004 IRP Update by implementing a supply buffer equal

to 10 percent of the total retail demand.

In January 2016, MWD adopted its 2015 IRP Update. In the 2015 IRP Update, MWD continued its Adaptive Resource Management Strategy and integrated future supply actions to improve the viability of potential contingency resources as needed, and to position the region to effectively implement these resources in a timely manner. The 2015 IRP finds that additional actions are needed in investments in conservation, local supplies, the California WaterFix, and stabilizing Colorado River supplies. Among the supply actions, MWD will continue to work collaboratively with state and federal agencies on the California WaterFix, maximize its storage and transfer approach, and continue to develop and protect local supplies and conservation. MWD is currently developing its 2020 IRP Update which proposes to strengthen the Adaptive Management Approach and scenario planning to allow for the evaluation of investments and actions needed to achieve desired reliability under a diverse range of future conditions.

IRWD's Evaluation of Effect of Reduced MWD Supplies to IRWD: In the MWD 2020 UWMP, MWD states it has supply capability that would be sufficient to meet expected demands from 2025 to 2045 under single dry year and multiple dry year conditions.¹

Based on the prior MWD 2007 IRP Implementation Report, MWD estimated that it could receive reduction of SWP supplies of up to 22% on average until a long term solution was implemented. For purposes of ensuring a conservative analysis, IRWD made an evaluation of the effect of the 22% estimated reduction of MWD's SWP supplies on its overall imported supplies. IRWD estimates that 22% reduction of SWP supplies conservatively translates to approximately 16% reduction in all of MWD's imported supplies over the years 2025 through 2045. For this purpose, it is assumed that MWD's total supplies consist only of imported SWP and Colorado deliveries. Based on this estimate, this assessment uses a 16% reduction in MWD supplies available to IRWD for the years 2025 through 2045, using IRWD's connected capacity without any water supply allocation imposed by MWD. This reduction in MWD supplies is reflected in Figures 1, 2, 3, 5, 6, and 7.

Per the MWD 2020 UWMP, MWD performs water shortage planning in its Water Surplus and Drought Management ("WSDM") Plan (1988) which guides MWD's planning and operations during both shortage and surplus conditions. Furthermore, MWD developed the Water Supply Allocation Plan ("WSAP") (dated February 2009, updated December 2014) which provides standardized methodology for allocation of MWD's supplies during times of shortage. The WSDM Plan distinguishes between shortages, severe shortages, and extreme shortages. These terms have specific meanings relating to MWD's ability to deliver water and the actions it takes. In June 2008, MWD's Board adopted a Water Supply Condition Framework to communicate the urgency of the region's water supply situation and the need for further water conservation to reduce regional demands, MWD uses the WSDM Plan and Framework to determine if a WSAP is recommended.

¹ The MWD 2020 UWMP utilized DWR's 2019 SWP Delivery Capability Report to estimate future SWP supplies for 2025 through 2045. These estimates incorporate the effect of regulatory requirements in accordance with biological opinions and also reflect potential impacts of climate change on SWP operations. Tables A.3-7 of the MWD 2020 UWMP reflect a reduction of approximately 7% in MWD's expected average year SWP entitlement supplies. This amount is a smaller percentage reduction than MWD's 2007 estimate of 22% that was used by IRWD for purposes of this analysis. For purposes of a conservative analysis, IRWD has used the 22% reduction cited by MWD in its October 2007 IRP Implementation Report as the basis of IRWD's analysis.

As an alternative means of analyzing the effect of reduced MWD supplies on IRWD, listed below are Figures provided comparing projected potable water supplies and demands in all of the five year increments, under a temporary MWD allocation scenario:

Figure 1a: Normal Year Supply and Demand (MWD Allocated) – Potable Water

Figure 2a: Single Dry-Year Supply and Demand (MWD Allocated) – Potable Water

Figure 3a: Multiple Dry-Year Supply and Demand (MWD Allocated) – Potable Water

Figures 1a, 2a, and 3a show IRWD’s estimated supplies (average and single and multiple dry years) under a short-term MWD water supply allocation scenario whereby MWD declares a shortage stage under its WSAP, and a cutback is applied to IRWD’s actual usage rather than its connected capacity. IRWD’s evaluation of reduced MWD supplies to IRWD as shown in Figures 1a, 2a and 3a conservatively analyzes the effect of up to a MWD level 5 Regional Shortage Level. In addition, these Figures do not reflect a reduction in demands, thus representing a more conservative view of IRWD’s supply capability. (see “**Recent Actions Related to Drought Conditions**” below)

On April 14, 2015, MWD approved the implementation of its WSAP at a level 3 Regional Shortage Level and an effective 15% reduction in regional deliveries effective July 1, 2015, through June 30, 2016. As a result of IRWD’s diversified water supplies, IRWD is reliant on MWD for only 20% of its total supplies. IRWD’s evaluation of reduced MWD supplies to IRWD as shown in Figures 1a, 2a and 3a includes MWD’s 2015 actions to implement a level 3 Regional Shortage Level and 15% reduction.

Under shortage scenarios, IRWD may need to supplement supplies with production of groundwater, which can exceed the applicable basin production percentage on a short-term basis, providing additional reliability during dry years or emergencies.²

In addition, IRWD has developed water banking projects in Kern County, California which may be called upon for delivery of supplemental banked water to IRWD under a MWD WSAP.³ IRWD may also convert non-potable water uses to recycled water as a way to conserve potable water. In addition, if needed, resultant net shortage levels can be addressed by demand reduction programs as described in IRWD’s updated Water Shortage Contingency Plan adopted in 2021. IRWD’s Water Shortage Contingency Plan provides procedures for responding to various levels of supply shortages through a combination of supply augmentation

² In these scenarios, it is anticipated that other water suppliers who produce water from the Orange County Basin will also experience cutbacks of imported supplies and will increase groundwater production and that Orange County Water District (“OCWD”) imported replenishment water may also be cutback. The OCWD’s “2020-2021 Engineer’s Report on the Groundwater Conditions, Water Supply and Basin Utilization” references a report (OCWD Report on Evaluation of Orange County Groundwater Basin Storage and Operational Strategy, 2007) which recommends a basin management strategy that provides general guidelines for annual basin refill or storage decrease based on the level of accumulated overdraft. It states: “Although it is considered to be generally acceptable to allow the basin to decline to 500,000 AF overdraft for brief periods due to severe drought conditions and lack of supplemental water...an accumulated overdraft of 100,000 AF best represents an optimal basin management target. This optimal target level provides sufficient storage space to accommodate anticipated recharge from a single wet year while also providing water in storage for at least 2 or 3 consecutive years of drought.” MWD replenishment water is a supplemental source of recharge water and OCWD estimates other main supply sources for recharge are available.

³ IRWD has developed water banking projects (“Water Bank”) in Kern County, California and has entered into a 30-year water banking partnership with Rosedale-Rio Bravo Water Storage District to operate IRWD’s Strand Ranch and Stockdale West portions of the Water Bank. The Water Bank can improve IRWD’s water supply reliability by capturing lower cost water available during wet hydrologic periods for use during dry periods. The Water Bank can enhance IRWD’s ability to respond to drought conditions and potential water supply interruptions.

and demand management measures. As stated in IRWD's Water Shortage Contingency Plan, use of local supplies, storage and other supply augmentation measures can mitigate shortages, and are used as necessary and appropriate during declared shortage levels.

It can be noted that IRWD's above approach is conservative, in that IRWD evaluates the effect of the 16% reduction through 2042 and shows the effect of current allocation scenarios in all of the five-year increments. However, MWD reports that it has made significant progress in other water resource categories such as transfers, groundwater storage and developing other local resources, and supplies will be available from these resources over the long-term.

Climate Change. The California Department of Water Resources ("DWR") released a report "Progress on Incorporating Climate Change into Management of California's Water Resources" (July 2006), considering the impacts of climate change on the State's water supply. In 2012, DWR adopted phase 1 of its Climate Action Plan, its department-wide plan for reducing greenhouse gas emissions (GHG). In September 2018, the DWR released phase 2 of its Climate Action Plan, which is DWR's guide to addressing climate change in the programs, projects, and activities over which it has authority. Per this guidance, California's climate policy focuses on reducing GHG emissions, preparing for climate change impacts, and supporting climate-related research to inform policy responses and decision-making processes.

In MWD's 2015 IRP Update, MWD recognizes there is additional risk and uncertainty associated with climate change that may affect future supply and demands. MWD plans to hedge against supply and demand uncertainties by implementing a long-term plan that recognizes the risk and provides resource development to offset the risk. Per the MWD 2020 UWMP, for longer term risks, like climate change, MWD established a Robust Decision Making ("RDM") approach that can show how vulnerable the region's reliability is to the longer-term risks and can also establish "signposts" that can be monitored to see when crucial changes may be happening. MWD has stated in its 2020 UWMP that the RDM analysis was valuable in identifying vulnerabilities to its 2015 IRP approach to long-term reliability and in understanding how climate change would best be incorporated into the 2020 IRP.

Per the MWD 2020 UWMP, MWD continues to incorporate current climate change science into its planning efforts. Per the MWD 2020 UWMP, MWD has made great efforts to implement greenhouse gas mitigation programs and policies for its facilities and operations. MWD is developing a Climate Action Plan which sets the target and guides future actions to reduce emission levels and complements MWD's IRP. Potential climate change impacts on state, regional and local water supplies and relevant information for the Orange County hydrologic basin and Santa Ana Watershed have not been sufficiently developed at this time to permit IRWD to assess and quantify the effect of any such impact on its conclusions in the Assessment.

Catastrophic Supply Interruption Planning. MWD has developed Emergency Storage Requirements (MWD 2020 UWMP) to safeguard the region from catastrophic loss of water supply. MWD has made substantial investments in emergency storage and has based its planning on a 100% reduction in its supplies for a period of six months. The emergency plan outlines that under such a catastrophe, non-firm service deliveries would be suspended, and firm supplies would be restricted by a mandatory cutback of 25 percent from normal year demand deliveries. In addition, MWD discusses DWR's investments in improvements on the SWP and the long term Delta plan in the MWD 2020 UWMP (pages 3-19 to 3-23). IRWD has also addressed supply interruption planning in its WRMP and 2020 UWMP.

Recent Actions Related to Drought Conditions. In response to historically dry conditions throughout the state of California, on April 1, 2015, Governor Brown issued an Executive Order directing the State Water Resources Control Board (SWRCB) to impose restrictions to achieve an aggregate statewide 25 percent reduction in potable water use through February 2016. The Governor's Order also included mandatory actions aimed at reducing water demands, with a particular focus on outdoor water use. On May 5, 2015, the SWRCB adopted regulations which required that IRWD achieve a 16% reduction in potable water use from its 2013 potable water use levels. On November 13, 2015, Governor Brown issued an Executive Order directing the SWRCB to extend the 2015 Emergency Regulation through October 31, 2016, if drought conditions continued. On February 2, 2016, the SWRCB adopted an extended and modified Emergency Regulation. As a result of the modification, IRWD's mandated reduction was changed from 16% to 9% effective March 1, 2016. On April 14, 2015, MWD approved actions to implement its WSAP at a level 3 Regional Shortage Level and a 15% reduction in regional deliveries effective July 1, 2015, through June 30, 2016. During this period, IRWD continued to implement actions to reduce potable water demands during the drought; however, this did not affect IRWD's long-term supply capability to meet the demands.

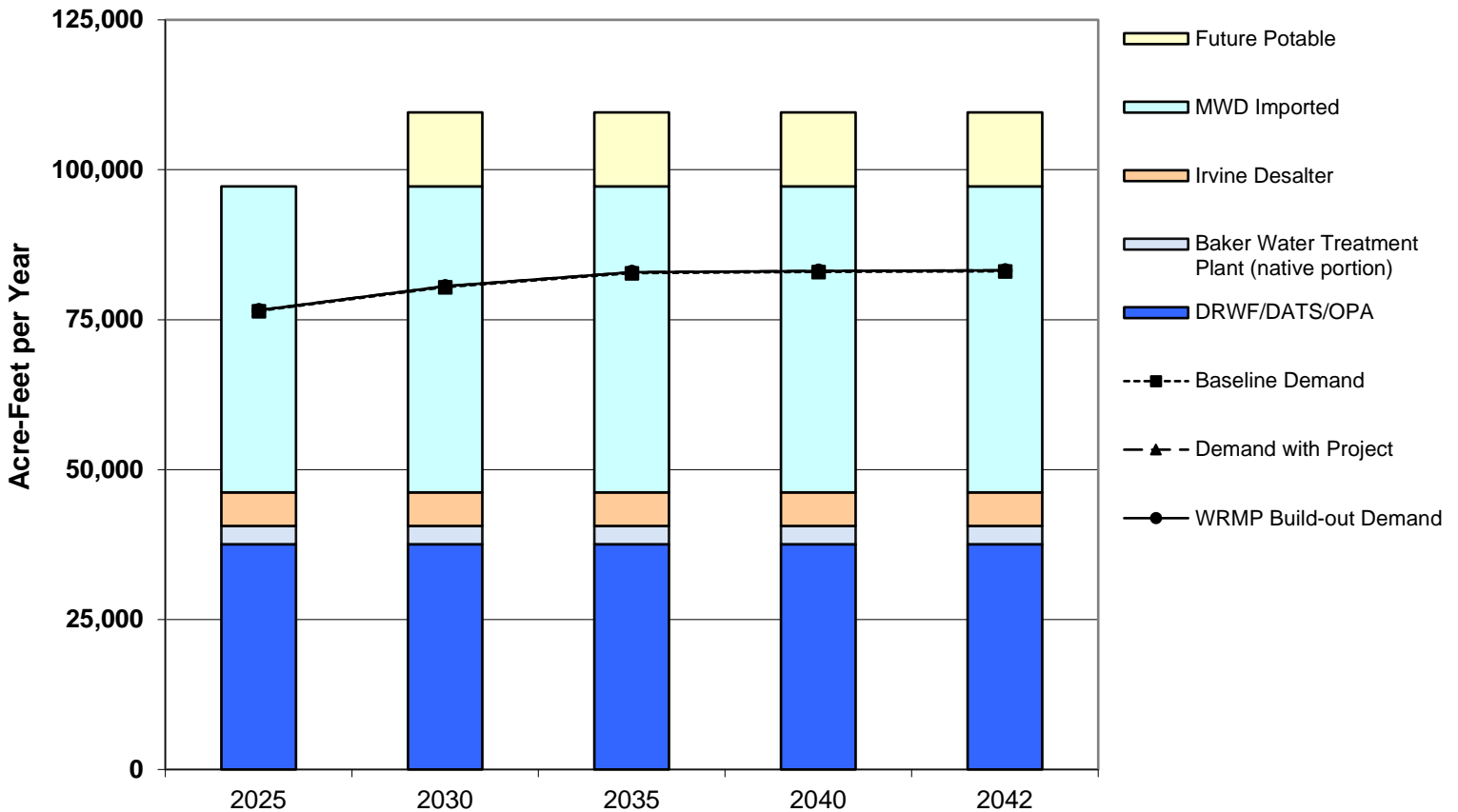
As discussed under "*IRWD's Evaluation of Effect of Reduced MWD Supplies to IRWD*" (see above), IRWD has effectively analyzed an imported water supply reduction up to a level 5 Regional Shortage Stage in Figures 1a, 2a, 3a. These Figures, however, do not reflect a reduction in demands, thus representing a more conservative view of IRWD's supply capability. In particular, the reduction in demand mandated by Senate Bill 7 in 2010, requiring urban retail water suppliers to establish water use targets to achieve a 20% reduction in daily per capita water use by 2020, has not been factored into the demands in this analysis. Similarly, notwithstanding the Governor's 2015 order, IRWD's conservative supply-sufficiency analysis in Figures 1a, 2a and 3a does not include the ordered reduction in potable demands. On April 7, 2017, Governor Brown rescinded the Executive Order in all but four counties in California.

Detailed Assessment

1. **Supply and demand comparison**

Comparisons of IRWD's average annual and peak (maximum day) demands and supplies, under *baseline* (existing and committed demand, without the Project), *with-project* (baseline plus Project), and *full build-out* development projections, are shown in the following Figures 1-4 (potable water), Figures 5-8 (nonpotable water) and Figures 1a, 2a, and 3a (short term MWD allocation potable water). See also the "Actions on Delta Pumping" above.

**Figure 1
IRWD Normal-Year Supply & Demand - Potable Water**



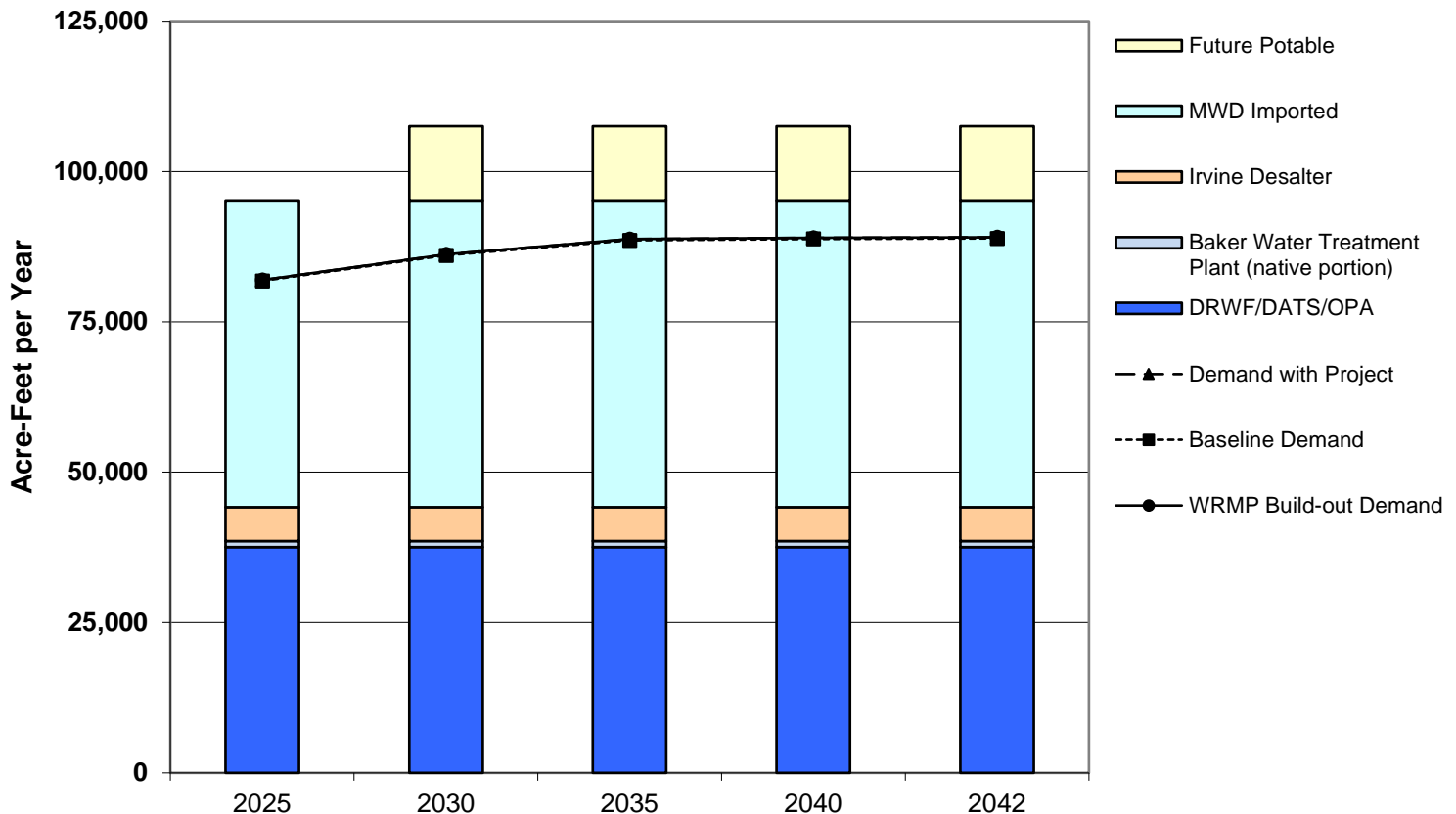
(in acre-feet per year)	2025	2030	2035	2040	2042
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	51,027	51,027	51,027	51,027	51,027
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	3,048	3,048	3,048	3,048	3,048
Supplies Under Development					
Future Potable	-	12,352	12,352	12,352	12,352
Maximum Supply Capability	103,554	115,907	115,907	115,907	115,907
Baseline Demand	76,450	80,421	82,770	82,977	83,060
Demand with Project	76,577	80,591	82,939	83,147	83,230
WRMP Build-out Demand	76,577	80,591	82,939	83,147	83,230
Reserve Supply with Project	26,977	35,316	32,968	32,760	32,677

Notes: By agreement, IRWD is required to count the production from the Irvine Subbasin in calculating available supplies for TIC developments (see Potable Supply-Groundwater).

MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

Baker Water Treatment Plant is supplied untreated imported water and native water from Irvine Lake.

**Figure 2
IRWD Single Dry-Year Supply & Demand - Potable Water**



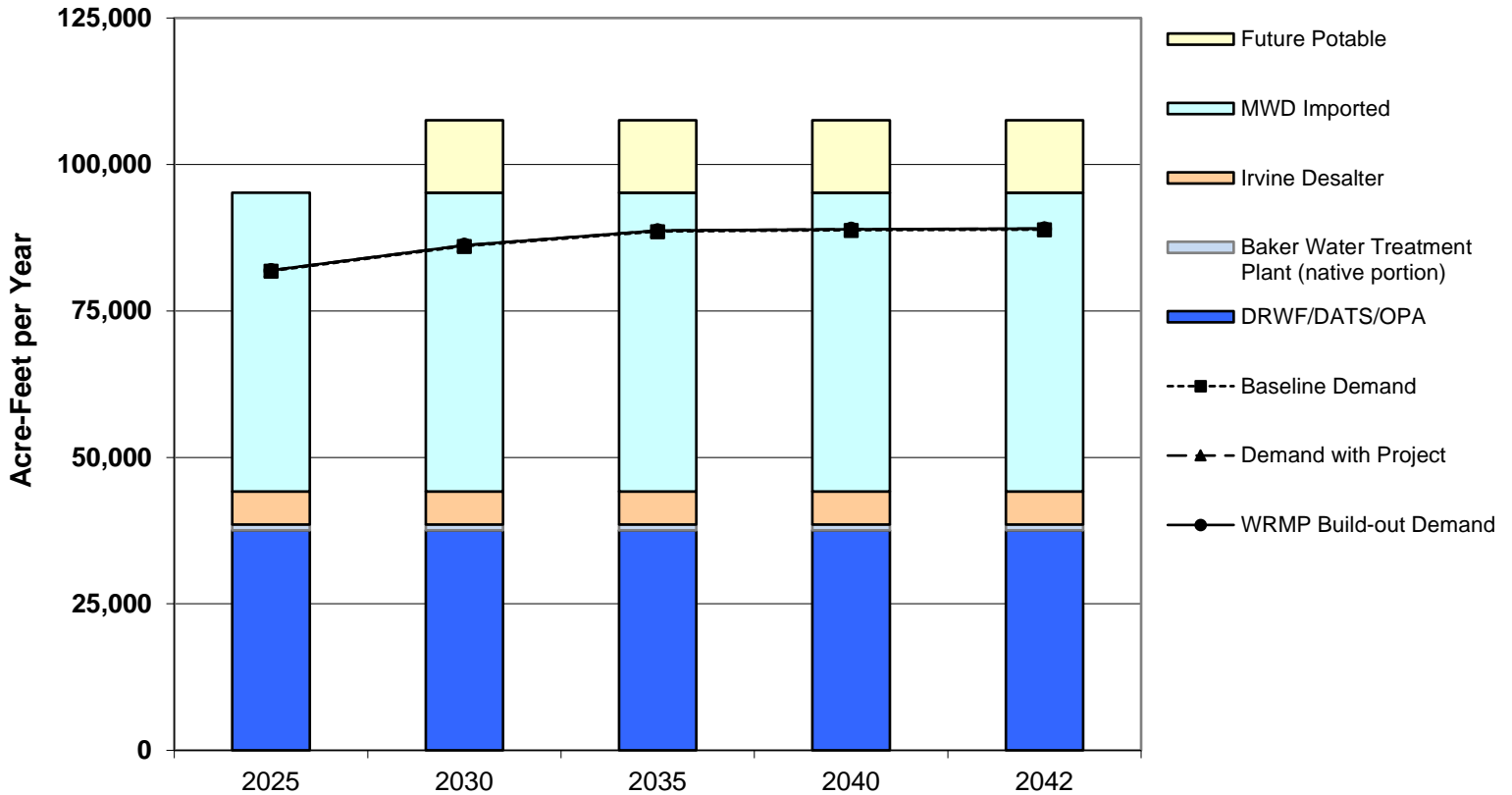
(in acre-feet per year)	2025	2030	2035	2040	2042
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	51,027	51,027	51,027	51,027	51,027
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	1,000	1,000	1,000	1,000	1,000
Supplies Under Development					
Future Potable	-	12,352	12,352	12,352	12,352
Maximum Supply Capability	101,506	113,859	113,859	113,859	113,859
Baseline Demand	81,801	86,051	88,563	88,785	88,874
Demand with Project	81,937	86,232	88,745	88,967	89,056
WRMP Build-out Demand	81,937	86,232	88,745	88,967	89,056
Reserve Supply with Project	19,569	27,626	25,114	24,892	24,803

Notes: Supplies identical to Normal-Year based on Metropolitan's Urban Water Management Plan and usage of groundwater under drought conditions (OCWD Master Plan). Demands increased 7% from Normal-Year. By agreement, IRWD is required to count the production from the Irvine Subbasin in calculating available supplies for TIC developments (see Potable Supply-Groundwater).

MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

Baker Water Treatment Plant is supplied untreated imported water and native water from Irvine Lake.

**Figure 3
IRWD Multiple Dry-Year Supply & Demand - Potable Water**



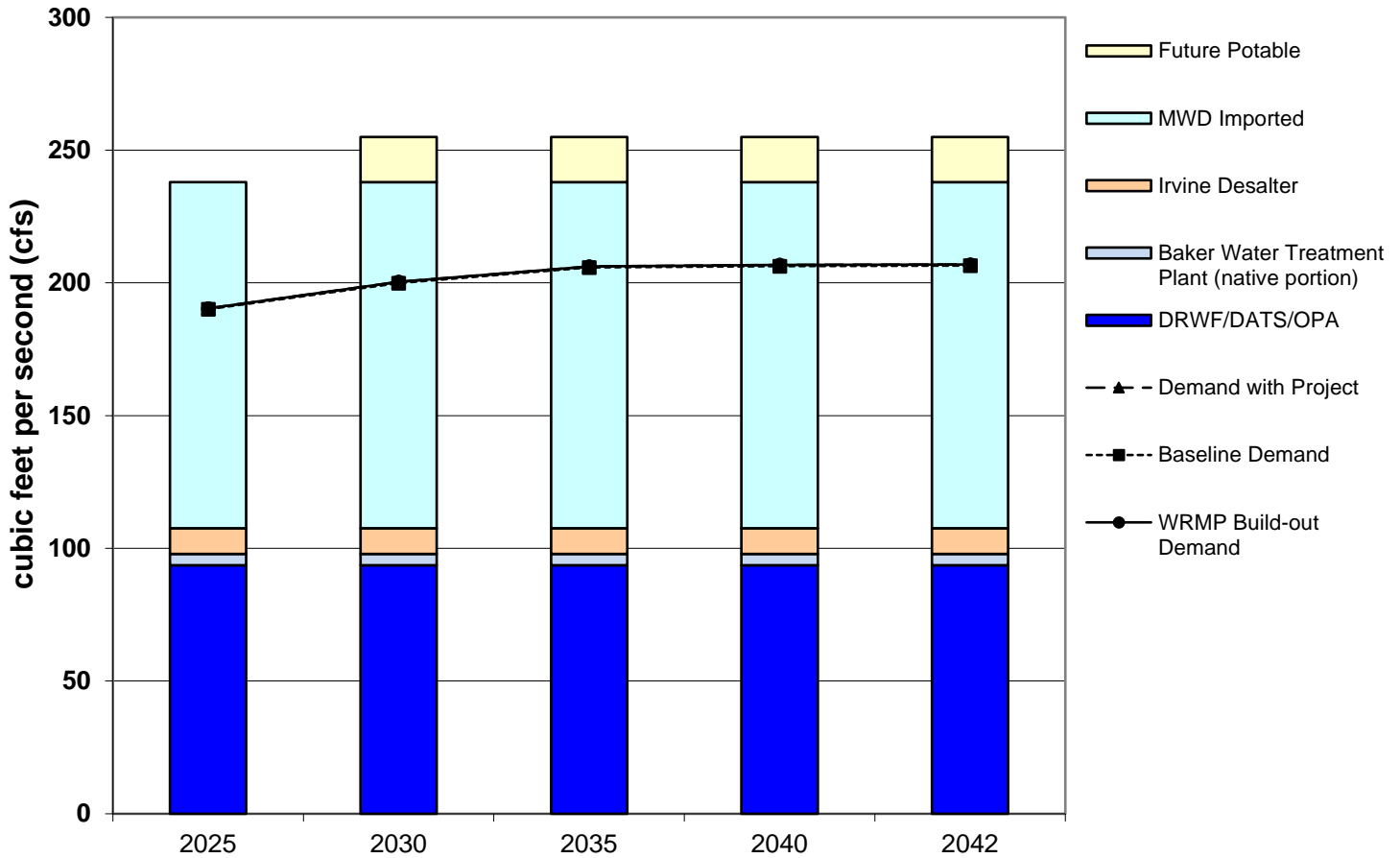
(in acre-feet per year)	2025	2030	2035	2040	2042
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Bake	51,027	51,027	51,027	51,027	51,027
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	1,000	1,000	1,000	1,000	1,000
Supplies Under Development					
Future Potable	-	12,352	12,352	12,352	12,352
Maximum Supply Capability	101,506	113,859	113,859	113,859	113,859
Baseline Demand	81,801	86,051	88,563	88,785	88,874
Demand with Project	81,937	86,232	88,745	88,967	89,056
WRMP Build-out Demand	81,937	86,232	88,745	88,967	89,056
Reserve Supply with Project	19,569	27,626	25,114	24,892	24,803

Notes: Supplies identical to Normal-Year based on Metropolitan's Urban Water Management Plan and usage of groundwater under drought conditions (OCWD Master Plan). Demands increased 7% from Normal-Year. By agreement, IRWD is required to count the production from the Irvine Subbasin in calculating available supplies for TIC developments (see Potable Supply-Groundwater).

MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

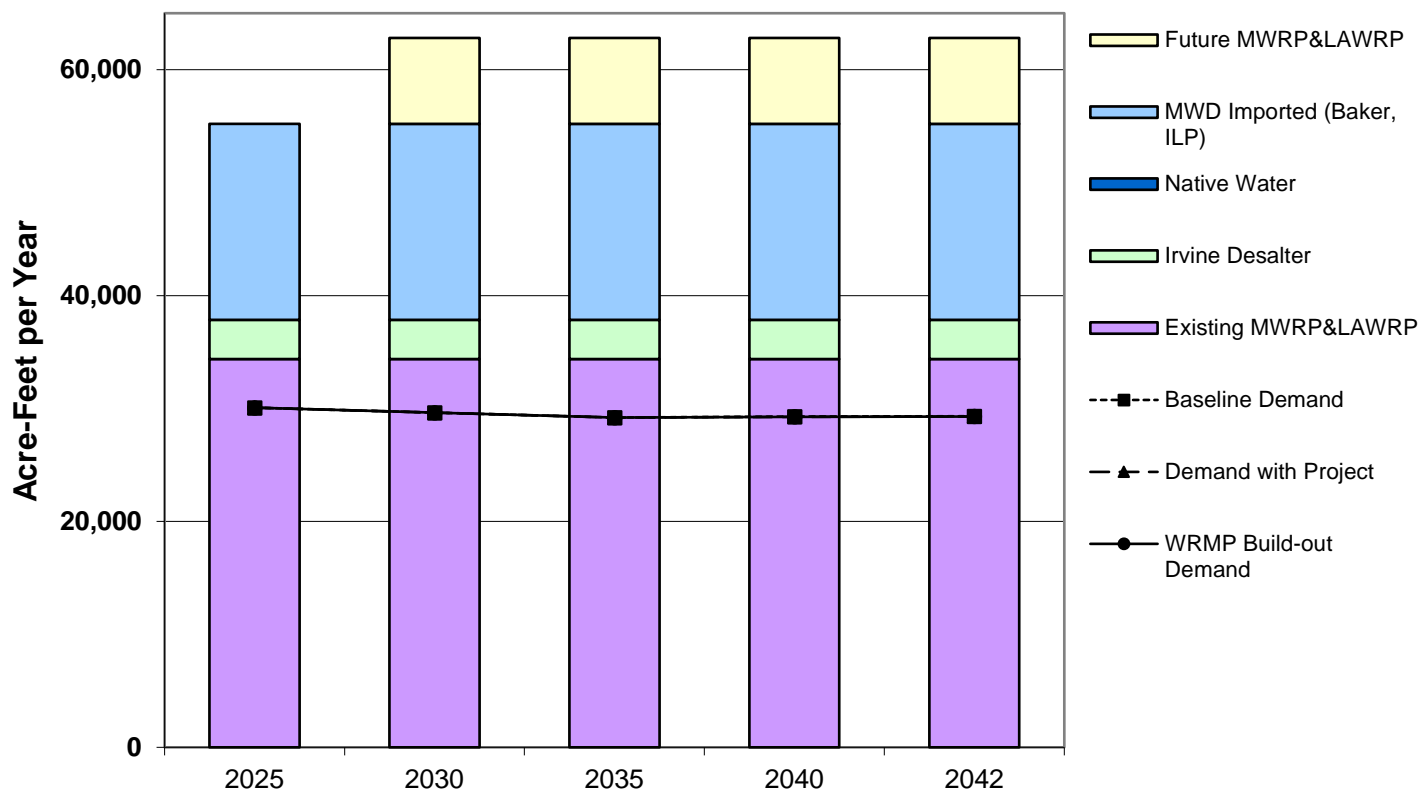
Baker Water Treatment Plant is supplied untreated imported water and native water from Irvine Lake.

**Figure 4
IRWD Maximum-Day Supply & Demand - Potable Water**



(in cfs)	2025	2030	2035	2040	2042
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	130.4	130.4	130.4	130.4	130.4
DRWF/DATS/OPA	93.7	93.7	93.7	93.7	93.7
Irvine Desalter	9.7	9.7	9.7	9.7	9.7
Wells 21 & 22	8.6	8.6	8.6	8.6	8.6
Baker Water Treatment Plant (native portion)	4.2	4.2	4.2	4.2	4.2
Supplies Under Development					
Future Potable	-	17.0	17.0	17.0	17.0
Maximum Supply Capability	246.6	263.6	263.6	263.6	263.6
Baseline Demand	190.1	199.9	205.8	206.3	206.5
Demand with Project	190.4	200.4	206.2	206.7	206.9
WRMP Build-out Demand	190.4	200.4	206.2	206.7	206.9
Reserve Supply with Project	56.2	63.2	57.3	56.8	56.6

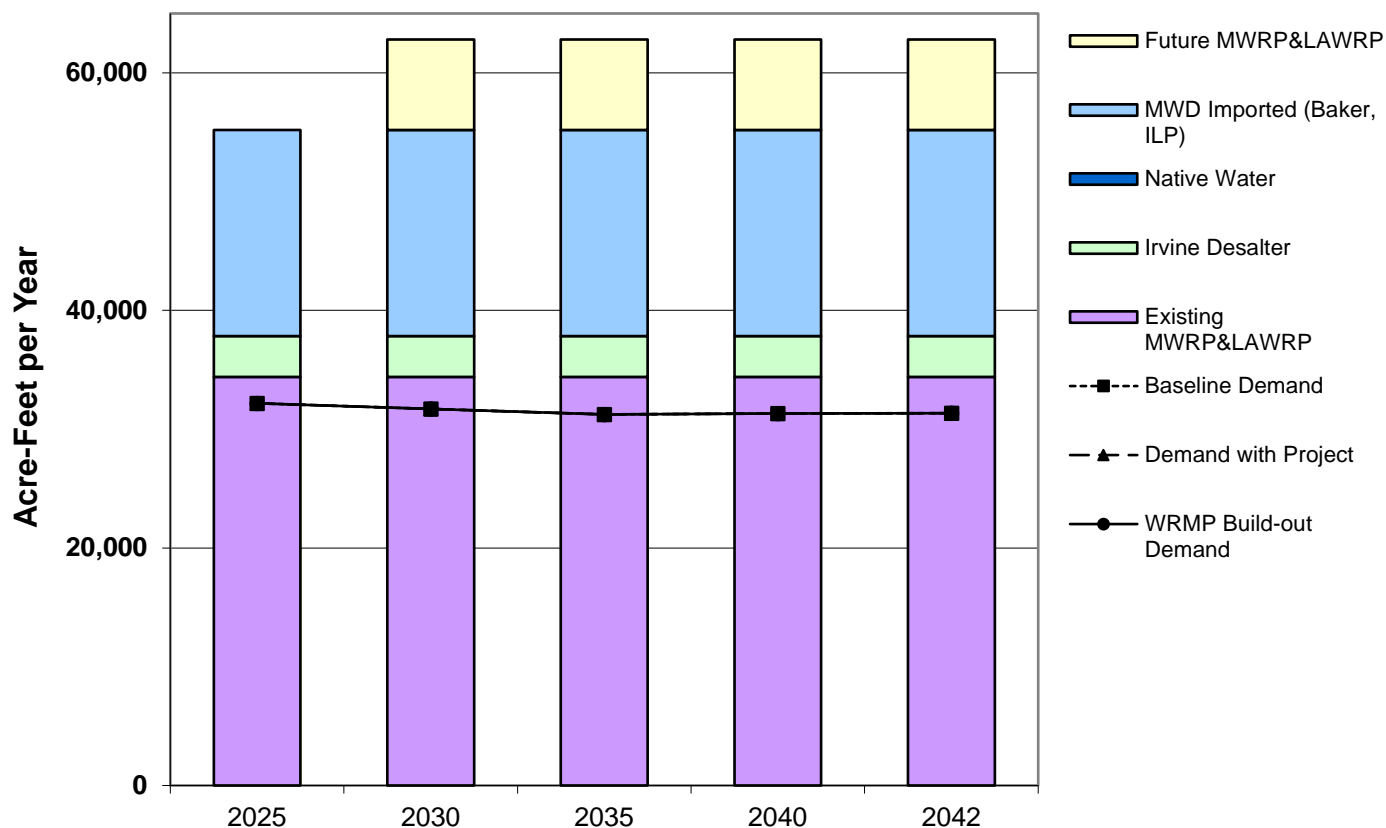
**Figure 5
IRWD Normal-Year Supply & Demand - Nonpotable Water**



(in acre-feet per year)	2025	2030	2035	2040	2042
Current Nonpotable Supplies					
Existing MWRP&LAWRP	34,389	34,389	34,389	34,389	34,389
Future MWRP&LAWRP	-	7,623	7,623	7,623	7,623
MWD Imported (Baker, ILP)	17,347	17,347	17,347	17,347	17,347
Irvine Desalter	3,461	3,461	3,461	3,461	3,461
Native Water	-	-	-	-	-
Maximum Supply Capability	55,197	62,820	62,820	62,820	62,820
Baseline Demand	30,076	29,639	29,201	29,275	29,304
Demand with Project	30,074	29,636	29,199	29,272	29,301
WRMP Build-out Demand	30,074	29,636	29,199	29,272	29,301
Reserve Supply with Project	25,123	33,184	33,621	33,548	33,519

Note: Downward trend reflects reduction in agricultural use over time.
 After 2016, native water is treated to potable through the Baker Water Treatment Plant.
 MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

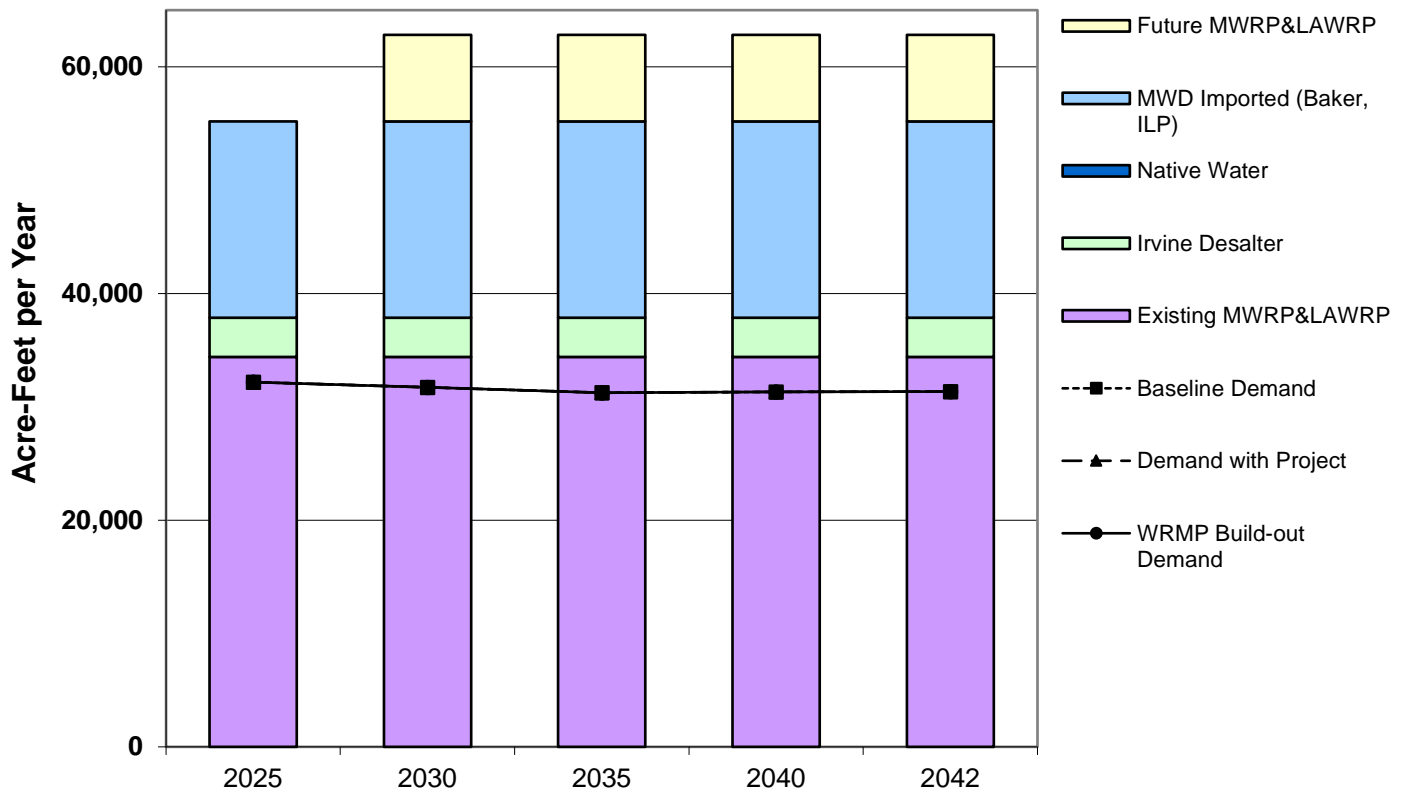
**Figure 6
IRWD Single Dry-Year Supply & Demand - Nonpotable Water**



(in acre-feet per year)	2025	2030	2035	2040	2042
Current Nonpotable Supplies					
Existing MWRP&LAWRP	34,389	34,389	34,389	34,389	34,389
Future MWRP&LAWRP	-	7,623	7,623	7,623	7,623
MWD Imported (Baker, ILP)	17,347	17,347	17,347	17,347	17,347
Irvine Desalter	3,461	3,461	3,461	3,461	3,461
Native Water	-	-	-	-	-
Maximum Supply Capability	55,197	62,820	62,820	62,820	62,820
Baseline Demand	32,181	31,713	31,246	31,324	31,355
Demand with Project	32,179	31,711	31,243	31,321	31,352
WRMP Build-out Demand	32,179	31,711	31,243	31,321	31,352
Reserve Supply with Project	23,018	31,109	31,577	31,499	31,468

Note: Downward trend reflects reduction in agricultural use over time.
 After 2016, native water is treated to potable through the Baker Water Treatment Plant.
 MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

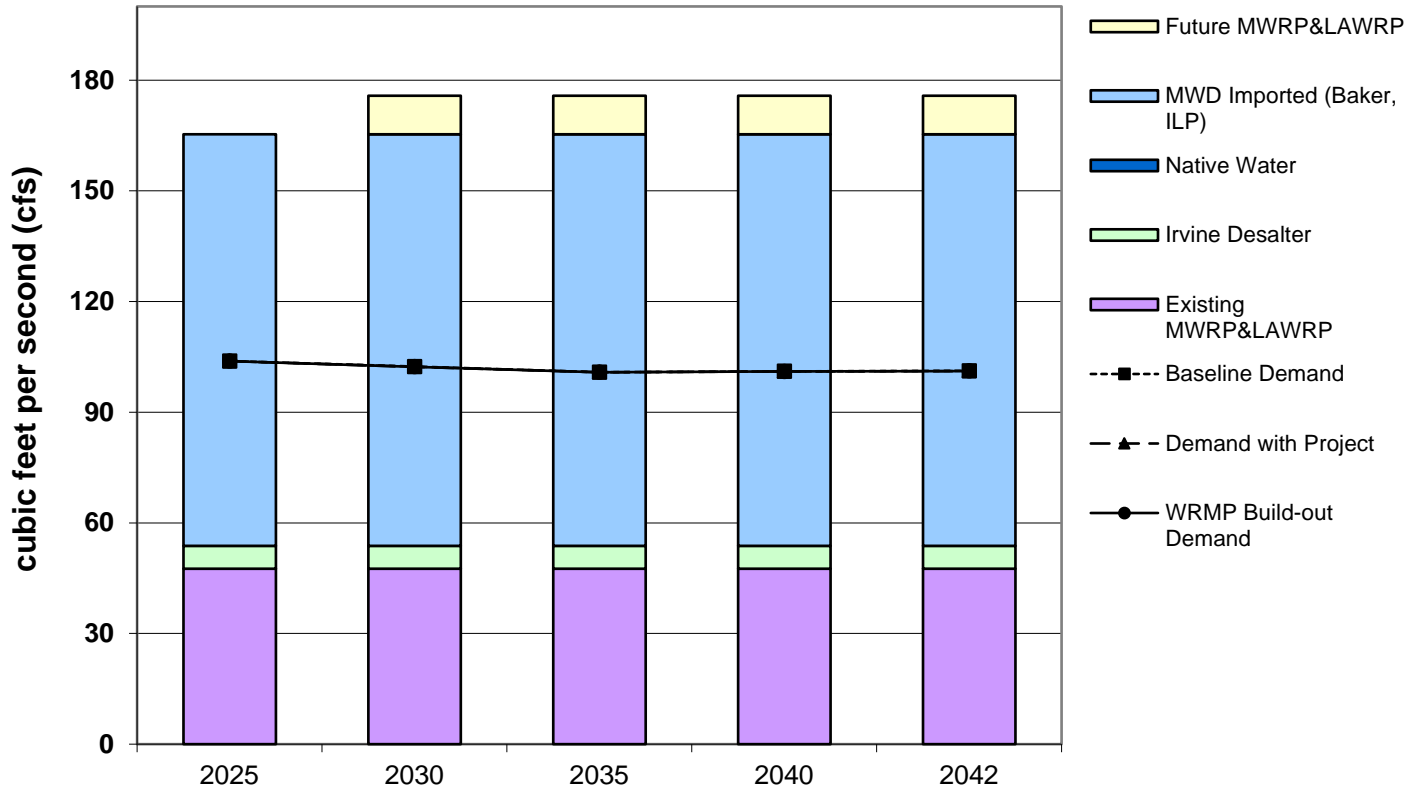
**Figure 7
IRWD Multiple Dry-Year Supply & Demand - Nonpotable Water**



(in acre-feet per year)	2025	2030	2035	2040	2042
Current Nonpotable Supplies					
Existing MWRP&LAWRP	34,389	34,389	34,389	34,389	34,389
Future MWRP&LAWRP	-	7,623	7,623	7,623	7,623
MWD Imported (Baker, ILP)	17,347	17,347	17,347	17,347	17,347
Irvine Desalter	3,461	3,461	3,461	3,461	3,461
Native Water	-	-	-	-	-
Maximum Supply Capability	55,197	62,820	62,820	62,820	62,820
Baseline Demand	32,181	31,713	31,246	31,324	31,355
Demand with Project	32,179	31,711	31,243	31,321	31,352
WRMP Build-out Demand	32,179	31,711	31,243	31,321	31,352
Reserve Supply with Project	23,018	31,109	31,577	31,499	31,468

Note: Downward trend reflects reduction in agricultural use over time.
 After 2016, native water is treated to potable through the Baker Water Treatment Plant.
 MWD Imported Supplies are shown at 16% reduction off of average connected capacity.

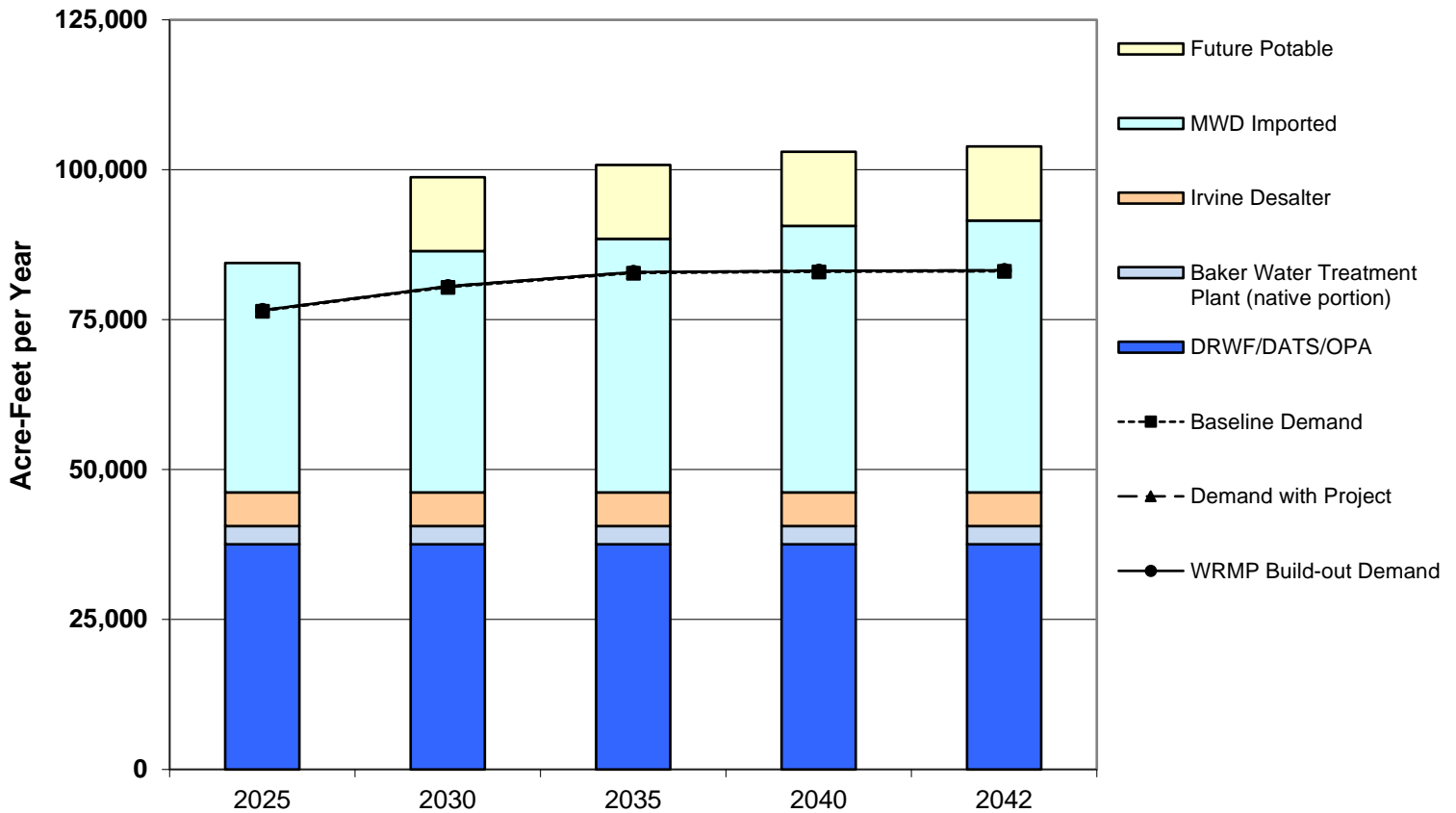
Figure 8
IRWD Maximum-Dry Supply & Demand - Nonpotable Water



(in cfs)	2025	2030	2035	2040	2042
Current Nonpotable Supplies					
Existing MWRP&LAWRP	47.6	47.6	47.6	47.6	47.6
Future MWRP&LAWRP	-	10.5	10.5	10.5	10.5
MWD Imported (Baker, ILP)	111.5	111.5	111.5	111.5	111.5
Irvine Desalter	6.2	6.2	6.2	6.2	6.2
Native Water	-	-	-	-	-
Maximum Supply Capability	165.3	175.8	175.8	175.8	175.8
Baseline Demand	103.9	102.3	100.8	101.1	101.2
Demand with Project	103.8	102.3	100.8	101.1	101.2
WRMP Build-out Demand	103.8	102.3	100.8	101.1	101.2
Reserve Supply with Project	61.5	73.5	75.0	74.8	74.7

Note: Downward trend reflects reduction in agricultural use over time.
 After 2016, native water is treated to potable through the Baker Water Treatment Plant.

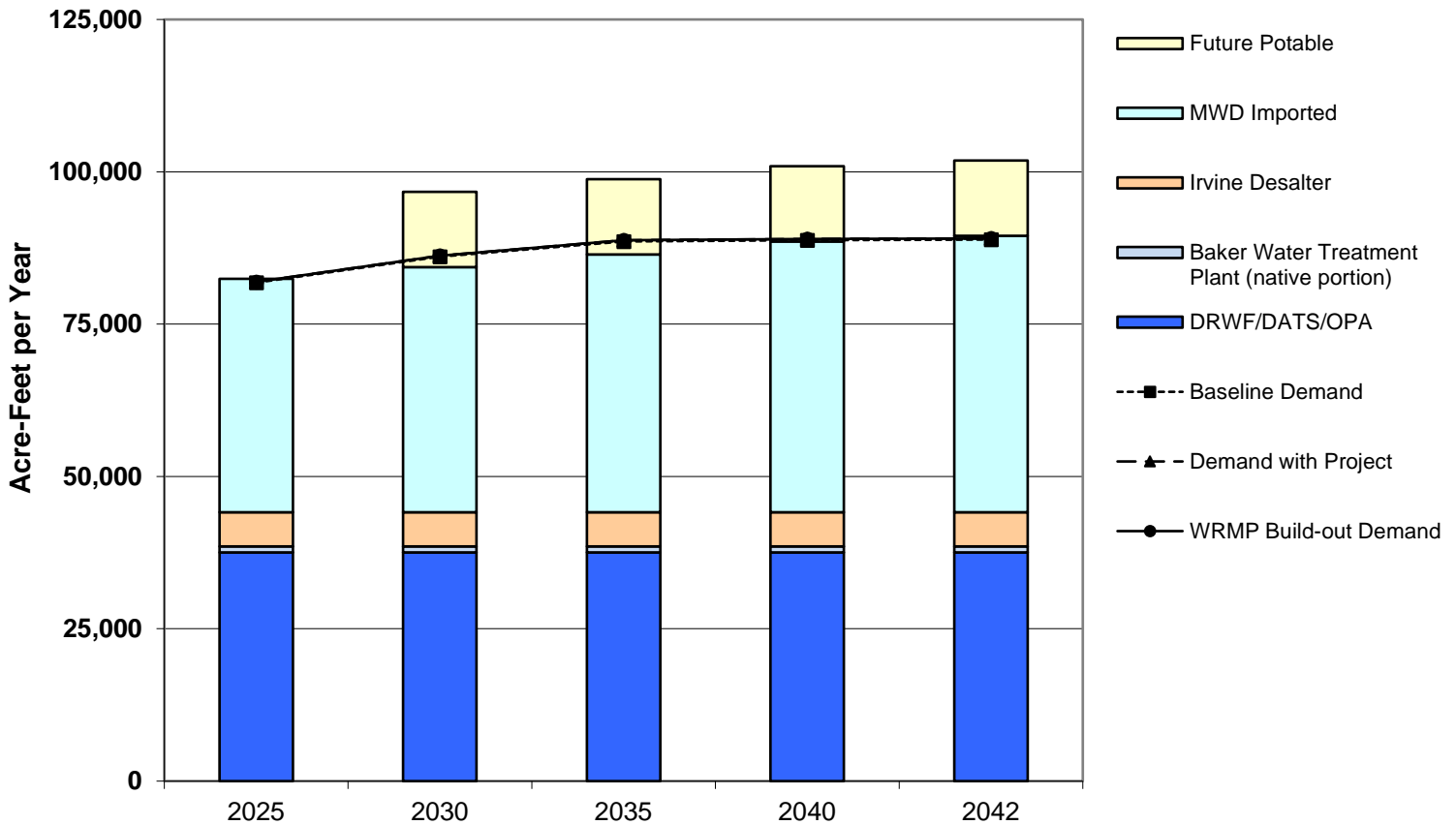
Figure 1a
IRWD Normal-Year Supply & Demand - Potable Water
Under Temporary MWD Allocation*



(in acre-feet per year)	2025	2030	2035	2040	2042
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	38,270	40,222	42,274	44,430	45,323
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	3,048	3,048	3,048	3,048	3,048
Supplies Under Development					
Future Potable	-	12,352	12,352	12,352	12,352
Maximum Supply Capability	90,798	105,102	107,154	109,310	110,203
Baseline Demand	76,450	80,421	82,770	82,977	83,060
Demand with Project	76,577	80,591	82,939	83,147	83,230
WRMP Build-out Demand	76,577	80,591	82,939	83,147	83,230
Reserve Supply with Project	14,221	24,511	24,215	26,164	26,974

*For illustration purposes, IRWD has shown MWD Imported Supplies as estimated under a MWD short-term allocation up to a level 5 in all of the 5-year increments. This does not reflect a reduction in demands, thus representing a conservative view of supply capability. Under a MWD Allocation, IRWD could supplement supplies with groundwater production which can exceed applicable basin percentages on a short-term basis or transfer water from IRWD's water bank. IRWD may also reduce demands by implementing shortage contingency measures as described in the 2020 UWMP. Under a MWD Allocation, the Baker WTP would be limited to available MWD and native water.

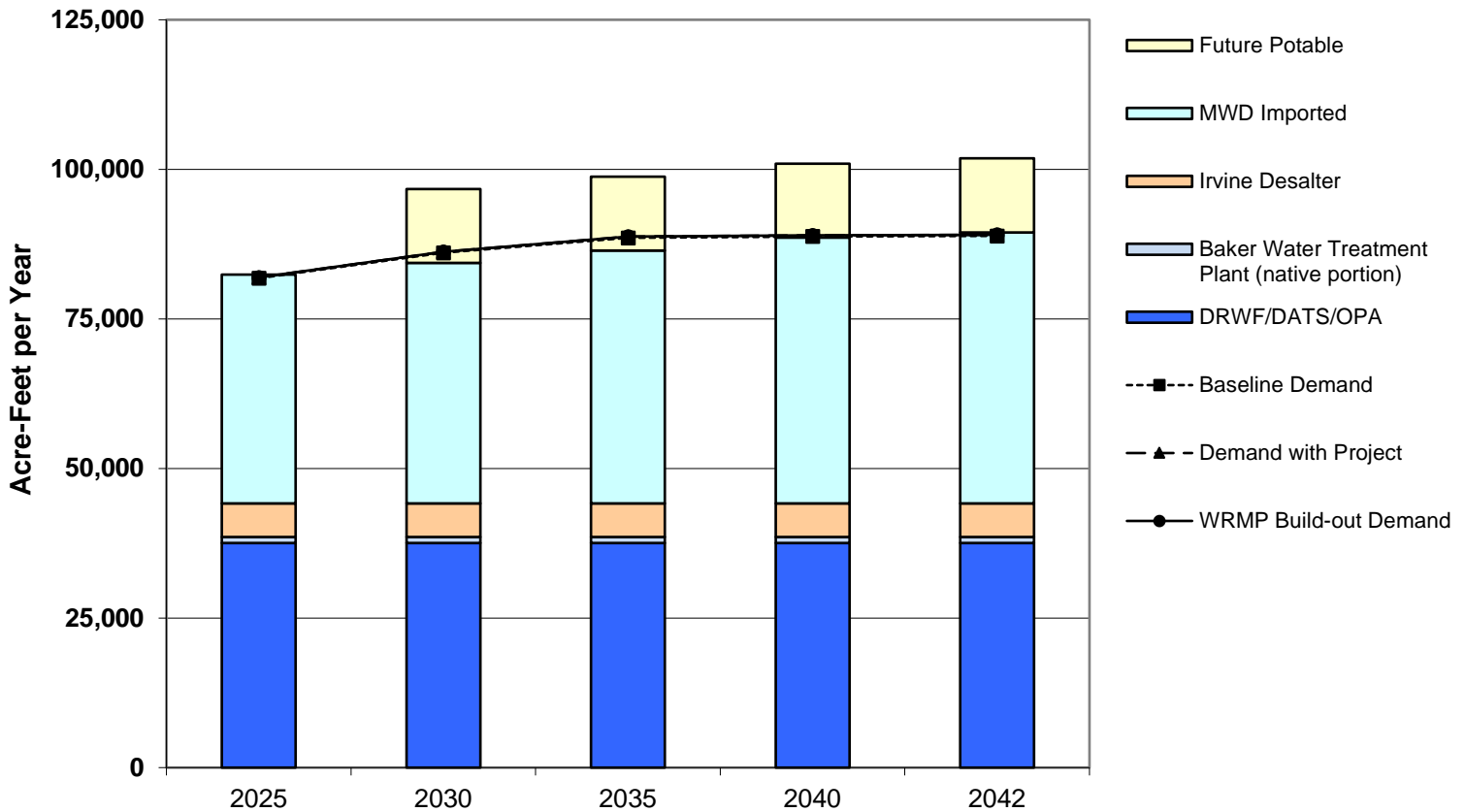
Figure 2a
IRWD Single Dry-Year Supply & Demand - Potable Water
Under Temporary MWD Allocation*



(in acre-feet per year)	2025	2030	2035	2040	2042
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	38,270	40,222	42,274	44,430	45,323
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	1,000	1,000	1,000	1,000	1,000
Supplies Under Development					
Future Potable	-	12,352	12,352	12,352	12,352
Maximum Supply Capability	88,749	103,054	105,106	107,262	108,155
Baseline Demand	81,801	86,051	88,563	88,785	88,874
Demand with Project	81,937	86,232	88,745	88,967	89,056
WRMP Build-out Demand	81,937	86,232	88,745	88,967	89,057
Reserve Supply with Project	6,812	16,822	16,361	18,295	19,099

*For illustration purposes, IRWD has shown MWD Imported Supplies as estimated under a MWD short-term allocation up to a level 5 in all of the 5-year increments. This does not reflect a reduction in demands, thus representing a conservative view of supply capability. Under a MWD Allocation, IRWD could supplement supplies with groundwater production which can exceed applicable basin percentages on a short-term basis or transfer water from IRWD's water bank. IRWD may also reduce demands by implementing shortage contingency measures as described in the 2020 UWMP. Under a MWD Allocation, the Baker WTP would be limited to available MWD and native water.

Figure 3a
IRWD Single Dry-Year Supply & Demand - Potable Water
Under Temporary MWD Allocation*



(in acre-feet per year)	2025	2030	2035	2040	2042
Current Potable Supplies					
MWD Imported (EOCF#2, AMP, OCF, Baker)	38,270	40,222	42,274	44,430	45,323
DRWF/DATS/OPA	37,532	37,532	37,532	37,532	37,532
Irvine Desalter	5,618	5,618	5,618	5,618	5,618
Wells 21 & 22	6,329	6,329	6,329	6,329	6,329
Baker Water Treatment Plant (native portion)	1,000	1,000	1,000	1,000	1,000
Supplies Under Development					
Future Potable	-	12,352	12,352	12,352	12,352
Maximum Supply Capability	88,749	103,054	105,106	107,262	108,155
Baseline Demand	81,801	86,051	88,563	88,785	88,874
Demand with Project	81,937	86,232	88,745	88,967	89,056
WRMP Build-out Demand	81,937	86,232	88,745	88,967	89,056
Reserve Supply with Project	6,812	16,822	16,361	18,295	19,099

*For illustration purposes, IRWD has shown MWD Imported Supplies as estimated under a MWD short-term allocation up to a level 5 in all of the 5-year increments. This does not reflect a reduction in demands, thus representing a conservative view of supply capability. Under a MWD Allocation, IRWD could supplement supplies with groundwater production which can exceed applicable basin percentages on a short-term basis or transfer water from IRWD's water bank. IRWD may also reduce demands by implementing shortage contingency measures as described in the 2020 UWMP. Under a MWD Allocation, the Baker WTP would be limited to available MWD and native water.

Existing sources of identified water supply for the proposed project: IRWD does not allocate particular supplies to any project, but identifies total supplies for its service area, as updated in the following table:

	Max Day (cfs)	Avg. Annual (AFY)	Annual by Category (AFY)
Current Supplies			
Potable - Imported ¹⁰			
East Orange County Feeder No. 2	41.4	18,746	1
Allen-McColloch Pipeline*	64.7	29,296	1
Orange County Feeder	18.0	8,150	1
	<u>124.1</u>	<u>56,192</u>	
			56,192
Potable - Treated Surface			
Baker Treatment Plant (Imported) ¹⁰	6.3	4,554	6
Baker Treatment Plant (Native)	4.2	3,048	6
Potable - Groundwater			
Dyer Road Wellfield	80.0	28,000	2
OPA Well	1.4	914	
Deep Aquifer Treatment System-DATS	12.3	8,618	2
Wells 21 & 22	8.6	6,329	2
Irvine Desalter	9.7	5,618	3
	<u>246.6</u>	<u>49,479</u>	
Total Potable Current Supplies			113,273
Nonpotable - Recycled Water			
MWRP (25.2 mgd)	39.1	28,228	4
LAWRP (5.5 mgd)	8.5	6,161	4
Future MWRP & LAWRP	10.6	7,623	5
			42,012
Nonpotable - Imported ¹⁰			
Baker Aqueduct	40.2	11,651	6
Irvine Lake Pipeline	65.0	9,000	7
	<u>105.2</u>	<u>20,651</u>	
			20,651
Nonpotable - Groundwater			
Irvine Desalter-Nonpotable	6.2	3,461	8
Nonpotable Native			
Irvine Lake (see Baker Treatment Plant above)	4.2	3,048	6,9
	<u>169.6</u>	<u>66,124</u>	
Total Nonpotable Current Supplies (Excludes Native)			66,124
Total Combined Current Supplies	416.2		179,397
Supplies Under Development			
Potable Supplies			
Future Groundwater Production Facilities	17.0	12,352	
	<u>17.0</u>	<u>12,352</u>	
Total Under Development			12,352
Total Supplies			
Potable Supplies	263.6		125,626
Nonpotable Supplies	169.6		66,124
Total Supplies (Current and Under Development)	433.2		191,750

1 Based on converting maximum day capacity to average by dividing the capacity by a peaking factor of 1.6. Max Day is equivalent to Treatment Plant Production

2 Contract amount - See Assessment Potable Supply-Groundwater(iii).

3 Contract amount - See Assessment Potable Supply-Groundwater (iv) and (v). Maximum day well capacity is compatible with contract amount.

4 MWRP 28.0 mgd treatment capacity (28,228 AFY RW production) with 90% plant efficiency (25.2 mgd) and LAWRP permitted 5.5 mgd tertiary treatment capacity (6,161 AFY)

5 Future estimated MWRP & LAWRP recycled water production. Includes biosolids and expansion to 33 mgd

6 Since 2017, Baker Water Treatment Plant (WTP) treats imported and native water. Baker Aqueduct capacity has been allocated to Baker WTP participants and IRWD owns 46.50 cfs in Baker Aqueduct, of which, 10.5 cfs is for for potable treatment. IRWD has 36 cfs remaining capacity for non-potable uses. The nonpotable average use is based on converting maximum day capacity to average by dividing the capacity by a peaking factor of 2.5 (see Assessment Footnote 8, page 27).

7 Based on IRWD's proportion of Irvine Lake imported water storage; Actual ILP capacity would allow the use of additional imported water from MWD through the Santiago Lateral.

8 Contract amount - See Assessment Nonpotable Supply-Groundwater (i) and (ii). Maximum day well capacity (cfs) is compatible with contract amount.

9 Based on 70+ years historical average of Santiago Creek Inflow into Irvine Lake. Since 2020, native water is treated through Baker WTP.

10 Supplies in this table are total and are not adjusted to account for any reductions in imported water.

*64.7 cfs is current assigned capacity; based on increased peak flow, IRWD can purchase 10 cfs more (see page 25 (b)(1)(iii))

(b) Required information concerning currently available and under-development water supply entitlements, water rights and water service contracts:

(1) Written contracts or other proof of entitlement.^{4 5}

• POTABLE SUPPLY - IMPORTED⁶

Potable imported water service connections (currently available).

(i) Potable imported water is delivered to IRWD at various service connections to the imported water delivery system of The Metropolitan Water District of Southern California (“MWD”): service connections CM-01A and OC-7 (Orange County Feeder); CM-10, CM-12, OC-38, OC-39, OC-57, OC-58, OC-63 (East Orange County Feeder No. 2); and OC-68, OC-71, OC-72, OC-73/73A, OC-74, OC-75, OC-83, OC-84, OC-87 (Allen-McColloch Pipeline). IRWD’s entitlements regarding service from the MWD delivery system facilities are described in the following paragraphs and summarized in the above Table ((2)(a)(1)). IRWD receives imported water service through Municipal Water District of Orange County (“MWDOC”), a member agency of MWD.

Allen-McColloch Pipeline (“AMP”) (currently available).

(ii) Agreement For Sale and Purchase of Allen-McColloch Pipeline, dated as of July 1, 1994 (Metropolitan Water District Agreement No. 4623) (“AMP Sale Agreement”). Under the AMP Sale Agreement, MWD purchased the Allen-McColloch Pipeline (formerly known as the “Diemer Intertie”) from MWDOC, the MWDOC Water Facilities Corporation and certain agencies, including IRWD and Los Alisos Water District (“LAWD”),⁷ identified as “Participants” therein. Section 5.02 of the AMP Sale Agreement obligates MWD to meet IRWD’s and the other Participants’ requests for deliveries and specified minimum hydraulic grade lines at each connection serving a Participant, subject to availability of water. MWD agrees to operate the AMP as any other MWD pipeline. MWD has the right to operate the AMP on a “utility basis,” meaning that MWD need not observe

⁴ In some instances, the contractual and other legal entitlements referred to in the following descriptions are stated in terms of flow capacities, in cubic feet per second (cfs). In such instances, the cfs flows are converted to volumes of AFY for purposes of analyzing supply sufficiency in this assessment, by dividing the capacity by a peaking factor of 1.8 (potable) or 2.5 (nonpotable), consistent with maximum day peaking factors used in the WRMP. The resulting reduction in assumed available annual AFY volumes through the application of these factors recognizes that connected capacity is provided to meet peak demands and that seasonal variation in demand and limitations in local storage prevent these capacities from being utilized at peak capacity on a year-round basis. However, the application of these factors produces a conservatively low estimate of annual AFY volumes from these connections; additional volumes of water are expected to be available from these sources.

⁵ In the following discussion, contractual and other legal entitlements are characterized as either potable or nonpotable, according to the characterization of the source of supply. Some of the nonpotable supplies surplus to nonpotable demand could potentially be rendered potable by the addition of treatment facilities; however, except where otherwise noted, IRWD has no current plans to do so.

⁶ See Imported Supply - Additional Information, below, for information concerning the availability of the MWD supply.

⁷ IRWD has succeeded to LAWD’s interests in the AMP and other LAWD water supply facilities and rights mentioned in this assessment, by virtue of the consolidation of IRWD and LAWD on December 31, 2000.

capacity allocations of the Participants but may use available capacity to meet demand at any service connection.

The AMP Sale Agreement obligates MWD to monitor and project AMP demands and to construct specified pump facilities or make other provision for augmenting MWD's capacity along the AMP, at MWD's expense, should that be necessary to meet demands of all of the Participants (Section 5.08).

(iii) Agreement For Allocation of Proceeds of Sale of Allen-McColloch Pipeline, dated as of July 1, 1994 ("AMP Allocation Agreement"). This agreement, entered into concurrently with the AMP Sale Agreement, provided each Participant, including IRWD, with a capacity allocation in the AMP, for the purpose of allocating the sale proceeds among the Participants in accordance with their prior contractual capacities adjusted to conform to their respective future demands. IRWD's capacity under the AMP Allocation Agreement (including its capacity as legal successor agency to LAWD) is 64.69 cfs at IRWD's first four AMP connections, 49.69 cfs at IRWD's next five downstream AMP connections and 35.01 and 10.00 cfs, respectively at IRWD's remaining two downstream connections. The AMP Allocation Agreement further provides that if a Participant's peak flow exceeds its capacity, the Participant shall "purchase" additional capacity from the other Participants who are using less than their capacity, until such time as MWD augments the capacity of the AMP. The foregoing notwithstanding, as mentioned in the preceding paragraph, the allocated capacities do not alter MWD's obligation under the AMP Sale Agreement to meet all Participants' demands along the AMP, and to augment the capacity of the AMP if necessary. Accordingly, under these agreements, IRWD can legally increase its use of the AMP beyond the above-stated capacities but would be required to reimburse other Participants from a portion of the proceeds IRWD received from the sale of the AMP.

(iv) Improvement Subleases (or "FAP" Subleases) [MWDOC and LAWD; MWDOC and IRWD], dated August 1, 1989; 1996 Amended and Restated Allen-McColloch Pipeline Subleases [MWDOC and LAWD; MWDOC and IRWD], dated March 1, 1996. IRWD subleases its AMP capacity, including the capacity it acquired as successor to LAWD. To facilitate bond financing for the construction of the AMP, it was provided that the MWDOC Water Facilities Corporation, and subsequently MWDOC, would have ownership of the pipeline, and the Participants would be sublessees. As is the case with the AMP Sale Agreement, the subleases similarly provide that water is subject to availability.

East Orange County Feeder No. 2 ("EOCF#2") (currently available).

(v) Agreement For Joint Exercise of Powers For Construction, Operation and Maintenance of East Orange County Feeder No. 2, dated July 11, 1961, as amended on July 25, 1962, and April 26, 1965; Agreement Re Capacity Rights In Proposed Water Line, dated September 11, 1961 ("IRWD MWDOC Assignment Agreement"); Agreement Regarding Capacity Rights In the East Orange County Feeder No. 2, dated August 28, 2000 ("IRWD Coastal Assignment Agreement"). East Orange County Feeder No. 2 ("EOCF#2"), a feeder linking Orange County with MWD's feeder system, was constructed pursuant to a joint powers agreement among MWDOC (then called Orange County Municipal Water District), MWD, Coastal Municipal Water District ("Coastal"), Anaheim and Santa

Ana. A portion of IRWD's territory is within MWDOC and the remainder is within the former Coastal (which was consolidated with MWDOC in 2001). Under the IRWD MWDOC Assignment Agreement, MWDOC assigned 41 cfs of capacity to IRWD in the reaches of EOCF#2 upstream of the point known as Coastal Junction (reaches 1 through 3), and 27 cfs in reach 4, downstream of Coastal Junction. Similarly, under the IRWD Coastal Assignment Agreement, prior to Coastal's consolidation with MWDOC, Coastal assigned to IRWD 0.4 cfs of capacity in reaches 1 through 3 and 0.6 cfs in reach 4 of EOCF#2. Delivery of water through EOCF#2 is subject to the rules and regulations of MWD and MWDOC and is further subject to application and agreement of IRWD respecting turnouts.

Orange County Feeder (currently available)

(vi) Agreement, dated March 13, 1956. This 1956 Agreement between MWDOC's predecessor district and the Santa Ana Heights Water Company ("SAHWC") provides for delivery of MWD imported supply to the former SAHWC service area. SAHWC's interests were acquired on behalf of IRWD through a stock purchase and IRWD annexation of the SAHWC service area in 1997. The supply is delivered through a connection to MWD's Orange County Feeder designated as OC-7.

(vii) Agreement For Transfer of Interest In Pacific Coast Highway Water Transmission and Storage Facilities From The Irvine Company To the Irvine Ranch Water District, dated April 23, 1984; Joint Powers Agreement For the Construction, Operation and Maintenance of Sections 1a, 1b and 2 of the Coast Supply Line, dated June 9, 1989; Agreement, dated January 13, 1955 ("1955 Agreement"). The jointly constructed facility known as the Coast Supply Line ("CSL"), extending southward from a connection with MWD's Orange County Feeder at Fernleaf Street in Newport Beach, was originally constructed pursuant to a 1952 agreement among Laguna Beach County Water District ("LBCWD"), The Irvine Company (TIC) and South Coast County Water District. Portions were later reconstructed. Under the above-referenced transfer agreement in 1984, IRWD succeeded to TIC's interests in the CSL. The CSL is presently operated under the above-referenced 1989 joint powers agreement, which reflects IRWD's ownership of 10 cfs of capacity. The 1989 agreement obligates LBCWD, as the managing agent and trustee for the CSL, to purchase water and deliver it into the CSL for IRWD. LBCWD purchases such supply, delivered by MWD to the Fernleaf connection, pursuant to the 1955 Agreement with Coastal (now MWDOC).

Baker Water Treatment Plant (currently available)

IRWD recently constructed the Baker Water Treatment Plant (Baker WTP) in partnership with El Toro Water District, Moulton-Niguel Water District, Santa Margarita Water District and Trabuco Canyon Water District. The Baker WTP is supplied with untreated imported water from MWD and native Irvine Lake water supply. IRWD owns 10.5 cfs of treatment capacity rights in the Baker WTP.⁸

•POTABLE SUPPLY - GROUNDWATER

(i) Orange County Water District Act (“OCWD”), Water Code App., Ch. 40 (“Act”). IRWD is an operator of groundwater-producing facilities in the Orange County Groundwater Basin (the “Basin”). Although the rights of the producers within the Basin vis a vis one another have not been adjudicated, they nevertheless exist and have not been abrogated by the Act (§40-77). The rights consist of municipal appropriators’ rights and may include overlying and riparian rights. The Basin is managed by OCWD under the Act, which functions as a statutorily-imposed physical solution. The Act empowers OCWD to impose replenishment assessments and basin equity assessments on production and to require registration of water-producing facilities and the filing of certain reports; however, OCWD is expressly prohibited from limiting extraction unless a producer agrees to such limitation (§ 40-2(6) (c)) and from impairing vested rights to the use of water (§ 40-77). Thus, producers may install and operate production facilities under the Act; OCWD approval is not required. OCWD is required to annually investigate the condition of the Basin, assess overdraft and accumulated overdraft, and determine the amount of water necessary for replenishment (§40-26). OCWD has studied the Basin replenishment needs and potential projects to address growth in demand through 2035 in its Final Draft Long-Term Facilities Plan (January 2006), last updated November 19, 2014. The Long-Term Facilities Plan is updated approximately every five years.

(ii) *Irvine Ranch Water District v. Orange County Water District*, Orange County Superior Court Case No. 795827. A portion of IRWD is outside the jurisdictional boundary of OCWD. IRWD is eligible to annex the Santa Ana River Watershed portion of this territory to OCWD, under OCWD’s current annexation policy (OCWD Resolution No. 86-2-15, adopted on February 19, 1986, and reaffirmed on June 2, 1999). This September 29, 1998, Superior Court ruling indicates that IRWD is entitled to deliver groundwater from the Basin to the IRWD service area irrespective of whether such area is also within OCWD.

Dyer Road Wellfield (“DWRF”) / Deep Aquifer Treatment System (“DATS”) ***(currently available)***

(iii) Agreement For Water Production and Transmission Facilities, dated March 18, 1981, as amended May 2, 1984, September 19, 1990, and November 3, 1999 (the “DRWF Agreement”). The DRWF Agreement, among IRWD, OCWD and Santa Ana, concerns the development of IRWD’s Dyer Road Wellfield

⁸ The Baker WTP is supplied nonpotable imported water through the existing Baker Pipeline. IRWD’s existing Baker Pipeline capacity (see Section 2(b)(1) NONPOTABLE SUPPLY – IMPORTED) has been apportioned to the Baker WTP participants based on Baker WTP capacity ownership, and IRWD retains 10.5 cfs of pipeline capacity through the Baker WTP for potable supply and retains 36 cfs in Reach 1U of the Baker Pipeline capacity for nonpotable supply.

(DRWF), within the Basin. The DRWF consists of 16 wells pumping from the non-colored water zone of the Basin and 2 wells (with colored-water treatment facilities) pumping from the deep, colored-water zone of the Basin (the colored-water portion of the DRWF is sometimes referred to as the Deep Aquifer Treatment System or DATS.) Under the DRWF Agreement, an “equivalent” basin production percentage (“BPP”) has been established for the DRWF, currently 28,000 AFY of non-colored water and 8,000 AFY of colored water, provided any amount of the latter 8,000 AFY not produced results in a matching reduction of the 28,000 AFY BPP. Although typically IRWD production from the DRWF does not materially exceed the equivalent BPP, the equivalent BPP is not an extraction limitation; it results in imposition of monetary assessments on the excess production. The DRWF Agreement also establishes monthly pumping amounts for the DRWF. With the addition of the Concentrated Treatment System (“CATS”), IRWD has increased the yield of DATS.

Irvine Subbasin / Irvine Desalter (currently available)

(iv) First Amended and Restated Agreement, dated March 11, 2002, as amended June 15, 2006, restating May 5, 1988 agreement (“Irvine Subbasin Agreement”). TIC has historically pumped agricultural water from the Irvine Subbasin. (As in the rest of the Basin of which this subbasin is a part, the groundwater rights have not been adjudicated and OCWD provides governance and management under the Act.) The 1988 agreement between IRWD and TIC provided for the joint use and management of the Irvine Subbasin. The 1988 agreement further provided that the 13,000 AFY annual yield of the Irvine Subbasin (“Subbasin”) would be allocated 1,000 AFY to IRWD and 12,000 AFY to TIC. Under the restated Irvine Subbasin Agreement, the foregoing allocations were superseded as a result of TIC’s commencement of the building its Northern Sphere Area project, with the effect that the Subbasin production capability, wells and other facilities, and associated rights have been transferred from TIC to IRWD, and IRWD has assumed the production from the Subbasin. In consideration of the transfer, IRWD is required to count the supplies attributable to the transferred Subbasin production in calculating available supplies for the Northern Sphere Area project and other TIC development and has agreed that they will not be counted toward non-TIC development.

A portion of the existing Subbasin water production facilities produce water which is of potable quality. IRWD could treat some of the water produced from the Subbasin for potable use, by means of the Desalter and other projects. Although, as noted above, the Subbasin has not been adjudicated and is managed by OCWD, TIC reserved water rights from conveyances of its lands as development over the Subbasin has occurred, and under the Irvine Subbasin Agreement TIC has transferred its rights to IRWD.

(v) Second Amended and Restated Agreement Between Orange County Water District and Irvine Ranch Water District Regarding the Irvine Desalter Project, dated June 11, 2001, and other agreements referenced therein. This agreement provides for the extraction and treatment of subpotable groundwater from the Irvine Subbasin, a portion of the Basin. As is the case with the remainder of the Basin, IRWD’s entitlement to extract this water is not adjudicated, but the use of the entitlement is governed by the OCWD Act. (See also, discussion of Irvine Subbasin in the preceding paragraph.) A portion of the product water has been

delivered into the IRWD potable system, and the remainder has been delivered into the IRWD nonpotable system.

Orange Park Acres (currently available)

On June 1, 2008, through annexation and merger, IRWD acquired the water system of the former Orange Park Acres Mutual Water company, including its well (“OPA Well”). The well is operated within the Basin.

Wells 21 and 22 (currently available)

In early 2013, IRWD completed construction of treatment facilities, pipelines, and wellhead facilities for Wells 21 and 22. Water supplied through this project became available in 2013. The wells are operated within the Basin.

Irvine Wells (under development)

(vi) IRWD is pursuing the installation of production facilities in the west Irvine, Tustin Legacy and Tustin Ranch portions of the Basin. These groundwater supplies are considered to be under development; however, four wells have been drilled and have previously produced groundwater, three wells have been drilled but have not been used as production wells to date, and a site for an additional well and treatment facility has been acquired by IRWD. These production facilities can be constructed and operated under the Act; no statutory or contractual approval is required to do so. Appropriate environmental review has or will be conducted for each facility. See discussion of the Act under Potable Supply - Groundwater, paragraph (i), above.

• **NONPOTABLE SUPPLY - RECYCLED**

Water Recycling Plants (currently available)

Water Code Section 1210. IRWD supplies its own recycled water from sewage collected by IRWD and delivered to IRWD’s Michelson Water Recycling Plant (“MWRP”) and Los Alisos Water Recycling Plant (“LAWRP”). Under the recently completed MWRP Phase II Capacity Expansion Project, IRWD increased its tertiary treatment capacity on the existing MWRP site to produce sufficient recycled water to meet the projected demand through the year 2042. MWRP currently has a permitted tertiary capacity of 28 million gallons per day (“MGD”) and LAWRP currently has a permitted tertiary capacity of 5.5 MGD. Water Code Section 1210 provides that the owner of a sewage treatment plant operated for the purposes of treating wastes from a sanitary sewer system holds the exclusive right to the treated effluent as against anyone who has supplied the water discharged into the sewer system. IRWD’s permits for the operation of MWRP and LAWRP allow only irrigation and other customer uses of recycled water, and do not permit stream discharge of recycled water under normal conditions; thus, no issue of downstream appropriation arises, and IRWD is entitled to deliver all of the effluent to meet contractual and customer demands. Additional reclamation capacity will augment local nonpotable supplies and improve reliability.

•NONPOTABLE SUPPLY - IMPORTED⁹

Baker Pipeline (currently available)

Santiago Aqueduct Commission (“SAC”) Joint Powers Agreement, dated September 11, 1961, as amended December 20, 1974, January 13, 1978, November 1, 1978, September 1, 1981, October 22, 1986, and July 8, 1999 (the “SAC Agreement”); Agreement Between Irvine Ranch Water District and Carma-Whiting Joint Venture Relative to Proposed Annexation of Certain Property to Irvine Ranch Water District, dated May 26, 1981 (the “Whiting Annexation Agreement”); service connections OC-13/13A, OC-33/33A. The imported untreated water pipeline initially known as the Santiago Aqueduct and now known as the Baker Pipeline was constructed under the SAC Agreement, a joint powers agreement. The Baker Pipeline is connected to MWD’s Santiago Lateral. IRWD’s capacity in the Baker Pipeline includes the capacity it subleases as successor to LAWD, as well as capacity rights IRWD acquired through the Whiting Annexation Agreement. (To finance the construction of AMP parallel untreated reaches which were incorporated into the Baker Pipeline, replacing original SAC untreated reaches that were made a part of the AMP potable system, it was provided that the MWDOC Water Facilities Corporation, and subsequently MWDOC, would have ownership, and the participants would be sublessees.) IRWD’s original capacities in the Baker Pipeline include 52.70 cfs in the first reach, 12.50 cfs in each of the second, third and fourth reaches and 7.51 cfs in the fifth reach of the Baker Pipeline. These existing Baker Pipeline capacities have been apportioned to the Baker WTP participants based on Baker WTP capacity ownership. IRWD retains 10.5 cfs of the pipeline capacity for potable supply through the Baker WTP and retains 36 cfs in Reach 1U of the Baker Pipeline capacity for nonpotable supply (See also footnote 8, page 27). Water is subject to availability from MWD.

•NONPOTABLE SUPPLY - NATIVE

Irvine Lake (currently available)

(i) Permit For Diversion and Use of Water (“Permit No. 19306”) issued pursuant to Application No. 27503; License For Diversion and Use of Water (“License 2347”) resulting from Application No. 4302 and Permit No. 3238; License For Diversion and Use of Water (“License 2348”) resulting from Application No. 9005 and Permit No. 5202. The foregoing permit and licenses, jointly held by IRWD (as successor to The Irvine Company (“TIC”) and Carpenter Irrigation District (“CID”)) and Serrano Water District (“SWD”), secure appropriative rights to the flows of Santiago Creek. Under Licenses 2347 and 2348, IRWD and SWD have the right to diversion by storage at Santiago Dam (Irvine Lake) and a submerged dam, of a total of 25,000 AFY. Under Permit No. 19306, IRWD and SWD have the right to diversion by storage of an additional 3,000 AFY by flashboards at Santiago Dam (Irvine Lake). (Rights under Permit No. 19306 may be junior to an OCWD permit to divert up to 35,000 AFY of Santiago Creek flows to spreading

⁹ See Imported Supply - Additional Information, below, for information concerning the availability of the MWD supply.

pits downstream of Santiago Dam.) The combined total of native water that may be diverted to storage under these licenses and permit is 28,000 AFY. A 1996 amendment to License Nos. 2347, 2348 and 2349 [replaced by Permit No. 19306 in 1984] limits the withdrawal of water from the Lake to 15,483 AFY under the licenses. This limitation specifically references the licenses and doesn't reference water stored pursuant to other legal entitlements. The use and allocation of the native water is governed by the agreements described in the next paragraph.

(ii) Agreement, dated February 6, 1928 ("1928 Agreement"); Agreement, dated May 15, 1956, as amended November 12, 1973 ("1956 Agreement"); Agreement, dated as of December 21, 1970 ("1970 Agreement"); Agreement Between Irvine Ranch Water District and The Irvine Company Relative to Irvine Lake and the Acquisition of Water Rights In and To Santiago Creek, As Well As Additional Storage Capacity in Irvine Lake, dated as of May 31, 1974 ("1974 Agreement"). The 1928 Agreement was entered into among SWD, CID and TIC, providing for the use and allocation of native water in Irvine Lake. Through the 1970 Agreement and the 1974 Agreement, IRWD acquired the interests of CID and TIC, leaving IRWD and SWD as the two co-owners. TIC retains certain reserved rights. The 1928 Agreement divides the stored native water by a formula which allocates to IRWD one-half of the first 1,000 AF, plus increments that generally yield three-fourths of the amount over 1,000 AF.¹⁰ The agreements also provide for evaporation and spill losses and carryover water remaining in the Lake at the annual allocation dates. Given the dependence of native water on rainfall, for purposes of this assessment only a small portion of IRWD's share of the 28,000 AFY of native water rights (3,048 AFY in normal years and 1,000 AFY in single and multiple-dry years) is shown in currently available supplies, based on averaging of historical data. However, IRWD's ability to supplement Irvine Lake storage with its imported untreated water supplies, described herein, offsets the uncertainty associated with the native water supply.

•NONPOTABLE SUPPLY - GROUNDWATER

Irvine Subbasin / Irvine Desalter (currently available)

(i) IRWD's entitlement to produce nonpotable water from the Irvine Subbasin is included within the Irvine Subbasin Agreement. See discussion of the Irvine Subbasin Agreement under Potable Supply - Groundwater; paragraph (iv), above.

(ii) See discussion of the Irvine Desalter project under Potable Supply - Groundwater, paragraph (v), above. The Irvine Desalter project will produce nonpotable as well as potable water.

¹⁰ The 1956 Agreement provides for facilities to deliver MWD imported water into Irvine Lake, and grants storage capacity for the imported water. By succession, IRWD owns 9,000 AFY of this 12,000 AFY imported water storage capacity. This storage capacity does not affect availability of the imported supply, which can be either stored or delivered for direct use by customers.

•IMPORTED SUPPLY - ADDITIONAL INFORMATION

As described above, the imported supply from MWD is contractually subject to availability. To assist local water providers in assessing the adequacy of local water supplies that are reliant in whole or in part on MWD's imported supply, MWD has provided information concerning the availability of the supplies to its entire service area. In the MWD 2020 UWMP, MWD has extended its planning timeframe out through 2045 to ensure that the MWD 2020 UWMP may be used as a source document for meeting requirements for sufficient supplies. In addition, the MWD 2020 UWMP includes "Justifications for Supply Projections" (Appendix A-3) that details the planning, legal, financial, and regulatory basis for including each source of supply in the plan. The MWD 2020 UWMP summarizes MWD's planning initiatives over the past 15 years, which includes the Integrated Resources Plan (IRP), the IRP 2015 Update, the WSDM Plan, Strategic Plan and Rate Structure. The reliability analysis in MWD's 2015 IRP Update shows that MWD can maintain reliable supplies under the conditions that have existed in past dry periods throughout the period through 2040. The MWD 2020 UWMP includes tables that show the region can provide reliable supplies under both the single driest year (1977) and multiple dry years (1990-92) through 2045. MWD has also identified buffer supplies, including additional State Water Project groundwater storage and transfers that could serve to supply the additional water needed.

It is anticipated that MWD will revise its regional supply availability analysis periodically, if needed, to supplement the MWD 2020 UWMP in years when the MWD UWMP is not being updated.

IRWD is permitted by the statute (Wat. Code, § 10610 *et seq.*) to rely upon the water supply information provided by the wholesaler concerning a wholesale water supply source, for use in preparing its UWMPs. In turn, the statute provides for the use of UWMP information to support water supply assessments and verifications. In accordance with these provisions, IRWD is entitled to rely upon the conclusions of the MWD UWMP. As referenced above under Summary of Results of Demand-Supply Comparisons - **Actions on Delta Pumping**, MWD has provided additional information on its imported water supply.

MWD's reserve supplies, together with the fact that IRWD relies on MWD supplies as supplemental supplies that need not be used to the extent IRWD operates currently available and under-development local supplies, build a margin of safety into IRWD's supply availability.

- (2) Adopted capital outlay program to finance delivery of the water supplies.

All necessary delivery facilities currently exist for the use of the *currently available* and *under-development* supplies assessed herein, with the exception of future groundwater wells, and IRWD sub-regional and developer-dedicated conveyance facilities necessary to complete the local distribution systems for the Project. IRWD's turnout at each MWD connection and IRWD's regional delivery facilities are sufficiently sized to deliver all of the supply to the sub-regional and local distribution systems.

With respect to future groundwater well projects (PR Nos. 11828 and 11829), IRWD adopted its fiscal year 2022-23 capital budget on April 26, 2021 (Resolution No. 2021-5), budgeting portions of the funds for such projects. (A copy is available from IRWD on request.) For these facilities, as well as unbuilt IRWD sub-regional conveyance facilities, the sources of funding are previously authorized general obligation bonds, revenue-supported certificates of participation and/or capital funds held by IRWD Improvement Districts. IRWD has maintained a successful program for the issuance of general obligation bonds and certificates of participation on favorable borrowing terms, and IRWD has received AAA public bond ratings. IRWD has approximately \$585.5 million (water) and \$711.1 million (recycled water) of unissued, voter-approved general obligation bond authorization. Certificates of participation do not require voter approval. Proceeds of bonds and available capital funds are expected to be sufficient to fund all IRWD facilities for delivery of the supplies under development. Tract-level conveyance facilities are required to be donated to IRWD by the Applicant or its successor(s) at time of development.

See also the MWD 2020 UWMP, Appendix A.3 Justifications for Supply Projections with respect to capital outlay programs related to MWD's supplies.

(3) Federal, state and local permits for construction of delivery infrastructure.

Most IRWD delivery facilities are constructed in public right-of-way or future right-of-way. State statute confers on IRWD the right to construct works along, under or across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume (Water Code Section 35603). Although this right cannot be denied, local agencies may require encroachment permits when work is to be performed within a street. If easements are necessary for delivery infrastructure, IRWD requires the developer to provide them. The crossing of watercourses or areas with protected species requires federal and/or state permits as applicable.

See also the MWD 2020 UWMP, Appendix A.3 Justifications for Supply Projections with respect to permits related to MWD's supplies.

(4) Regulatory approvals for conveyance or delivery of the supplies.

See response to preceding item (3). Additionally, in general, supplies under development may necessitate the preparation and completion of environmental documents and/or regulatory approvals prior to full construction and implementation. IRWD obtains such approvals when required, and copies of documents pertaining to approvals can be obtained from IRWD.

See also the MWD 2020 UWMP, Appendix A.3 Justifications for Supply Projections with respect to regulatory approvals related to MWD's supplies.

3. Other users and contractholders (identified supply not previously used).

For each of the water supply sources identified by IRWD, if no water has been received from that source(s), IRWD is required to identify other public water systems or water service contractholders that receive a water supply from, or have existing water supply entitlements, water rights and water service contracts to, that source(s):

Water has been received from all listed sources. A small quantity of Subbasin water is used by Woodbridge Village Association for the purpose of supplying its North and South Lakes. There are no other public water systems or water service contractholders that receive a water supply from, or have existing water supply entitlements, water rights and water service contracts to, the Irvine Subbasin.

4. Information concerning groundwater included in the supply identified for the Project:

(a) Relevant information in the Urban Water Management Plan (UWMP):

See Irvine Ranch Water District 2020 UWMP, section 6.2.

(b) Description of the groundwater basin(s) from which the Project will be supplied:

The Orange County Groundwater Basin (“Basin”) is described in the Orange County Water District Groundwater Management Plan (“GMP”) 2015 Update, dated June 17, 2015¹¹. The rights of the producers within the Basin vis a vis one another have not been adjudicated. The Basin is managed by the Orange County Water District (“OCWD”) for the benefit of municipal, agricultural, and private groundwater producers. OCWD is responsible for the protection of water rights to the Santa Ana River in Orange County as well as the management and replenishment of the Basin. Current production from the Basin is approximately 282,000 AFY.

The DWR has not identified the Basin as “critically overdrafted,” and has not identified the Basin as overdrafted in its most current bulletin that characterizes the condition of the Basin, Bulletin 118 (2003) and 2016 Bulletin 118 Interim Update. The efforts being undertaken by OCWD to eliminate long-term overdraft in the Basin are described in the OCWD GMP 2015 Update and OCWD Master Plan Report (“MPR”), including in particular, Chapters 4, 5, 6, 14 and 15 of the MPR. OCWD has also prepared a Long Term Facilities Plan (“LTFP”) which was received by the OCWD Board in July 2009 and was last updated in November 2014. The LTFP Chapter 3 describes the efforts being undertaken by OCWD to eliminate long-term overdraft in the Basin. See also following section on **“Sustainable Groundwater Management Act”**.

Although the water supply assessment statute (Water Code Section 10910(f)) refers to elimination of “long-term overdraft,” overdraft includes conditions which may be managed for optimum basin storage, rather than eliminated. OCWD’s Act defines annual groundwater overdraft to be the quantity by which production exceeds the natural replenishment of the Basin. Accumulated overdraft is defined in the OCWD Act to be the quantity of water needed in the groundwater basin forebay to prevent landward movement of seawater into the fresh groundwater body. However, seawater intrusion control facilities have been constructed by OCWD since the Act was written and have been effective in preventing landward movement of seawater. These facilities allow greater

¹¹ OCWD has also prepared a Long-Term Facilities Plan which was received and filed by its Board in July 2009, and last updated in November 2014.

utilization of the storage capacity of the Basin.

OCWD has invested over \$250 million in seawater intrusion control (injection barriers), recharge facilities, laboratories, and Basin monitoring to effectively manage the Basin. Consequently, although the Basin is defined to be in an “overdraft” condition, it is actually managed to allow utilization of up to 500,000 acre-feet of storage capacity of the basin during dry periods, acting as an underground reservoir and buffer against drought. OCWD has an optimal basin management target of 100,000 acre-feet of accumulated overdraft provides sufficient storage space to accommodate increased supplies from one wet year while also provide enough water in storage to offset decreased supplies during a two- to three year drought. If the Basin is too full, artesian conditions can occur along the coastal area, causing rising water and water logging, an adverse condition. Since the formation of OCWD in 1933, OCWD has made substantial investment in facilities, Basin management and water rights protection, resulting in the elimination and prevention of adverse long-term “mining” overdraft conditions. OCWD continues to develop new replenishment supplies, recharge capacity and basin protection measures to meet projected production from the basin during normal rainfall and drought periods. (OCWD GMP, OCWD MPR and LTFP)

OCWD’s efforts include ongoing replenishment programs and planned capital improvements. It should be noted under OCWD’s management of overdraft to maximize the Basin’s use for annual production and recharge operations, overdraft varies over time as the Basin is managed to keep it in balance over the long term. The Basin is not operated on an annual safe-yield basis. (OCWD GMP, OCWD MPR, section 3.2 and LTFP, section 6). See also the following section on “**Sustainable Groundwater Management Act**”.

(c) Description and analysis of the amount and location of groundwater pumped by IRWD from the Basin for the past five years:

The following table shows the amounts pumped, by groundwater source since the year 2002:

(In AFY)

Year (ending 6/30)	DRWF/DATS/ OPA/21-22	Irvine Subbasin (IRWD)	Irvine Subbasin (TIC)	LAWD ¹²
2021	38,722	3,644	0	0
2020	33,975	4,005	0	0
2019	38,603	3,961	0	0
2018	38,196	4,619	0	0
2017	39,787	4,077	0	169

¹² The water produced from IRWD’s Los Alisos wells is not included in this assessment. IRWD is presently evaluating the future use of these wells.

2016	37,216	4,672	0	307
2015	40,656	9,840	0	336
2014	42,424	10,995	0	376
2013	38,617	8,629	0	282
2012	37,059	7,059	0	0
2011	34,275	7,055	0	0
2010	37,151	8,695	0	3
2009	38,140	7,614	0	0
2008	36,741	4,539	0	16
2007	37,864	5,407	0	6
2006	37,046	2,825	0	268
2005	36,316	2,285	628	357
2004	30,265	1,938	3,079	101
2003	24,040	2,132	4,234	598
2002	25,855	2,533	5,075	744

(d) Description and analysis of the amount and location of groundwater projected to be pumped by IRWD from the Basin:

IRWD has a developed groundwater supply of 35,200 AFY from its Dyer Road Wellfield (including the Deep Aquifer Treatment System), in the main portion of the Basin.

Although TIC's historical production from the Subbasin declined as its use of the Subbasin for agricultural water diminished, OCWD's and other historical production records for the Subbasin show that production has been as high as 13,000 AFY. Plans are also underway to expand IRWD's main Orange County Groundwater Basin supply (characterized as *under-development* supplies herein). (See Section 2 (a) (1) herein). IRWD anticipates the development of potential additional production facilities within both the main Basin and the Irvine Subbasin. However, such additional facilities have not been included or relied upon in this assessment. Additional groundwater development will provide an additional margin of safety as well as reduce future water supply costs to IRWD.

The following table summarizes future IRWD groundwater production from currently available and under-development supplies.

(In AFY)

Year (ending 6/30)	DRWF¹³	Future GW¹⁴	IDP (Potable)	IDP (Nonpotable)
2025	43,861	12,352	5,618	3,461
2030	43,861	12,352	5,618	3,461
2035	43,861	12,352	5,618	3,461
2040	43,861	12,352	5,618	3,461

(e) If not included in the 2020 UWMP, analysis of the sufficiency of groundwater projected to be pumped by IRWD from the Basin to meet the projected water demand of the Project:

See responses to 4(b) and 4(d).

The OCWD MPR and LTFP examined future Basin conditions and capabilities, water supply and demand, and identified projects to meet increased replenishment needs of the basin. With the implementation of OCWD’s preferred projects, the Basin yield in the year 2025 would be up to 500,000 AF. The amount that can be produced will be a function of which projects will be implemented by OCWD and how much increased recharge capacity is created by those projects, total demands by all producers, and the resulting Basin Production Percentage (“BPP”) that OCWD sets based on these factors.¹⁵ Sufficient replenishment supplies are projected by the OCWD MPR to be available to OCWD to meet the increasing demand on the Basin. These supplies include capture of increasing Santa Ana River flows, purchases of replenishment water from MWD, and development of new local supplies. In 2008, OCWD began operating its replenishment supply project, the Groundwater Replenishment System project (“GWRS”). The GWRS currently produces approximately 100,000 AFY of new replenishment supply from recycled water (OCWD GMP).

Production of groundwater can exceed applicable basin production percentages on a short-term basis, providing additional reliability during dry years or

¹³ See Potable Supply - Groundwater, paragraph (iii), above. DRWF non-colored production above 28,000 AFY and colored water production above 8,000 AFY are subject to contractually-imposed assessments. In addition, seasonal production amounts apply. This also includes 914 AFY for the OPA well and 6,329 AFY for Wells 21 & 22.

¹⁴ Under-development.

¹⁵ OCWD has adopted a basin production percentage of 77% for 2022-23. In prior years OCWD has maintained a basin production percentage that is lower than the current percentage, and IRWD anticipates that such reductions may occur from time to time as a temporary measure employed by OCWD to encourage lower pumping levels as OCWD implements other measures to reduce the current accumulated overdraft in the Basin. Any such reductions are not expected to affect any of IRWD’s currently available groundwater supplies listed in this assessment, which are subject to a contractually-set equivalent basin production percentage as described or are exempt from the basin production percentage.

emergencies. Additional groundwater production is anticipated by OCWD in the Basin in dry years, as producers reduce their use of imported supplies, and the Basin is “mined” in anticipation of the eventual availability of replenishment water. (OCWD MPR, section 14.6.)

See also, Figures 1-8 hereto. IRWD assesses sufficiency of supplies on an aggregated basis, as neither groundwater nor other supply sources are allocated to particular projects or customers. Under the Irvine Subbasin Agreement, IRWD is contractually obligated to attribute the Subbasin supply only to TIC development projects for assessment purposes; however, the agreement does not allocate or assign rights in the Subbasin supply to any project.

Sustainable Groundwater Management Act. Pursuant to the Sustainable Groundwater Management Act (“SGMA”), the DWR has designated the Orange County groundwater basin, Basin 8-1, as a medium priority basin for purposes of groundwater management. The SGMA specifically calls for OCWD, which regulates the Orange County groundwater basin, to serve as the groundwater sustainability agency or “GSA”. The SGMA allows Special Act Districts created by statute, such as OCWD, to prepare and submit an alternative to a Groundwater Sustainability Plan (“GSP”) that is “functionally equivalent” to a GSP. Basin 8-1 includes the OCWD service area and several fringe areas outside of OCWD that are within the Basin 8-1 boundary. Per the requirements of SGMA, an Alternative Plan must encompass the entire groundwater basin as defined by DWR. On January 1, 2017, OCWD and the overlying agencies within Basin 8-1, including IRWD, jointly prepared and submitted an alternative plan in compliance with SGMA (Basin 8-1 Alternative). The Basin 8-1 Alternative was updated in January 2022.

5. This Water Supply Assessment is being completed for a project included in a prior water supply assessment. Check all of the following that apply:

- Changes in the Project have substantially increased water demand.
- Changes in circumstances or conditions have substantially affected IRWD’s ability to provide a sufficient water supply for the Project.
- Significant new information has become available which was not known and could not have been known at the date of the prior Water Supply Assessment.

6. References

Water Resources Master Plan, Irvine Ranch Water District, Updated 2017

Water Shortage Contingency Plan, Irvine Ranch Water District, June 2021

2020 Urban Water Management Plan, Irvine Ranch Water District, June 2021

Southern California’s Integrated Water Resources Plan, Metropolitan Water District of Southern California, March 1996

Proposed Framework for Metropolitan Water District's Delta Action Plan, Metropolitan Water District of Southern California, May 8, 2007

2007 IRP Implementation Report, Metropolitan Water District of Southern California, October 7, 2007

Board Letter, Action plan for updating the Integrated Resources Plan, Metropolitan Water District of Southern California, December 11, 2007

2010 Integrated Resources Plan Update, Metropolitan Water District of Southern California, October 2010

2015 Integrated Resources Plan Update, Metropolitan Water District of Southern California, January 2016

2020 Urban Water Management Plan, Metropolitan Water District of Southern California, June 2021

2020 Urban Water Management Plan, Municipal Water District of Orange County, May 2021

Climate Action Plan Phase 2: Climate Change Analysis Guidance, California Department of Water Resources, September 2018

Master Plan Report, Orange County Water District, April 1999

Groundwater Management Plan 2015 Update, Orange County Water District, June 2015

Final Draft Long-Term Facilities Plan, Orange County Water District, January 2006

Long-Term Facilities Plan 2014 Update, Orange County Water District, November 2014

2020-2021 Engineer's Report on Groundwater Conditions, Water Supply and Basin Utilization in the Orange County Water District, Orange County Water District, February 2022

Basin 8-1 Alternative, Orange County Water District, January 2017

Basin 8-1 Alternative 2022 Update, Orange County Water District, January 2022

Exhibit A

Depiction of Project Area

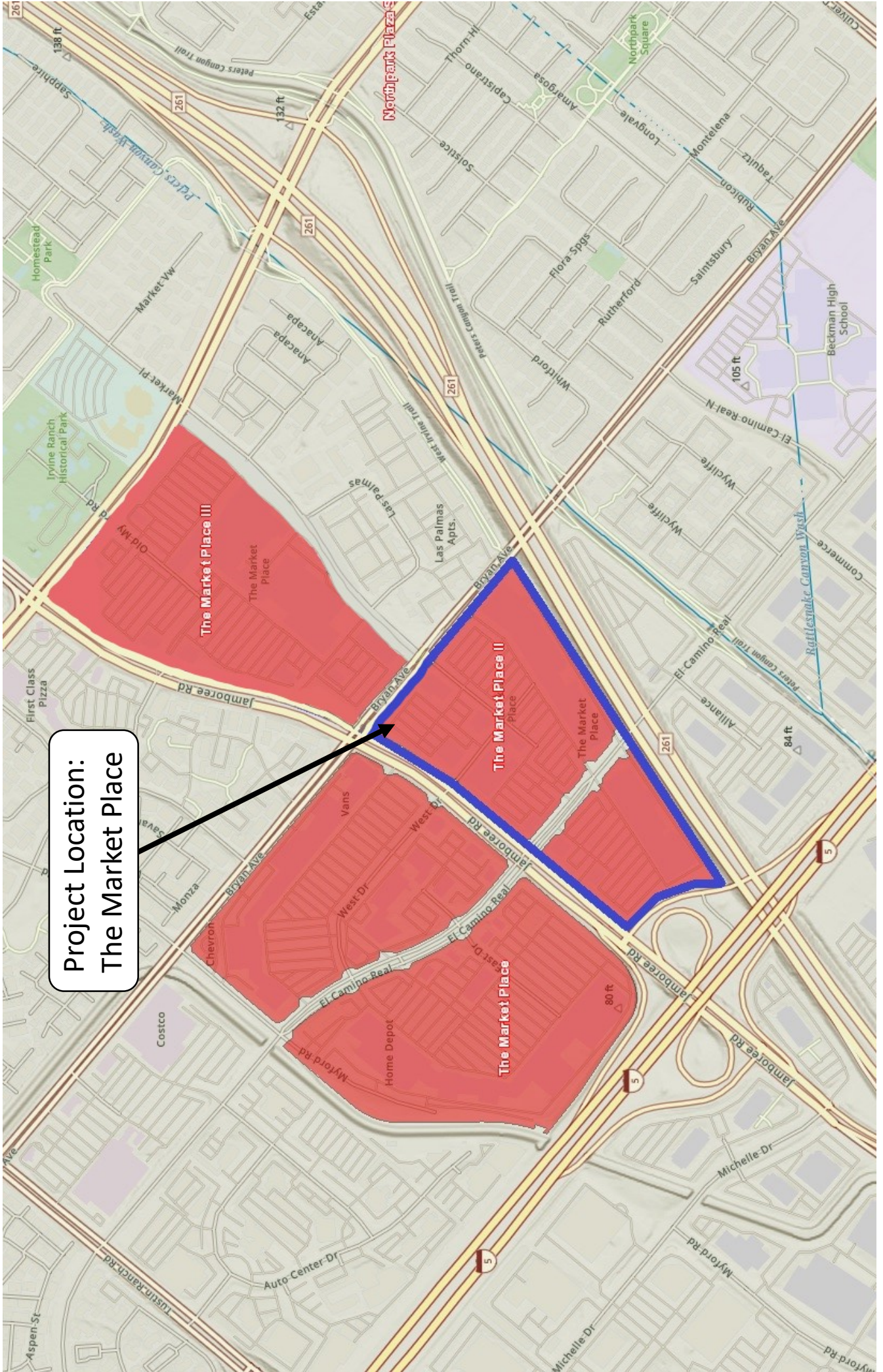


Exhibit B

Uses Included in Project



April 14, 2022

Irvine Ranch Water District
15600 Sand Canyon Avenue
PO Box 57000
Irvine, CA 92619-7000

Re: **Request for Water Supply Availability Assessment (Water Code §10910 et seq.)**

The City of Irvine hereby requests an assessment of water supply availability for the below-described project. The City has determined that the project is a “project” as defined in Water Code §10912, and has determined that an environmental impact report is required for the project.

Proposed Project Information

Project Title: **The Market Place (104-351-32)**

Location of project: **13732 Jamboree Road, Planning Area 4 (Lower Peters Canyon)**

- (For projects requiring a new assessment under Water Code §10910 (h).) Previous Water Supply Assessment including this project was prepared on:_____. This application requests a new Water Supply Assessment, due to the following (check all that apply):
- Changes in the project have substantially increased water demand
- Changes in circumstances or conditions have substantially affected IRWD’s ability to provide a sufficient water supply for the project
- Significant new information has become available which was not known and could not have been known at the date of the prior Water Supply Assessment

(Enclose maps and exhibits of the project)

Type of Development:

- Residential: No. of dwelling units: **1,400 dwelling units**
- Shopping center or business: No. of employees____ Sq. ft. of floor space _____
- Commercial office: No. of employees_____ Sq. ft. of floor space _____
- Hotel or motel: No. of rooms _____
- Industrial, manufacturing, processing or industrial park: No. of employees_____ No. of acres _____Sq. ft. of floor space _____
- Mixed use (check and complete all above that apply)
- Other: _____

Total acreage of project: **16**

Acreage devoted to landscape:

Greenbelt **Approximately 2 acres** Golf Course _____
 Parks **Approximately 1.0 acre**
 Agriculture _____ Other landscaped areas _____
 Number of schools _____ Number of public facilities _____



Other factors or uses that would affect the quantity of water needed, such as peak flow requirements or potential uses to be added to the project to reduce or mitigate environmental impacts:

What is the current land use of the area subject to a land use change under the project?
Current land use is Regional Commercial. Proposed units will replace approximately 205,000 sf of existing commercial structures (to be removed) in Planning Area 4.

Is the project included in the existing General Plan? No. If no, describe the existing General Plan Designation **Land is designated Regional Commercial which currently permits residential uses. Application submitted for General Plan Amendment to add 1,400 residential units to the current allocation otherwise allowed in Planning Area 4.**

The City acknowledges that IRWD’s assessment will be based on the information hereby provided to IRWD concerning the project. If it is necessary for corrected or additional information to be submitted to enable IRWD to complete the assessment, the request will be considered incomplete until IRWD’s receipt of the corrected or additional information. If the project, circumstances or conditions change or new information becomes available after the issuance of a Water Supply Assessment, the Water Supply Assessment may no longer be valid. The City will request a new Water Supply Assessment if it determines that one is required.

The City acknowledges that the Water Supply Assessment shall not constitute a “will-serve” or in any way entitle the project applicant to service or to any right, priority, or allocation in any supply, capacity or facility, and that the issuance of the Water Supply Assessment shall not affect IRWD’s obligation to provide service to its existing customers or any potential future customers including the project applicant. In order to receive service, the applicant shall be required to file a completed Application(s) for Service and Agreement with the Irvine Ranch Water District on IRWD’s forms, together with all fees, charges, plans and specifications, bonds and conveyance of necessary easements, and meet all other requirement as specified therein.

CITY OF IRVINE

By: *Stephanie Frady*

Stephanie Frady, AICP, Principal Planner

REQUEST RECEIVED:

Date: *April 17, 2022*

By: *Kelli Wilson*
Irvine Ranch Water District

REQUEST COMPLETE:

Date: *May 2, 2022*

By: *Kelli Wilson*
Irvine Ranch Water District

January 5, 2023

Prepared by: M. Tetteimer

Submitted by: P. Weghorst

Approved by: Paul A. Cook



WATER RESOURCES POLICY AND COMMUNICATIONS COMMITTEE

PRINCIPLES FOR AGREEMENT WITH UNIVERSITY OF CALIFORNIA IRVINE

SUMMARY:

IRWD operates its drinking water and recycled water service programs in compliance with permits issued by the State Water Resources Control Board and the Santa Ana Regional Water Quality Control Board. The permits require IRWD to perform certain tasks throughout its service area that are associated with use of recycled water, cross-connection control, and backflow prevention.

The University of California, Irvine (UCI) has requested that IRWD delegate to UCI permit-related tasks that would normally be performed by IRWD on the UCI campus. These delegated tasks would be performed with oversight by IRWD staff. Staff recommends that the Board authorize the General Manager to execute an agreement with UCI, based on the principles described below, to delegate permit-related roles and responsibilities to the University.

BACKGROUND:

IRWD provides domestic and recycled water services to the UCI campus. Accordingly, UCI must comply with IRWD's Domestic Water Supply as well as Waste Discharge Requirements and Master Reclamation Permits. UCI must also comply with IRWD's rules and regulations, procedural guidelines, and general design requirements pertaining to cross-connection control, backflow prevention and recycled water use. In the near future, UCI will also need to comply with the requirements of IRWD's Cross-Connection Control Plan, which will be prepared in compliance with the State Board's new Cross-Connection Control Policy Handbook.

Domestic Water Supply Permit Requirements:

IRWD's drinking water service program is operated in compliance with a Domestic Water Supply Permit issued by the State Board. This permit requires IRWD to comply with Title 17 of the California Code of Regulations. Title 17 requires permit holders to perform various tasks to ensure the public water supply is protected from contamination, which is referred to as cross-connection control. A summary of the cross-control requirements of IRWD's Domestic Water Supply Permit is provided as Exhibit A.

Waste Discharge and Master Reclamation Permit Requirements:

IRWD's Waste Discharge Requirements and Master Reclamation Permit, issued by the Santa Ana Regional Board, requires IRWD to operate its recycled water service program in compliance with Title 22 of the California Code. The permit provides requirements for IRWD customers'

use of recycled water. These requirements avoid cross-connections, provide for inspections, and avoid unapproved uses. A summary of these requirements is provided as Exhibit “B”.

Cross-Connection Control Policy Handbook:

Currently, the State Board is in the process of finalizing a Cross-Connection Control Policy Handbook, which will replace Title 17. Once the Handbook is adopted by the State Board, each Domestic Water Supply Permit holder including IRWD, will have one year to prepare and submit a written Cross-Connection Control Plan to the State Board’s Division of Drinking Water for approval. Exhibit “C” provides a list of the 10 elements found in the draft Handbook that will need to be incorporated into IRWD’s Cross-Connection Control Plan.

UCI Compliance with Permit Requirements:

UCI has requested that IRWD delegate tasks to the University that will ensure campus compliance with the described requirements. To facilitate the requested delegations and to ensure compliance, an agreement between IRWD and UCI is proposed to articulate the roles and responsibilities of the University. Principles for the proposed agreement are provided as Exhibit “D”. The work to be conducted by UCI would be performed with the oversight of IRWD staff. Staff recommends the execution of an agreement based on these principles.

FISCAL IMPACTS:

The execution of the proposed agreement with UCI will reduce the need to increase staffing to conduct recycled water, cross-connection control, and backflow prevention inspection work upon implementation of the State Board’s Cross-Connection Control Plan.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

RECOMMENDATION:

The Board authorize the General Manager to execute an agreement with University of California, Irvine, to delegate cross-connection control, backflow prevention, and recycled water use related roles and responsibilities to the University with the oversight by IRWD, based on the principles presented.

LIST OF EXHIBITS:

Exhibit “A” – Summary of IRWD’s Domestic Water Supply Permit

Exhibit “B” – Summary of Conditions in IRWD’s Waste Discharge Requirements and Master Reclamation Permit Related to Customer’s Recycled Water Facilities

Exhibit “C” – Elements of State Board’s Cross-Connection Control Policy Handbook

Exhibit “D” – Principles for Agreement between UCI and IRWD

Exhibit “A”

Summary of IRWD’s Domestic Water Supply Permit (Condition #8)

IRWD operates its drinking water program based on a *Domestic Water Supply Permit* issued by the State Water Resources Control Board. Condition #8 in the permit requires IRWD to comply with Title 17 of the California Code of Regulations. Title 17 requires permit holders to perform various tasks to ensure the public water supply is protected from contamination, also referred to as Cross-Connection Control. Title 17 requires IRWD to:

- Adopt Rules and Regulations to implement a cross-connection control program;
- Conduct site surveys to identify water user premises where cross-connections are likely to occur;
- Ensure proper backflow prevention assemblies are in place (either at the meter or within the customers property) to protect the public water supply;
- Have at least one person trained in cross-connection control to oversee the program;
- Establish a system to ensure backflow prevention assemblies are tested at least annually;
and
- Maintain records regarding the testing, repairing, or replacement of backflow prevention assemblies.

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**Summary of Conditions in
IRWD’s Waste Discharge Requirements and Master Reclamation Permit
Related to Customer’s Recycled Water Facilities**

IRWD operates its recycled water program based on a *Waste Discharge Requirements and Master Reclamation Permit* issued by the Santa Ana Regional Water Quality Control Board. This Regional Board permit requires IRWD to comply with Title 22 of the California Code of Regulations as well as conditions in the permit itself. Title 22 and IRWD’s Regional Board permit requires IRWD to:

- Confirm there are no cross-connections (Title 22);
- Confirm hose bibs are not on the recycled water system (Title 22);
- Confirm there are recycled water use signs (Title 22);
- Confirm that drinking fountains are protected from recycled water spray (Title 22);
- Confirm that recycled water is not discharged from the use site (Title 22 and Regional Board permit);
- Conduct periodic inspections of all recycled water use sites (Regional Board permit);
- Establish and enforce Rules and Regulations for recycled water users (Regional Board permit);
- Confirm there is a Site Supervisor which is required for each recycled water use site (Regional Board permit);
- Confirm that uses are consistent with Title 22 and there are no un-approved uses of recycled water (Regional Board permit); and
- Submit annual reports providing some customer information, types of use for recycled water, amounts of recycled water used, amounts of nitrogen applied, and results of inspections conducted at recycled water use sites (Regional Board permit).

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Exhibit “C”

**Elements of the State Water Resources Control Board’s
Cross-Connection Control Policy Handbook to be Addressed
By IRWD’s Cross Connection Control Plan**

IRWD’s Cross-Connection Control Plan will address the following ten elements included in the State Board’s Cross-Connection Control Policy Handbook. Six of the 10 elements included in the Handbook come from Title 17 while four are new elements.

1. Operating Rules and Ordinances;
2. Cross-Connection Control Program Coordinators;
3. Hazard Assessments;
4. Backflow Prevention;
5. Certified Backflow Prevention Assembly Testers and Certified Cross-Connection Control Specialists (New Element);
6. Backflow Preventer Testing;
7. Recordkeeping;
8. Backflow Incident Response, Reporting and Notification (New Element);
9. Public Outreach and Education (New Element); and
10. Local Entity Coordination (New Element).

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**Principles for Agreement
Between University of California, Irvine (UCI) and Irvine Ranch Water District (IRWD)
Regarding UCI Performing Tasks Related to Recycled Water and
Cross-Connection Control on the UCI Campus**

January 5, 2023 – DRAFT

Background:

- IRWD’s Domestic Water Supply Permit (Permit #05-08-08P-012), issued by the State Water Resources Control Board, contains conditions that IRWD must fulfill. One condition is that “IRWD shall comply with Title 17 of the CCR [California Code of Regulations] to prevent the water system and treatment facilities from being contaminated from possible cross-connections. IRWD shall maintain a program for the protection of the domestic water system against backflow from premises having dual or unsafe water systems in accordance with Title 17” (page 9, Condition 8);
- Title 17 will be replaced by the State Board’s Cross-Connection Control Policy Handbook. Once the State Board adopts the Handbook, IRWD will have one year to prepare and submit a written Cross-Connection Control Plan to the State Board’s Division of Drinking Water;
- IRWD’s Waste Discharge Requirements and Master Reclamation Permit (Order #R8-2015-0024, NPDES No. CA8000326), issued by the Santa Ana Regional Water Quality Control Board, contain conditions that IRWD must fulfill. One condition is that “The Discharger [IRWD] shall be responsible for ensuring that recycled water is delivered and utilized in conformance with this Order, the recycling criteria contained in Title 22, Division 4, Chapter 3, Section 60301 through 60355, California Code of Regulations. The Discharger shall conduct periodic inspections of the facilities of the recycled water users to monitor compliance by the users with this Order.” (page 20, Condition 3);
- IRWD administers programs to ensure customer compliance with Title 17, Title 22, the California Plumbing Code, IRWD’s Domestic Water Supply Permit, IRWD’s Waste Discharge Permit, IRWD’s Rules and Regulations, and IRWD’s Procedural Guidelines and General Design Requirements. This includes reviewing design drawings, conducting field inspections during construction, conducting on-going inspection and testing of recycled water use sites, and conducting Site Supervisor training;
- UCI is a customer of IRWD located within IRWD’s service area and must comply with IRWD’s permits and programs including IRWD’s Cross-Connection Control Plan; and
- UCI has requested that IRWD delegate tasks to the University that will ensure campus compliance with IRWD’s permits and programs including IRWD’s Cross-Connection Control Plan with the oversight of IRWD.

Agreement Principles:

UCI and IRWD will collaborate on the preparation of an agreement that describes the roles and responsibilities of each party related to ensuring compliance on the University campus with IRWD's permits and programs regarding cross-connection control, backflow prevention and use of recycled water:

1. IRWD supports UCI performing mutually acceptable recycled water, cross-connection control and backflow prevention related tasks on the University with oversight by IRWD;
2. UCI acknowledges the scope of IRWD's responsibilities associated with recycled water use, backflow prevention and cross-connection control and that the University must comply with IRWD permits, rules, and regulations as well as procedural guidelines, design requirements and IRWD's Cross-Connection Control Plan;
3. IRWD will consult with UCI during the preparation of IRWD's Cross-Connection Control Plan on elements applicable to the University campus;
4. UCI will conduct mutually agreed upon tasks normally required to be performed by IRWD on the campus in compliance with IRWD's permits, rules, and regulations as well as procedural guidelines, design requirements, and IRWD's Cross-Connection Control Plan;
5. UCI has or will have the proper certified staff resources to conduct tasks performed to comply with established certification standards;
6. IRWD will work with UCI to develop field inspection forms to use when conducting field inspection work;
7. All field inspection forms will be electronically transmitted to IRWD;
8. UCI will provide regular reports to IRWD describing the work completed and any corrective actions taken;
9. IRWD will review the regular reports and provide recommendations for corrective actions;
10. IRWD staff will periodically shadow UCI inspectors and cross-connection specialists to ensure that field work is being performed in compliance with IRWD's requirements;
11. UCI and IRWD will meet periodically during the term of the agreement to address matters of mutual interest and to revise inspection, backflow prevention and cross-connection control procedures to ensure compliance with IRWD requirements; and
12. UCI shall insure and indemnify IRWD relative to the work performed by UCI.