Appendix J: Water Supply Assessment

J-1 Water Supply Assessment Compliance Letter June 22, 2007
J-2 City of Ontario Water Supply Assessment October 27, 2004

J-1 Water Supply Assessment Compliance Letter - June 22, 2007

ALBERT A. WEBB ASSOCIATES

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W.O.: ProposalSG 1002

June 22, 2007

Mr. Raymond Hahn
Project Manager
City of Ontario
1425 South Bon View Avenue
Ontario, California 91761

RE: ***REVISED*** Water Supply Assessment Compliance Letter for the Rich-Haven Specific Plan and Conceptual Land Use – "The Lakes" Project*

Dear Mr. Hahn:

Pursuant to your request, we evaluated the need to update the "Water Supply Assessment and Written Verification of Sufficient Water Supply for the New Model Colony", dated October 27, 2004, prepared by Albert A. Webb Associates (Webb) as a result of the proposed development densification by the Rich-Haven Specific Plan Project (copies of maps attached).

In the Water Supply Assessment for the New Model Colony (NMC) that Webb prepared, the projected ultimate water demand for the NMC was 31,193 acre-feet per year. The projected water demand was based on the "Water Master Plan", dated August 2000, prepared by Boyle Engineering Corporation for the City of Ontario.

Subsequently, the City of Ontario retained MWH to prepare the "Water and Recycled Water Master Plan", dated May 2006. MWH projected that the ultimate potable water demand for NMC was 29,773 acre-feet per year. Both Water Master Plans projected their NMC water demand based on the City's General Plan for the New Model Colony.

If the increased densification results in an increase in the overall water demand of 1470 acre-feet or less (31,193 – 29,773 acre-feet per year), then a compliance letter with the existing WSA for the NMC can be prepared.

* This June 22, 2007 letter supersedes the previous April 2, 2007 and April 26, 2007 WSA letters for the Rich-Haven Specific Plan and Conceptual Land Use – "The Lakes" Project for the City of Ontario.

Provided below is our calculation of the projected water demand for the Rich-Haven Specific Plan and "The Lakes" Project.

Rich-Haven Specific Plan

The projected water demand for the subject project area in the City of Ontario's 2004 Water Supply Assessment for the New Model Colony was 1732.9 acre-feet per year (Table 1).

The ultimate water demand, for the proposed Rich-Haven Specific Plan - Land Use Plan, prepared by RBF, was projected to be 2308.6 acre-feet per year (Table 2). The increased water demand of 575.7 acre-feet per year (2308.6 – 1732.9 acre-feet per year) is a result of increased densification of the proposed project when compared to the City of Ontario's General Plan.

"The Lakes" Project

The ultimate water demand for the subject project area ("The Lakes") included in the WSA for the New Model Colony was estimated to be 1516 acre-feet per year (Table 3). The proposed Land Use Plan for "The Lakes" Project results in the projected water demand of 1319 acre-feet per year (Table 4) or a decrease of 197 acre-feet per year for the same area included in the WSA for the NMC.

Hence, the net increase in the water demand for the subject projects is 378.7 acre-feet per year (575.7 – 197 acre-feet per year). The projected water demand for the New Model Colony area, based on MWH's Master Water Plan for potable water is 29,773 acre-feet per year. The change of land use for the subject projects will increase the project's ultimate water demand for the NMC to 30,151.7 acre-feet per year (29,773 + 378.7 acre-feet per year). The projected water demand for the NMC, with the proposed land use changes for the subject projects, increases the total water demand to 30,151.7 acre-feet per year. This is less than the 31,193 acre-feet per year water demand utilized in the 2004 WSA for the NMC.

The above referenced projects do not create additional demand on the City of Ontario's water supply for the existing and future customers as originally determined in the October 27, 2004 WSA for the NMC. Therefore, this letter, along with the WSA for the NMC, will meet the City of Ontario's requirements for compliance with SB-610. No additional supplies or entitlements, above those that were previously presented in the WSA for the NMC, are necessary in order to provide water to these two projects.

Since the initial preparation of the "Water Supply Assessment and the Written Verification of Sufficient Water Supply for the New Model Colony", dated October 27, 2004, Inland Empire Utilities Agency (IEUA) and the City of Ontario have prepared their 2005 Urban Water Management Plans. IEUA's document is entitled the "2005 Regional Urban Water Management Plan", November 2005. MWH prepared the City of Ontario's "Urban Water Management Plan", December 2005. Neither of these UWMP documents prepared by IEUA and MWH adversely impacts the water supply availability data that was used in the preparation of the WSA for the City of Ontario's New Model Colony prepared by Albert A. Webb Associates.

If you have any questions, please call me at (951) 686-1070.

Sincerely,

ALBERT A. WEBB ASSOCIATES

Sam I. Gershon, RCE
Senior Vice President

Enclosures

cc: Scott Burton, City of Ontario
Scott Murphy, City of Ontario
Reymundo Trejo, City of Ontario

TABLE 1

PROJECTED WATER DEMAND
FOR THE
RICH-HAVEN PROPERTY
BASED ON THE
CITY OF ONTARIO'S GENERAL PLAN
AND THE NMC SPECIFIC PLAN

Land Use	Area in Acres	Unit Water Use (gpm/acre)[1]	Water Demand (gpm)	Water Demand (ac-ft/year)
NC	4.5	1.57	7.065	11.40
LDR	87.9	2.71	238.209	384.23
PROS	8.5	2.37	20.145	32.49
PROS	19.9	2.37	47.163	76.07
PPS	10.0	1.58	15.8	25.49
LDR	108.5	2.71	294.035	474.28
PROS	15.6	2.37	36.972	59.64
LDR	64.7	2.71	175.337	282.82
HDR	10.0	3.08	30.8	49.68
PC	66.5	1.57	104.405	168.41
PC	66.5	1.57	104.405	168.41
Total	**462.6**		**1074.336**	**1732.92**

[1] Water Use Factors from Boyle Engineering's "Water Master Plan" for the City of Ontario, dated August 2000, (Table 2-9).

TABLE 2

LAND USE PLAN SUMMARY - FOR THE RICH-HAVEN PROPERTY

Planning Area	Land Use	Dwelling Units	Acres (Gross)	Density (Gross)	Unit Water Use (gallon/day/acre)[2]	Acre-Feet Per Year
Residential District						
1	Residential - SFD	59	12.8	4.6	3982	57.1
2	Residential – SFD	59	12.7	4.6	3982	56.6
3	Residential – SFD	75	14.9	5.0	3982	66.5
4	Residential – SFD	86	20.5	4.2	3982	91.4
5	Residential – SFD & Park	91	23.4	3.9	3982	104.4
6	Residential – SFD	137	26.3	5.2	4141	122.0
Subtotal Subarea 6[1]		**507**	**110.6**	**4.6**		**498**
7	Edison Easement Fee	0	20.1	0.0		
8	Residential – Small Lot SFD	49	8.6	5.8	4141	39.9
9	Residential – Small Lot SFD	89	15.4	5.8	4141	71.5
10	Residential – Small Lot SFD	116	20.0	5.8	4141	92.8
11	Residential – Small Lot SFD	158	27.3	5.8	4141	126.7
12	Residential – Small Lot SFD & Park	87	15.1	5.8	4141	70.1
13	Middle School	0	24.8	0.0	2600	72.2
14	Residential – Small Lot SFD	122	21.1	5.8	4141	97.9
15	Residential – Attached Condominium	248	19.8	12.5	4248	94.2
16	Residential – Attached Condominium	180	14.5	12.5	4248	69.0
17A	Residential – Attached Condominium	153	10.2	15.0	4248	48.6
17B	Residential – Attached Condominium	286	15.9	18.0	5760	102.6
18	Residential – Attached Condominium & Park	128	7.3	17.8	5760	47.1
19	Residential – Attached Condominium	358	19.9	18.0	5760	128.4
Subtotal Subarea 12[1]		**1975**	**240.0**	**9.2**		**1061**
Residential District Subtotal		2,482	350.6	7.1		
Regional Commercial/Mixed-Use District						
20	Residential – Attached Condominium & Commercial	725	80.0	9.1	4141	371.2
21A	Residential-Attached Condominium; Small Lot SFD & Commercial	852	60.0	14.2	4248	285.6
21B	Residential & Commercial	200	20.0	10.0	4141	92.8
Subtotal Subarea 19[1]		**1,777**	**160.0**	**11.1**		**749.6**
Regional Commercial/Mixed-Use District Subtotal		1,777	160.0	11.1		
PROJECT TOTAL		**4,259**	**510.6**	**8.3**		**2308.6**

[1] NMC GPA Specific Subareas, Figure 3-6.

[2] Unit Water Use Factor from Table 3-7 from the "Water and Recycled Water Master Plan" prepared by MWH for the City of Ontario, May 2006 (Table 3-7).

TABLE 3

CONCEPTUAL LAND USE
FOR
"THE LAKES" PROJECT
BASED ON
CITY OF ONTARIO'S
GENERAL PLAN
AND THE
NEW MODEL COLONY SPECIFIC PLAN

Land Use[3]	Area in Acres	Unit Water Use (gpd/acre)[4]	Water Demand (gpm)	Water Demand (acre-feet/year)
LDR	213.2	2.71	577.77	932
MDR	0.7	2.82	0.19	0
PROS	152.8	2.37	362.13	584
Total	366.7			1516

[3] Landuse data from the City of Ontario's "General Plan" based upon the boundaries of "The Lakes" Landuse Map provided by Scott Murphy, City of Ontario, and transmitted by Raymond Hahn on February 21, 2007.

[4] Water Use Factors from Boyle Engineering's "Water Master Plan" for the City of Ontario, dated August 2000, (Table 2-9).

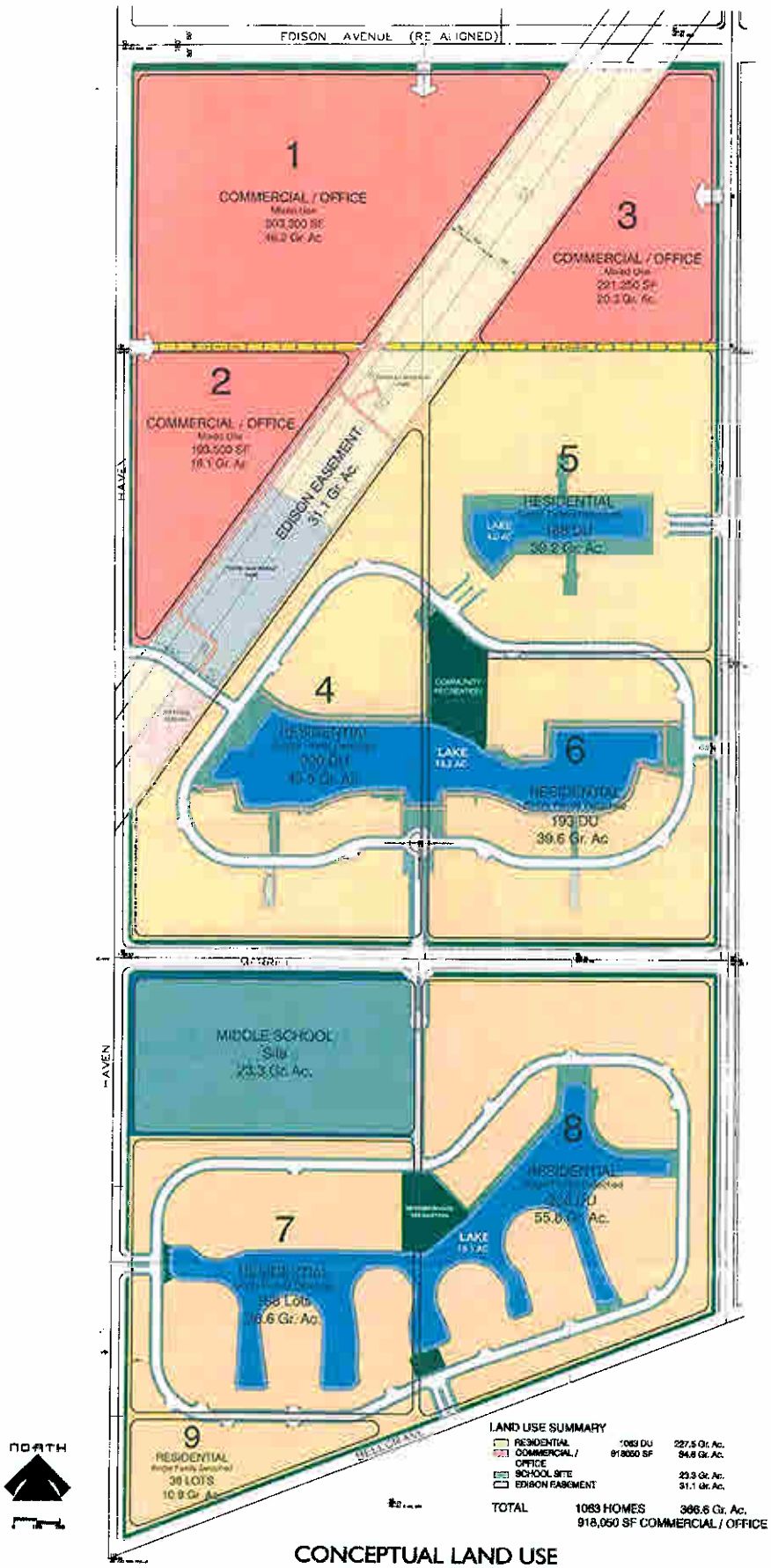
TABLE 4

PROJECTED WATER DEMAND
FOR
"THE LAKES" PROJECT
ONTARIO, CALIFORNIA

Land Use[1]	Area in Acres	Unit Water Use[2] (gpd/acre)	Water Demand (acre-feet/year)
Residential	227.5	3,982	1,015
Commercial/Office	84.6	2,495	236
School Site	23.3	2600	68
Edison Easement	31.1	0	0
Total	366.5		1,319

[1] Landuse data from "The Lakes" Landuse Map provided by Scott Murphy, City of Ontario, and transmitted by Raymond Hahn on February 21, 2007.

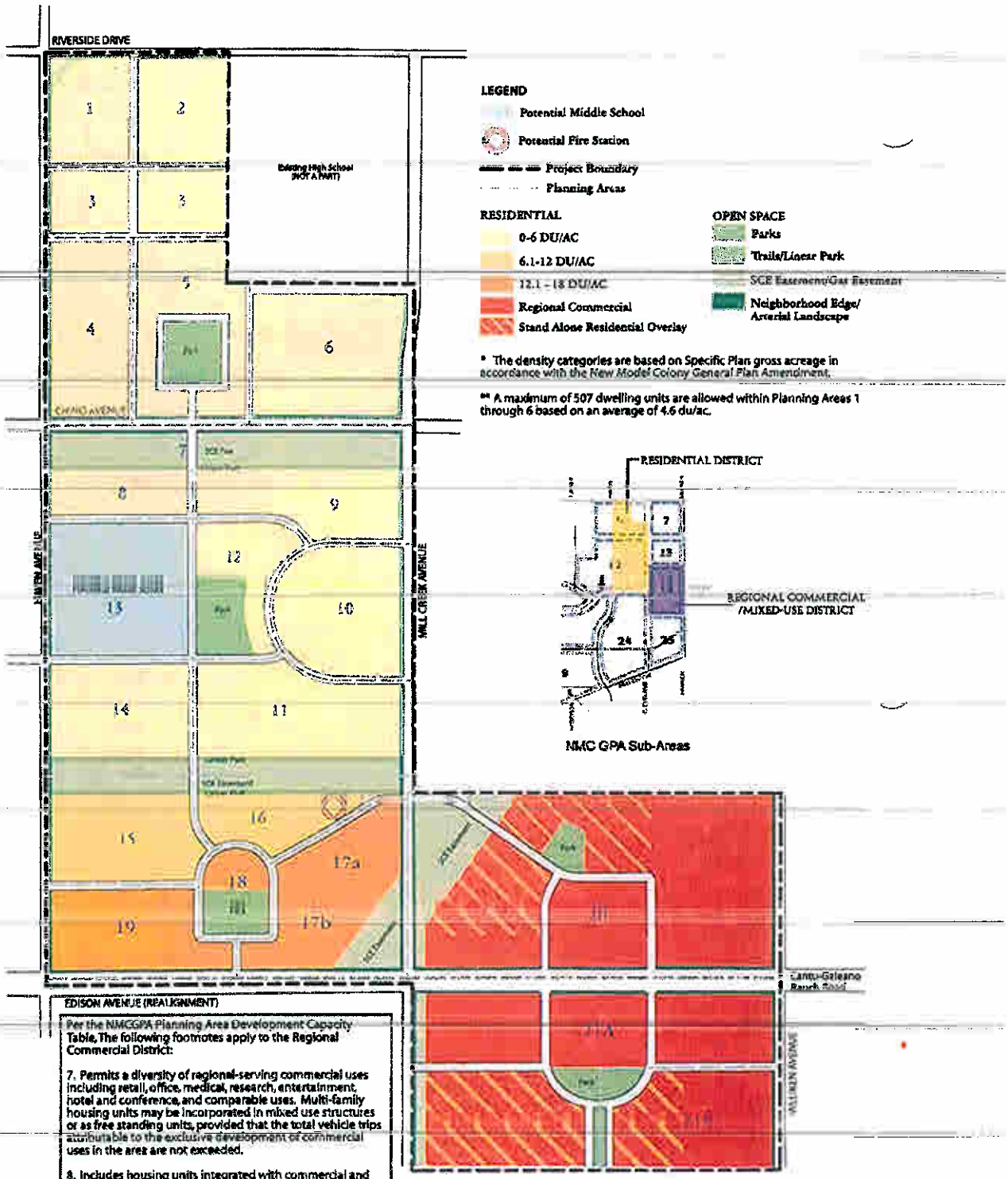
[2] Unit Water Use Factors from "Water and Recycled Water Master Plan" prepared by MWH for the City of Ontario, dated May 2006 (Table 3-7).



CONCEPTUAL LAND USE

The Lakes

Ontario, California



Per the NMCGPA Planning Area Development Capacity Table, The following footnotes apply to the Regional Commercial District:

7. Permits a diversity of regional-serving commercial uses including retail, office, medical, research, entertainment, hotel and conference, and comparable uses. Multi-family housing units may be incorporated in mixed use structures or as free standing units, provided that the total vehicle trips attributable to the exclusive development of commercial uses in the area are not exceeded.

8. Includes housing units integrated with commercial and other uses in mixed structures. The total number of permitted multi-family housing units in this subarea may be increased provided that the total vehicle trips attributable to the exclusive development of commercial, office, and other principally permitted uses in the area are not exceeded.

RBF CONSULTING

NOT TO SCALE

65-100102.001

RICH-HAVEN SPECIFIC PLAN

LAND USE PLAN

FIGURE 3-1

J-2 City of Ontario Water Supply Assessment - October 27, 2004

CITY OF
ONTARIO

Water Supply Assessment and Written Verification of Sufficient Water Supply for the New Model Colony

Prepared by: ALBERT A. WEBB ASSOCIATES
Consulting Civil Engineers
Riverside, California

October 27, 2004

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B City of Ontario Resolution 2001-1005 dated November 20, 2001 adopting the Urban Water Management Plan

C "Local Agency Agreement" dated April 15, 2003 by and among Inland Empire Utilities Agency and the City of Ontario

D "Installment Purchase Agreement Relating to Water Facilities Authority Water Treatment Plant" by and between Water Facilities Authority, as Seller, and the City of Ontario, as Purchases, dated as of October 1985

E California Department of Health Services Letter of August 16, 1999 pertaining to "Permit Amendment – Increased Filtration Rate (System No. 3610006)"

F Ordinance No. 99-07-02 "Ordinance of the Water Facilities Authority – JPA Repealing Ordinance 96-09-01"

G Water Purchase Agreement, dated as of January 15, 2002 by and between Chino Basin Desalter Authority and the City of Ontario

H City of Ontario Source Planning Model, July 2004

I Adjudication Documentation

J Inland Empire Utilities Agency Letter of March 19, 2003 to the City of Chino titled "Assurance of Imported Water Supply Reliability

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FOR THE
NEW MODEL COLONY

Introduction

This report addresses the significant changes in California's land use planning law. Senate Bill (SB) 221 and SB 610 passed by the California legislature and signed into law in October of 2001, and became effective January 1, 2002. These State laws require cities to work with local water suppliers during the land use planning process to assess the availability of adequate water supplies for certain large development projects.

Pursuant to the above Senate Bills, the City of Ontario commissioned this study to address the "Water Supply Assessment" per Senate Bill 610 and to prepare a "Written Verification of Sufficient Water Supply" per Senate Bill 221 for the New Model Colony.

SB 610 WATER SUPPLY ASSESSMENT
FOR THE
NEW MODEL COLONY

Purpose of Report

Law

> [SB 610 requires] a city or county that determines a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment, except as otherwise specified. The bill would require the assessment to include, among other information, an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts. The bill would require the city or county, if it is not able to identify any public water system that may supply water for the project, to prepare the water supply assessment after a prescribed consultation. The bill would revise the definition of "project", for the purposes of these provisions, and make related changes.
>
> The bill would prescribe a timeframe within which a public water system is required to submit the assessment to the city or county and would authorize the city or county to seek a writ of mandamus to compel the public water system to comply with requirements relating to the submission of the assessment.
>
> The bill would require the public water system, or the city or county, as applicable, if that entity concludes that water supplies are, or will be, insufficient, to submit the plans for acquiring additional water supplies.
>
> The bill would require the city or county to include the water supply assessment and certain other information in any environmental document prepared for the project pursuant to the act. By establishing duties for counties and cities, the bill would impose a state-mandated local program.

SB 610

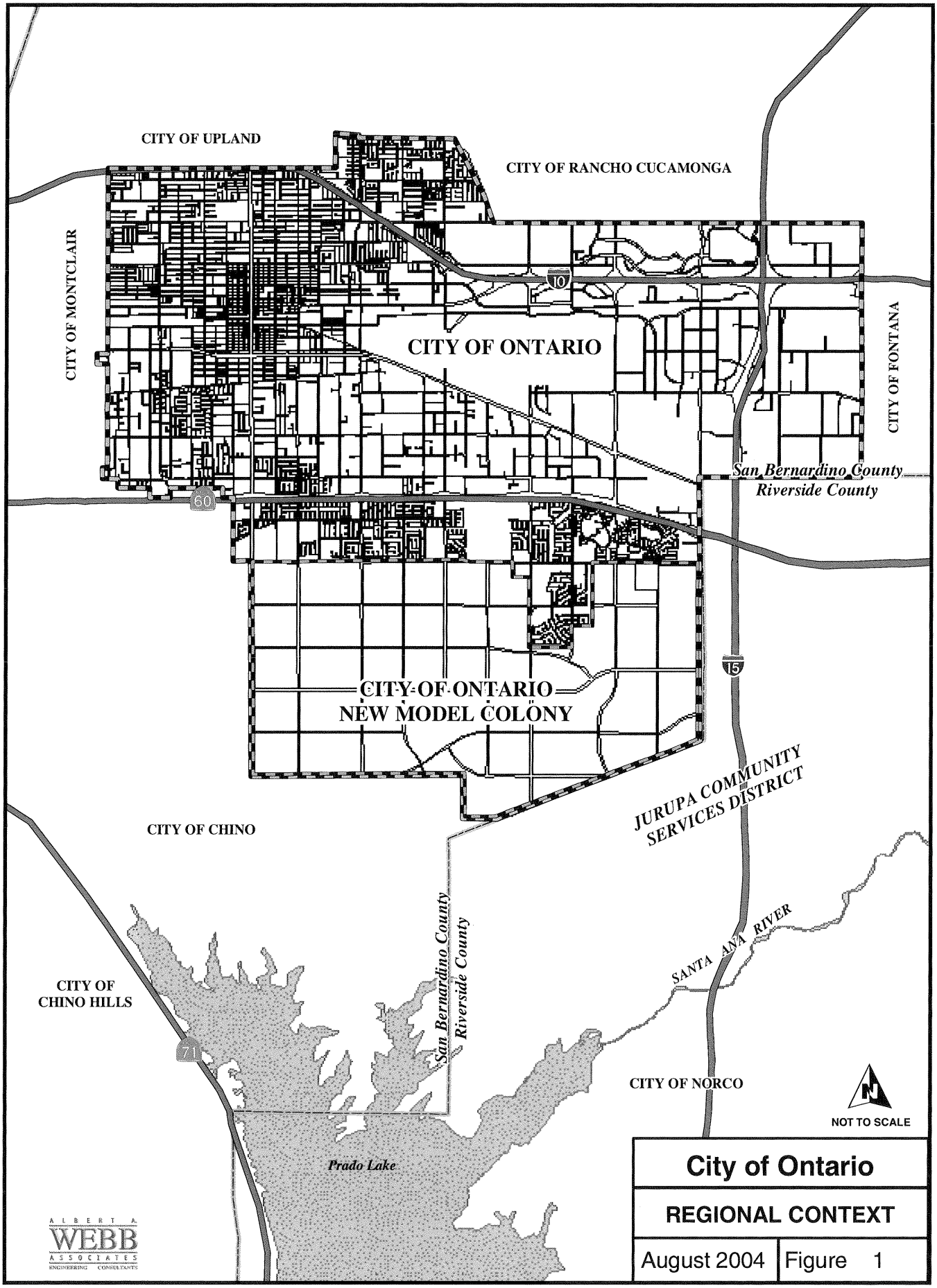
SB 610 serves to amend existing legal requirements for confirmation of water supply sufficiency as a condition of approval for development projects. The confirmation of water supply sufficiency is achieved through an analysis of the water purveyor's existing and future water sources and existing and projected water demand in relation to a "project" as defined by SB 610, resulting in the production of a project-specific Water Supply Assessment (WSA). The WSA also required additional analysis if any portion of the purveyor's water supplies include groundwater. The requirements of SB 610 are triggered for projects going through the California Environmental Quality Act (CEQA) process.

The City of Ontario produced this Water Supply Assessment Report to meet the requirements of Senate Bill 610 for the New Model Colony.

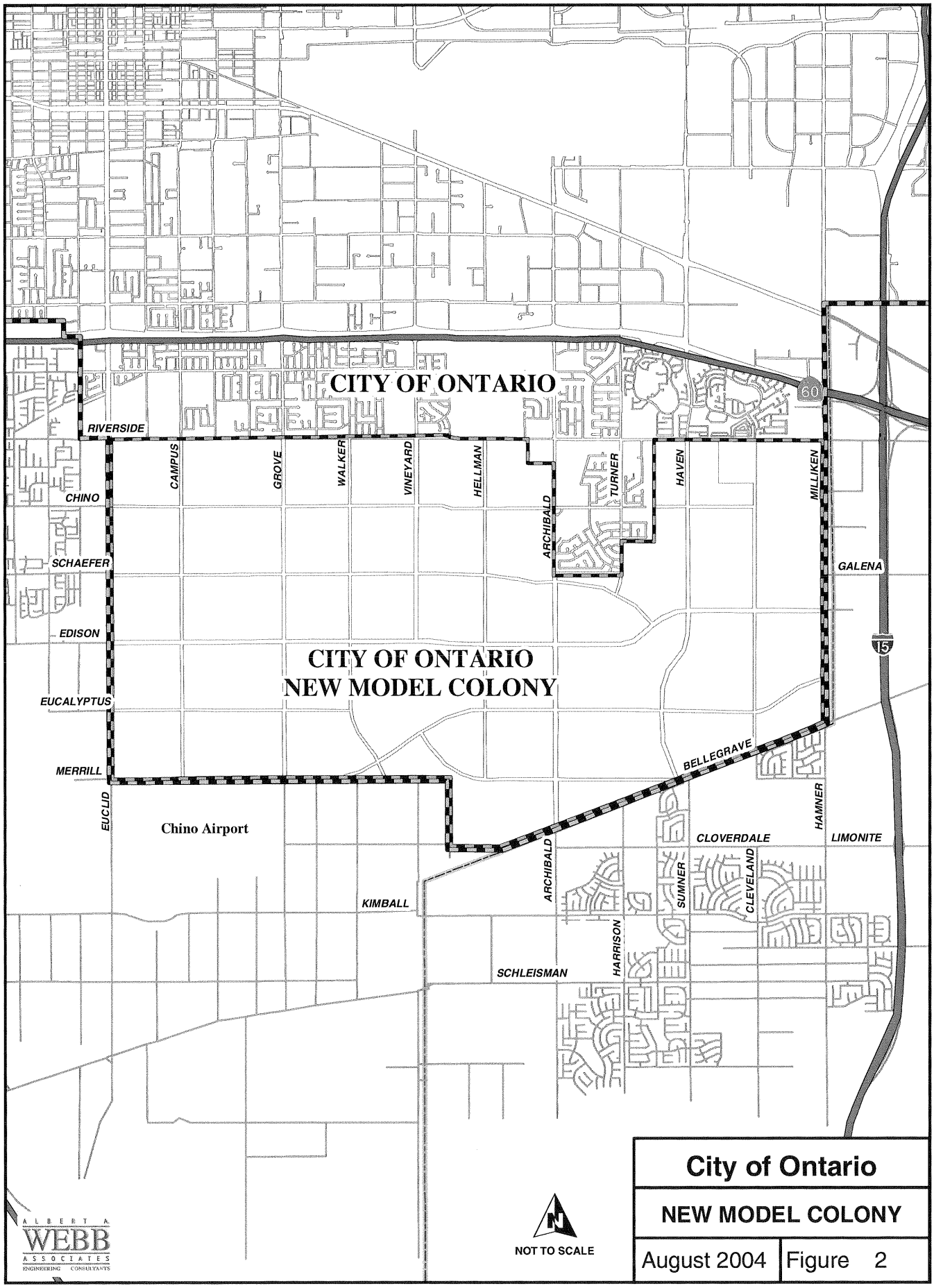
Project Description and Water Demand

The New Model Colony (NMC) is an 8200 acre area formally annexed to the City of Ontario on November 30, 1999. Figures 1 and 2 show the location of the New Model Colony in relation to its regional location and to the City of Ontario. The NMC is bounded by Riverside Drive to the North, Milliken Avenue and Hamner Avenue to the East, the Riverside County Line and Merrill Avenue to the South, and Euclid Avenue (State Route) to the West, as shown on Figure 2. The New Model Colony is situated on relatively flat terrain, which slopes gently south toward the Santa Ana River. The elevation ranges from about 635 to 800 feet. The projected water demand[1] for the NMC is estimated to be about 31,200 acre-feet per year under ultimate development.

[1] Boyle Engineering Corporation, City of Ontario "Master Water Plan", August 2000. (Page 23).



Source: City of Ontario. Map created August 26, 2004. G:\2004\04-0356\Gis\LU_PZ.mxd



City of Ontario	
NEW MODEL COLONY	
August 2004	Figure 2

NOT TO SCALE

ALBERT A. WEBB ASSOCIATES
ENGINEERING CONSULTANTS

Source: City of Ontario. Map created August 26, 2004. G:\2004\04-0356\Gis\new_model_colony.mxd

Project Applicability

Law

> 10910. (a) Any city or county that determines that a project, as defined in Section 10912, is subject to the California Environmental Quality Act (Division13 (commencing with Section 21000) of the Public Resources Code) under Section 21080 of the Public Resources Code shall comply with this part.
>
> 10912. For the purpose of this part, the following terms have the following meanings:
> (a) "Project means any of the following:
> (1) A proposed residential development of more than 500 dwelling units.
> (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
> (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
> (4) A proposed hotel or motel, or both, having more than 500 rooms.
> (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
> (6) A mixed-use project that includes one or more of the projects specified in this subdivision.
> (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Since the NMC projected water demand is substantially greater than what a 500 dwelling unit project will generate, it exceeds the criteria set in Section 10912.(7); hence, qualifies as a "project". Therefore, the requirements of SB 610 apply.

Use of a Prepared Water Supply Assessment

If a project meets all three of the following criteria, Water Code Section 10910(h) allows the City to rely on a previously prepared WSA; no new WSA need be prepared for the project. Conversely, if the project does not meet any one of the following three (3) criteria, Water Code Section 10910(h) requires preparation of a new WSA.

1. *The project is part of a larger project for which an assessment was prepared.*
2. *The data used to create the assessment still is accurate.*
3. *The assessment found sufficient water for the project.*

It is the intent of the City of Ontario to use this Water Supply Assessment as its base document, in order to comply with SB 610, for all developments that will occur within the New Model Colony area, as long as it meets the above criteria.

Identification of Public Water System

Law

> 10910. (b) The city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined in Section 10912, that may supply water for the project. If the city or county is not able to identify any public water system that may supply water for the project, the city or county shall prepare the water assessment required by this part after consulting with any entity serving domestic water supplies whose service area includes the project site, the local agency formation commission, and any public water system adjacent to the project site.

The City of Ontario operates the public water system that will supply the proposed project.

Schedule

Law

> 10910. (g) (1) Subject to paragraph (2), the governing body of each public water system shall submit the assessment to the city or county not later than 90 days from the date on which the request was received. The governing body of each public water system, or the city or county if either is required to comply with this act pursuant to subdivision (b), shall approve the assessment prepared pursuant to this section at a regular or special meeting.
>
> (2) Prior to the expiration of the 90-day period, if the public water system intends to request an extension of time to prepare and adopt the assessment, the public water system shall meet with the city or county to request an extension of time, which shall not exceed 30 days, to prepare and adopt the assessment.
>
> (3) If the public water system fails to request an extension of time, or fails to submit the assessment notwithstanding the extension of time granted pursuant to paragraph (2), the city or county may seek a writ of mandamus to compel the governing body of the public water system to

comply with the requirements of this part relating to the submission of the water supply assessment.

The City of Ontario's Planning Department requested that the City of Ontario's Water Department provide a report that meets the requirements of SB 610. This report is a result of that request.

Urban Water Management Plan (UWMP) Review

Law

10910. (c) (1) The city or county, at the time it makes the determination required under Section 21080.1 of the Public Resources Code, shall request each public water system identified pursuant to subdivision (b) to determine whether the projected water demand associated with a proposed project was included as part of the most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610).

(2) If the projected water demand associated with the proposed project was accounted for in the most recently adopted urban water management plan, the public water system may incorporate the requested information from the urban water management plan in preparing the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g).

(3) If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.

(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

The City of Ontario's City Council adopted the "Urban Water Management Plan Year 2000 Update" (Attachment A) prepared by the Inland Empire Utilities Agency by Resolution 2001-105 on November 20, 2001 (Attachment B). The Urban Water Management Plan is consistent with the City of Ontario's Water Master Plan (August 2000).

The projected water demand associated with the proposed project, 31,200 acre-feet per year out of the City of Ontario's total projected water demand of 82,100 acre-feet per year, was accounted for in the above referenced Urban Water Management Plan which is incorporated into this Water Supply Assessment.

WATER DEMAND

1. Location

The City of Ontario is a rapidly growing community located in the foothills of the San Gabriel Mountains in the western portion of San Bernardino County. The City is bounded by the City of Montclair on the northwest (Figure 1), the cities of Rancho Cucamonga and Upland on the north, the City of Fontana on the northeast, Jurupa Community Services District on the south and southeast, and the City of Chino on the south and southwest. In 1999, Ontario's southern boundaries were extended by the annexed 8,200 acres of unincorporated Agricultural Preserve. The City boundaries, prior to this annexation, are referred to as Old Model Colony (OMC) and encompass about 23,200 acres. The annexed area, which is referred to as the New Model Colony (NMC), consists of dairies and agricultural land uses. Including the NMC, the City boundaries now represent approximately 31,300 acres or about 48.9 square miles. Three (3) major freeways (Interstate 10, Interstate 15 and State Route 60) traversing the City of Ontario serve as major transportation hubs for freeway commuters as well as industrial businesses. A major railway corridor also crosses the City's northerly sector. The City of Ontario is also home to the Ontario International Airport.

2. Population and Projected Growth

The current (2003) Ontario's population is 165,675, representing an average of 1.7% annual increase from the 1990 population of 133,179 as shown on Figure 3.

Figure 3 Recorded Population

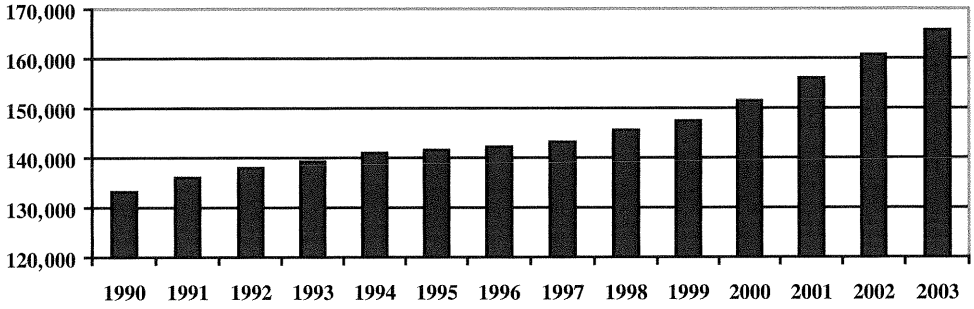


Table 1 depicts that the population at ultimate build-out (2030) is expected to reach a total of 275,000 people for the combined NMC and OMC.

Table 1 Ultimate Population

	2003	*Ultimate*
OMC	165,675	174,000
NMC	0	101,000
TOTAL	165,675	275,000

New Model Colony growth will include residential, commercial and industrial land uses. Residential development in the NMC is expected to begin in 2005 and achieve a population of 101,000 at build-out. Over 1,000 acres of commercial and industrial development is projected to take place in certain designated areas of the NMC. Irrigated open space will account for about 1,250 acres of the total inventory of land.

The NMC still has major agricultural activities but continues to give way to urban development pressures. It is not surprising that the City of Ontario is characterized by several major development hubs and has one of the most dynamic revitalization programs in California.

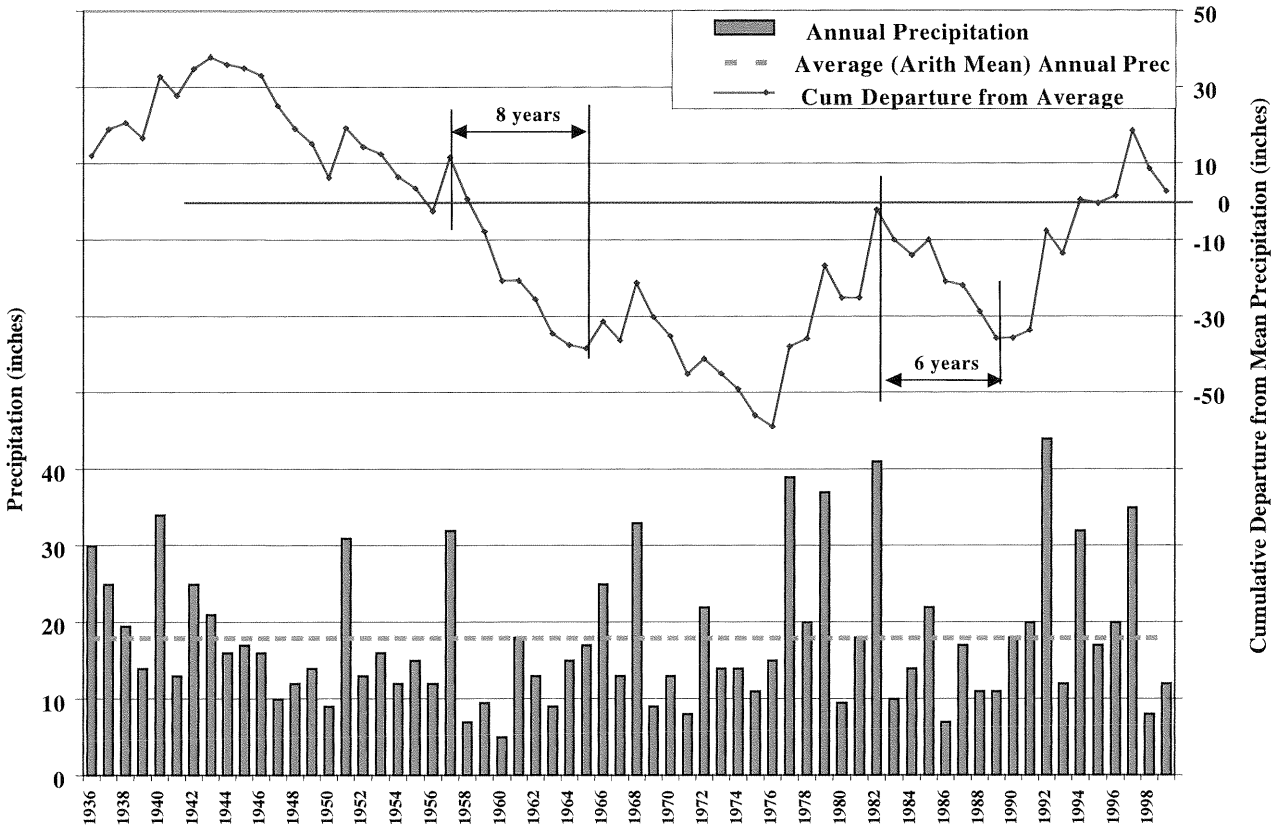
As part of its comprehensive management strategy, the City authorized the preparation of a detailed *Water Master Plan* (WMP) in 1998 to provide a multi-year (ultimate development) guide for management, maintenance, and expansion of its water system infrastructure. The Master Water Plan was finalized in August 2000. A companion multi-year financial plan for funding both capital and ongoing operations was prepared subsequent to adoption of the WMP.

3. Climate

The climate is often described as "Mediterranean" which means that the temperature of the air ranges from warm to very hot during very dry summers and cool to somewhat cold during rainy winters. When rainfall occurs, it comes in heavy concentrations causing most of the storm water to runoff to tributary streams of the Santa Ana River. Annual rainfall typically ranges from 12 to 18 inches per year[2] but with extreme variations from year to year. According to recorded rainfall records maintained by the County of San Bernardino, the amount of rainfall has varied widely from 5 inches to almost 44 inches annually. The annual average arithmetic mean from 64-years of rainfall history is 17.9 inches[3]. Annual precipitation and departure from the arithmetic mean (Figure 4) show a prolonged period of below average rainfall from 1943 to 1976. Figure 4 also shows several shorter periods of dry years. Based on water production data, a dry year can result in a 5-10% increase in demand, and a wet year can result in a similar reduction in water demand.

[2] *Evaluation of Groundwater Potential*, GEOSCIENCE March 2002
[3] San Bernardino Flood Control District

Figure 4 Recorded Precipitation



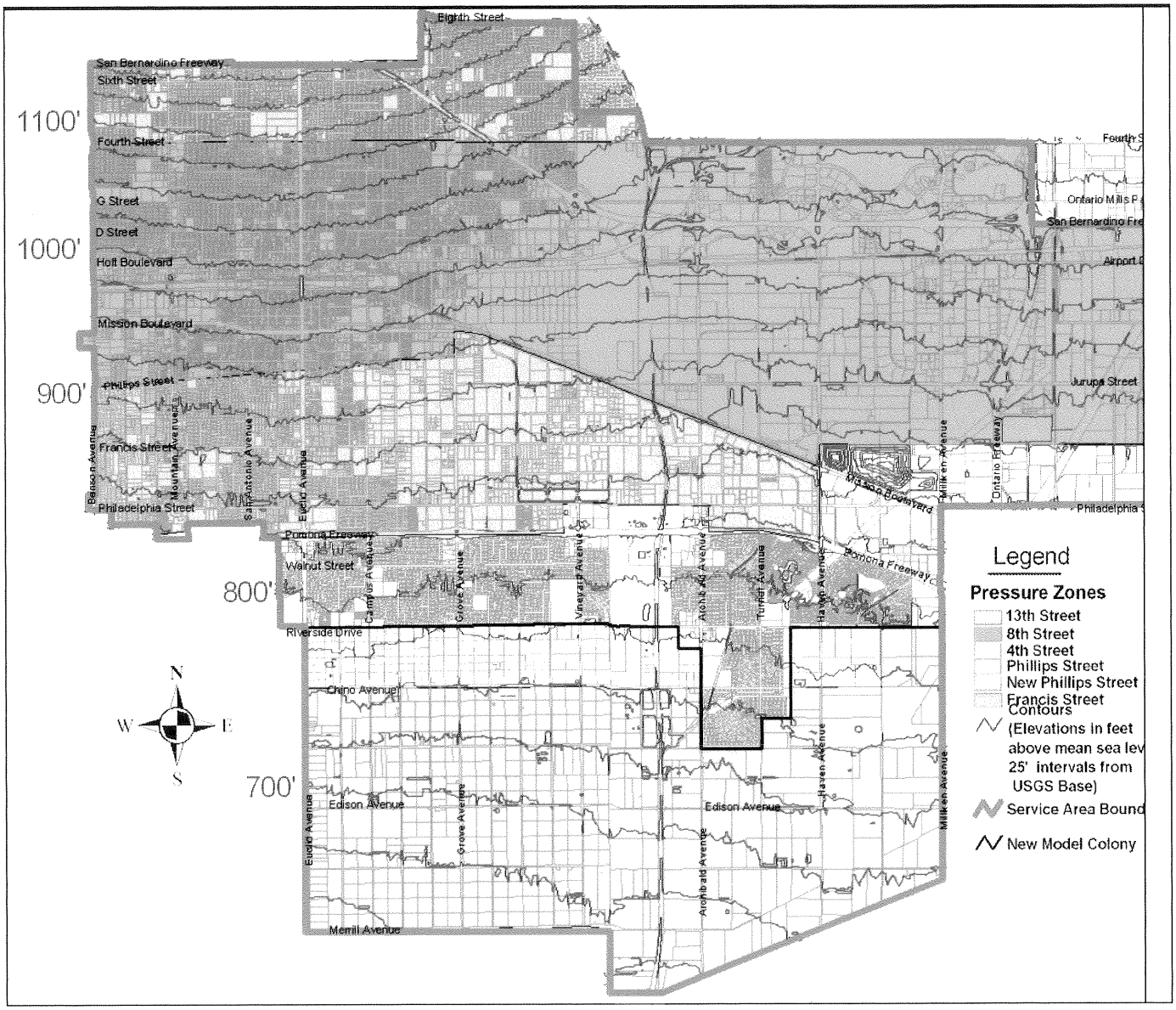
4. Pressure Zones

The City is situated in the foothills of the San Gabriel Mountains but on relatively flat terrain with elevations ranging from about 635 feet above mean sea level (msl) at its southerly boundary to about 1180 feet above msl at its northeasterly corner. Currently, the City's domestic water system is divided into four pressure zones as follows: 13th Street Zone, 8th Street Zone, 4th Street Zone, and Phillips Street Zone. The recent annexation of the NMC will require the expansion of the Phillips Street Zone and the creation of a new pressure zone (called the Francis Street Zone). These zone changes will allow the City to serve new developments in the NMC. The general boundaries and the service elevation ranges for the pressure zones are indicated in Table 2 and Figure 5. Each zone has its own storage that provides not only control of maximum pressures but also satisfies minimum required pressures. Table 2 also provides a breakdown of acreage by pressure zone.

Table 2 Pressure Zone Descriptions and Acreage

Pressure Zone	Boundaries	Service Elevation Range (ft –ft)	High Water Line (ft)	Acreage
13th Street	Benson Ave. to the west, Hellman Ave. to the east, 8th St. to the north and 4th St. to the south.	1020 - 1180	1348	2,049
8th Street	Benson Ave. to the west, Etiwanda Ave. to the east, 4th St. to the north, and Francis St. to the south.	865 - 1095	1212	12,013
4th Street	Benson St. to the west, Haven Ave. to the east, Phillips St. and Mission Blvd. to the north, and Pomona FWY to the south.	825 - 930	1074	4,558
Phillips Street (including the Phillips Street Zone Extension)	Fern Ave. to the west, Etiwanda Ave. and Milliken Ave. to the east, Francis St. and Pomona FWY to the north, and Chino Ave. and Schaefer Ave. to the south.	735 - 880	1010	4,455 1,290 *(extension)*
Francis Street	Euclid Ave. to the west, Milliken Ave. to the east, Chino Ave. to the north, and Merrill Ave. and Bellgrave Ave to the south.	635 - 800	925	6,925
			Total Acreage	31,290

Figure 5 City of Ontario Pressure Zone Boundaries



5. Land Use

All property within the City of Ontario is classified with a land use designator. Table 3 lists 38 ultimate uses for the combined NMC and OMC. Figure 6* shows the ultimate land use within the City of Ontario, including the New Model Colony area.

Table 3 Summary of Ultimate Land Use OMC and NMC

Land Use		Acreage								
		Old Model Colony (OMC)					New Model Colony (NMC)			Total
Description	Abbrev.	13th	8th	4th	PHLPS	Subtotal	NPHLPS	Francis	Subtotal	
Rural Residential	RR		107	283		390			0	**390**
Low Density Residential	LDR	976	1,305	883	1,137	4,301	901	3,363	4,264	**8,565**
Low Medium Density Residential	LMDR	21	95	11		127			0	**127**
Medium Density Residential	MDR	68	275	136	110	589	17	244	261	**850**
High Density Residential	HDR	52	98	3	3	156	38	288	326	**482**
Planned Residential	PR		77	6	312	395			0	**395**
Mobile Home	MH	49	8	81	55	193			0	**193**
General Commercial	GC	64	150	46	40	300			0	**300**
Neighborhood Commercial	NC	59	55	50	145	309	56	176	232	**541**
Neighborhood Convenience Com	NCC		2			2			0	**2**
Administrative Professional	AP	2	11			13		29	29	**42**
Airport Service Commercial	ARS		227			227			0	**227**
Planned Commercial	PC		1,246	42	76	1,364		191	191	**1,555**
Historic Planned Commercial	HPC		154			154			0	**154**
General Industrial	GI		375			375		160	160	**535**
Industrial Park	IP	23	63	1,322	14	1,422		37	37	**1,459**
Vintage Industrial Park	VI		870		480	1,350			0	**1,350**
Planned Industrial	PI		1,837	473	275	2,585		433	433	**3,018**
Ontario International Airport	ARPT		1,395			1,395			0	**1,395**
Airport Industrial	AI		96			96			0	**96**
Planned Industrial Landfill	PIL		145		189	334			0	**334**
Existing Public Facility	EPF	9	36	18	60	123			0	**123**
Proposed Public School	PPS	43	14	16	21	94	60	164	224	**318**
Existing Public School	EPS	116	70	84	52	322			0	**322**
Existing Park/Rec Open Space	EROS	35	187	40	230	492			0	**492**
Proposed Park/Rec Open Space	PROS		78	5	12	95	89	970	1,059	**1,154**
Non-recreational Open Space	NROS	29	362	82	264	737		192	192	**929**
Town Center	TC		229			229			0	**229**
East Holt Blvd. Redevel Res/Com	EH		171			171			0	**171**
Grove Avenue Corridor	GR		7	210		217			0	**217**
Infrastructure	INF		217		12	229	14	137	151	**380**
Landfill	LF				135	135			0	**135**
Right of Way	ROW	503	2,051	767	833	4,154	115	541	656	**4,810**
TOTAL		2,049	12,013	4,558	4,455	23,075	1,290	6,925	8,215	**31,290**

Note: Based on Table 2-6 of the City of Ontario Water Master Plan, August 2000.

Table 2-10 of the WMP organized these designators under the 7 broad categories listed in Table 4 and portrayed on Figure 7. Two additional categories: right of way and infrastructure comprise the total acreage at build out. Three

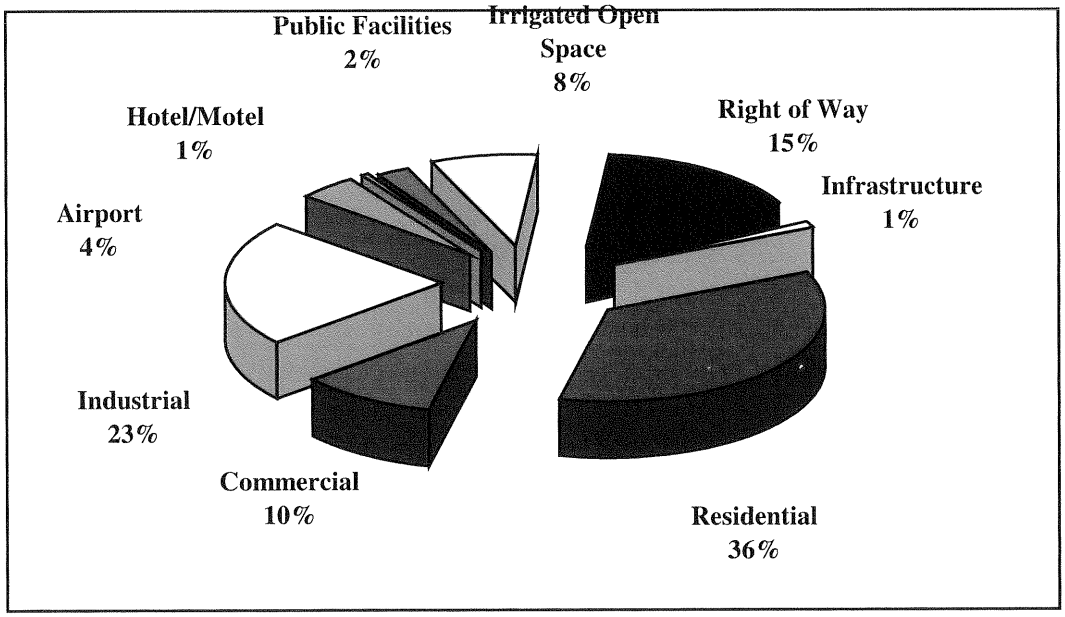
* Bound in the back of the report.

of the nine categories (residential, commercial, and industrial) represent about 70%, or almost three-quarters (¾) of the total acres.

Table 4 Land Use Categories and Acres

Category	Acres	% of Total
Residential	11,002	~70%
Commercial	3,266	
Industrial	6,926	
Airport	1,395	~30%
Hotel/Motel	171	
Public Facilities	763	
Irrigated Open Space	2,574	
Right of Way	4,810	
Infrastructure	380	
Total	31,289	100%

Figure 7 Ultimate Land Use Percentages



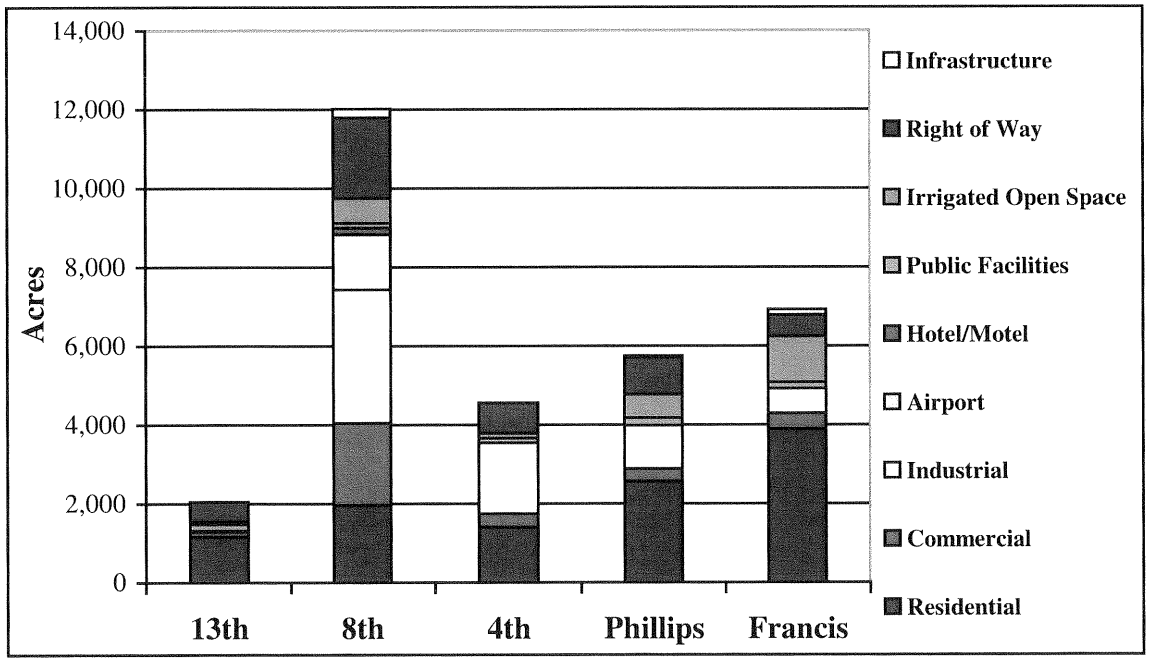
Using the data from Table 4, the nine land use categories and total acreage for each pressure zone are summarized in Table 5. Right of way and infrastructure are included to complete the total acreage within the City boundaries.

Table 5 Ultimate Land Use and Total Acreage for Each Pressure Zone

Category	13th	8th	4th	Phillips		Francis	Totals
				OMC & NMC			
Residential (All)	1,166	1,965	1,403	1,617	956	3,895	**11,002**
Commercial	125	2,081	348	261	56	396	**3,267**
Industrial	23	3,386	1,795	1,093	0	630	**6,927**
Airport	0	1,395	0	0	0	0	**1,395**
Hotel/Motel	0	171	0	0	0	0	**171**
Public Facilities	168	120	118	133	60	164	**763**
Irrigated Open Space	64	627	127	506	89	1,162	**2,575**
Right of Way	503	2,051	767	833	115	541	**4,810**
Infrastructure	0	217	0	12	14	137	**380**
Total	**2,049**	**12,013**	**4,558**	**4,455**	**1,290**	**6,925**	**31,290**

Figure 8 graphically illustrates the acreage of Table 5.

Figure 8 Land Use Acreage by Pressure Zone



The City's recorded water consumption, developed acreage, and current land use were analyzed for each of the above categories. Tables 6 and 7 were produced from these records to represent the average daily water demand per acre for each category:

Table 6 Recorded Consumption (Acre-feet) by Land Use

Category	1990	1995	2000
Residential- Low density	14,800	16,623	20,377
Residential- Medium density	3,473	3,901	4,782
Residential- High density	1,272	1,430	1,752
Commercial	3,666	4,117	5,047
Industrial	2,871	3,225	3,953
Airport	377	424	520
Hotel/Motel	703	790	968
Public Facilities	997	1,120	1,373
Irrigated Open Space	3,662	4,113	5,042
Total	**31,823**	**35,742**	**43,814**

Demand coefficients are numerical values representing the amount of water used on a given area (usually one (1) acre or 43,560 square feet) in one year. The WMP utilized recorded metered consumption records to produce annual and maximum daily demand history for each of the above land use categories. The WMP comments that the water production volumes for July 1, 1998, through June 30, 1999, and attendant demand coefficients represent an extremely dry year with cooler than normal temperatures. Therefore, the demand coefficients are intentionally conservative and representative of a dry year demand. Coefficients are listed on Table 7.[4]

Table 7 Average Daily Water Demand Factors (gpm per acre)

Category	Demand Factor
Residential – Low Density [1]	2.71
Residential – Medium Density [1]	2.82
Residential – High Density [1]	3.08
Commercial	1.57
Industrial	0.50
Airport	0.23
Hotel/Motel	4.50
Public Facilities	1.58
Irrigated Open Space	2.37
Right of Way	0
Infrastructure	0

Note 1: Composite demand factor for residential is approximately 2.75 gpm/acre.

[4] Boyle, page 20

6. FY 2002 Agricultural Water Demands

In 2001-02, the total production from private wells to meet the dairy and agricultural demands in the southern part of the Chino Basin, including the NMC, was 39,494 acre-feet. As urbanization of this area occurs, agricultural water demands will decrease and urban water demands will increase significantly. Production for agricultural use will reduce the current level to about 10,000 acre-feet per year in the year 2030 at build out. Future development in this area will be a combination of urban uses (residential, commercial, and industrial). Ontario is expected to experience a significant new water demand as the City begins serving urban customers in the former agricultural area. Municipal and industrial demands are projected to increase more than 90% between the current demand and ultimate build out.

7. Forecast of Ultimate Water Demand (Acre Feet)

The ultimate water demand requirements for the City of Ontario at or near build out were calculated using the land use acreage from Table 3 and the demand factors from Table 2.7. Table 8 presents these calculations. The year 2030 is the year assigned to the ultimate or build out demand condition.

Table 8 Existing and Future Average Demands in City With and Without NMC*

Land Use Category	Demand Factor	Existing		Ultimate				
	Gpm/ acre	City Pre-NMC (acres)	Demand (AF/yr.)	City Pre-NMC (acres)	City Pre-NMC (AF/yr.)	NMC (acres)	NMC Demand (AF/yr.)	Total Demand (AF/yr.)
1. Residential								
a. Low (RR+LDR)	2.71	4,552	19,875	4,689	20,473	4,666	20,374	40,847
b. Medium(LMDR+MDR+PR)	2.82	1,026	4,666	1,094	4,976	200	910	5,886
c. High (MH+HDR)	3.08	344	1,709	322	1,757	300	1,801	3,558
2. Commercial (AP+ARS+GR+HPC+ GC+NC+NCC+PC+TC)	1.57	1,944	4,923	2,766	9,661	504	1,761	11,422
3. Industrial (A1+LF+PIL+PI+IP+VI+GI)	0.50	4,781	3,856	6,283	5,715	338	307	6,023
4. Airport	0.23	1,393	507	1,394	507	0	0	507
5. Residential Commercial (EH)	4.50	130	944	944	1,342	0	0	1,342
6. Public (public facilities/schools) (EPF+EPS+PPS)	1.58	526	1,339	540	1,375	876	2,231	3,607
7. Irrigated Open Space (EROS+NROS+PROS)	2.37	1,287	4,918	1,325	5,061	997	3,809	8,870
TOTALS		15,983	42,737		50,867		31,193	82,062

* Boyle, Page 23

"The City pre-NMC City service area is approaching buildout; thus, the growth in demands, from approximately 43,000 AF/yr. to about 50,900 AF/yr., represents a modest 18 percent increase. Most of this projected increase is seen to be the commercial and industrial categories. The NMC demands are projected to be about 31,200 AF/yr. at buildout. Note that although current water use in the NMC area is estimated to be approximately 19,000 AF/yr from private agricultural and domestic wells, it is assumed to be "zero" in terms of demands supplied from City sources.

Total demands to be supplied from the City's ultimate system (assumed to serve the entire City service area including the recently annexed NMC) are thus projected to nearly double – from the current 43,000 AF/yr. to about 82,000 AF/yr."*

To comply with Section 10910, subdivision (d), (e), (f), and (g), we have incorporated by reference, the requested information in the adopted Urban Water Management Plan which is bound herein (Appendix A).

Water Supply Entitlements, Water Rights or Water Service Contracts

Law

> 10910. (d) (1) The assessment required by this section shall include an identification of any exiting water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts.
>
> (2) An identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall be demonstrated by providing information related to all of the following:
> (A) Written contracts or other proof of entitlement to an identified water supply.
> (B) Copies of a capital outlay program for financing the delivery of a water supply that has been adopted by the public water system.
> (C) Federal, state, and local permits for construction of necessary infrastructure associated with delivering the water supply.
> (D) Any necessary regulatory approvals that are required in order to be able to convey or deliver the water supply.

* Boyle, page 23

1. Current and Recorded Water Supply Sources

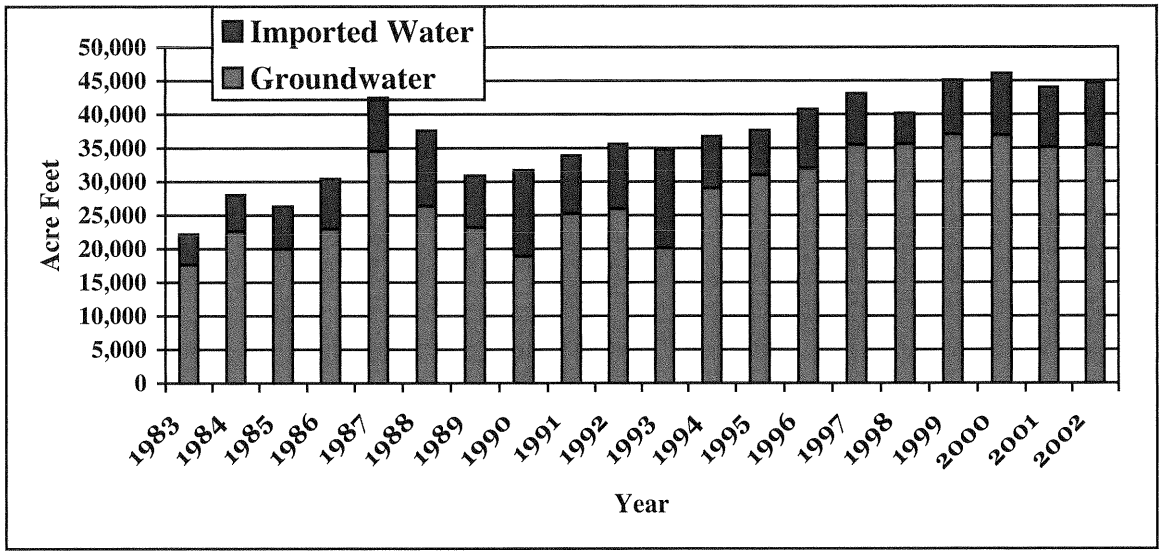
The proposed project represents about 38% of Ontario's ultimate water supply. The City of Ontario has three sources of supply (groundwater, desalter water from the Chino Desalter Authority, and recycled water) which will have to be expanded in order to meet the project and water demand. The City of Ontario also has a fourth source of supply (WFA) which is not anticipated to be expanded in the future for this project (NMC).

Ontario's potable water supplies come from two major sources (2002): local groundwater (79%) and imported surface water (21%). At build out, municipal water supply sources will consist predominantly of groundwater wells through direct use or treatment and use, and imported surface water from The Metropolitan Water District of Southern California (MWD) supplies. The reliability of MWD's water supplies is discussed in the Urban Water Management Plan (Appendix A). Other sources are more institutional, meaning water that is supplied through water transfers, deals, and agreements. Table 9 and Figure 9 provide the potable water sources utilized by Ontario, and the specific amount of water used from each source from 1983 through 2002. Table 10 and Figure 10 provide the same information on a monthly basis for the year 2002.

Table 9 Recorded Source of Supply

Year	Groundwater	Imported Water	Total
2002	35,396	9,355	44,751
2001	35,106	8,910	44,016
2000	36,862	9,258	46,120
1999	37,008	8,116	45,124
1998	35,587	4,582	40,169
1997	35,526	7,590	43,115
1996	32,006	8,759	40,765
1995	30,993	6,630	37,623
1994	29,032	7,695	36,726
1993	20,151	14,645	34,796
1992	26,016	9,572	35,588
1991	25,284	8,607	33,891
1990	18,927	12,758	33,498
1989	23,179	7,695	30,873
1988	26,395	11,217	37,612
1987	34,547	7,947	42,494
1986	23,007	7,434	30,441
1985	20,027	6,300	26,299
1984	22,625	5,436	28,061
1983	17,666	4,513	22,179

Figure 9 Recorded Source of Supply

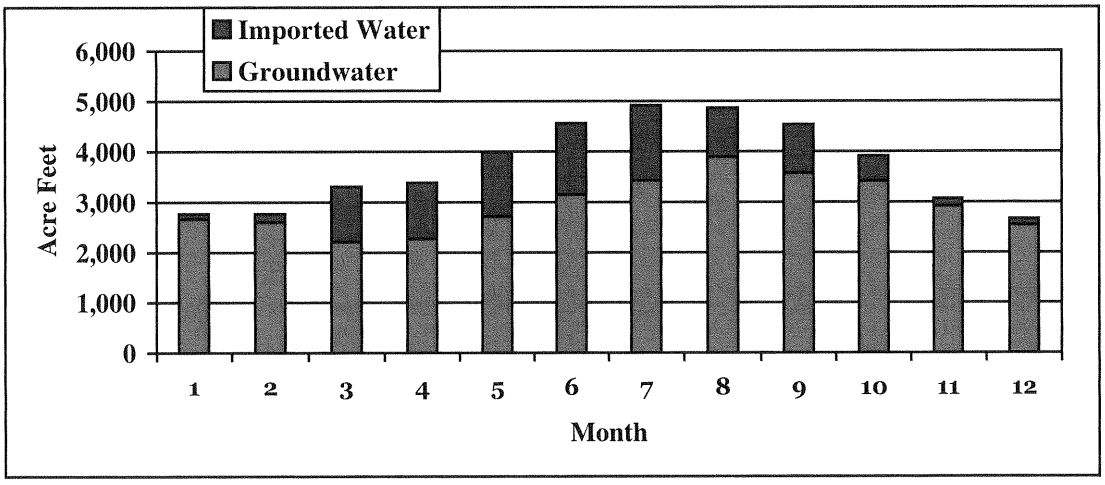


In 2002, total water production was 44,751 acre-feet, of which 35,396 or 79%, was produced from local groundwater supplies. The remaining 9,355 acre-feet (21%) was imported surface water. During the highest demand summer month (2002), the imported water constituted approximately 30% of the annual production. During the low demand month, the imported water was 4% of the total. Table 10 and Figure 10 represent the monthly water supplies for the year 2002.

Table 10 Monthly Water Production (Acre Feet) for 2002

Month	Groundwater	Imported Water	Total
1	2,664.3	100.5	2,764.8
2	2,602.1	162.6	2,764.7
3	2,214.0	1,092.4	3,306.3
4	2,269.2	1,116.3	3,385.5
5	2,715.4	1,279.4	3,994.7
6	3,148.2	1,414.3	4,562.5
7	3,428.1	1,487.2	4,915.3
8	3,895.2	975.1	4,870.4
9	3,576.5	961.6	4,538.1
10	3,417.4	496.2	3,913.6
11	2,917.9	150.9	3,068.8
12	2,548.2	118.2	2,666.5
2002 Total	35,396	9,355	44,751

Figure 10 Monthly Water Production for 2002



Ontario's projected water demand will be met using four water supply sources, imported water, local groundwater, treated groundwater (Desalter) and recycled water (Table 11).

Table 11 Water Supply Sources Forecast
Maximum Day Water Demand (MGD)

Pressure Zone	Source	2004	2005	2010	2015	2020	2025	2030
13th St.	Groundwater	0.0	0.0	3.6	3.6	3.6	3.6	3.6
	Imported (WFA)	9.0	9.0	9.0	9.0	9.0	9.0	9.0
	Desalter Water	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Recycled Water	0.0	0.0	0.1	0.1	0.2	0.2	0.2
	Total	9.0	9.0	12.7	12.7	12.8	12.8	12.8
8th St.	Groundwater	26.7	30.3	36.2	45.8	48.9	48.8	48.8
	Imported (WFA)	16.0	16.0	16.0	16.0	16.0	16.0	16.0
	Desalter Water	0.0	3.1	0.0	0.0	0.0	0.0	0.0
	Recycled Water	0.0	1.0	1.3	1.5	1.8	1.8	1.8
	Total	42.7	50.4	53.5	63.4	66.7	66.8	66.6
4th St.	Groundwater	13.6	24.5	28.1	38.8	41.4	41.4	41.4
	Imported (WFA)	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Desalter Water	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Recycled Water	0.1	0.1	0.2	0.3	0.4	0.4	0.4
	Total	12.2	24.6	28.3	39.1	41.8	41.8	41.8
Phillips St.	Groundwater	5.3	5.3	8.9	8.9	13.9	13.9	13.9
	Imported (WFA)	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Desalter Water	0.0	1.3	1.3	0.0	0.0	0.0	0.0
	Recycled Water	1.0	1.1	1.3	1.5	1.6	1.7	1.8
	Total	6.3	7.6	11.4	10.3	15.5	15.6	15.9
Francis St.	Groundwater	0.0	0.0	7.2	10.8	18.0	21.6	25.2
	Imported (WFA)	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Desalter Water	0.0	0.0	3.1	4.4	4.4	4.4	4.4
	Recycled Water	0.0	0.2	0.9	1.7	2.5	3.3	4.0
	Total	0.0	0.2	11.2	16.9	24.9	29.3	33.6
City Totals	**Groundwater**	**45.5**	**60.1**	**84**	**107.9**	**125.8**	**129.3**	**132.9**
	Imported (WFA)	**25.0**	**25.0**	**25.0**	**25.0**	**25.0**	**25.0**	**25.0**
	Desalter Water	**0.0**	**4.4**	**4.4**	**4.4**	**4.4**	**4.4**	**4.4**
	Recycled Water	**1.1**	**2.4**	**3.8**	**5.1**	**6.5**	**7.4**	**8.2**
	Total	**71.6**	**91.9**	**117.2**	**142.4**	**161.7**	**166.1**	**170.5**
Maximum Day Demand		**64.2**	**66.3**	**77.0**	**85.0**	**92.9**	**100.9**	**108.8**

2. Description of All Water Supply Projects

Dry Year Yield Project: On April 15, 2003, the City Council authorized execution of an agreement (Appendix C) with the Inland Empire Utilities Agency (IEUA) that funds water facilities that improve the City's water reliability and reduces dependence on imported water. This agreement is in conjunction with and a part of The Metropolitan Water District of Southern California's (MWD) Chino Basin Dry-Year-Yield Project. MWD is the regional wholesale water agency that supplies imported water to southern California from the Colorado River and the State Water Project from northern California.

As a matter of background, the California voters approved Proposition 13 in March 2000 authorizing the State of California to sell $1.97 billion in general obligation bonds for water related projects throughout the State. Of these funds, $161,544,000 was appropriated to the California Department of Water Resources ("DWR") local assistance grants for groundwater storage and supply reliability projects. MWD was subsequently selected by DWR as a grant recipient for $45 million to be used for groundwater storage projects within its service area. Such groundwater storage programs are part of a larger effort to meet water supply demands in Southern California. In January 2002, Inland Empire Utilities Agency (IEUA) and the Chino Basin Water Master jointly submitted a proposal to MWD for a Groundwater Conjunctive Use Storage Program in conjunction with IEUA's local water agencies including the City of Ontario.

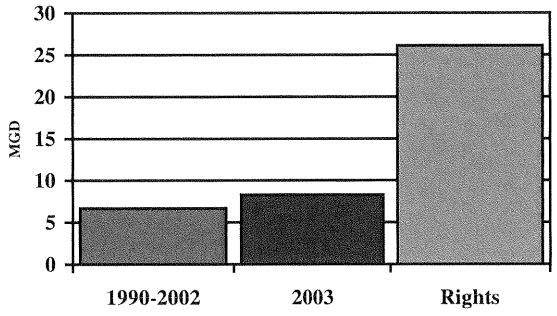
In April 2002, MWD approved the proposal that allows MWD to: 1) maintain a maximum of 100,000 acre-feet of groundwater in its Chino Basin storage account; and, 2) put a call on up to 33,000 acre-feet per year (but not more than the amount remaining in the storage account); and, 3) contribute up to $27.5 million to participating IEUA's local water agencies to build wells and wellhead treatment facilities.

IEUA has entered into an agreement with MWD, Three Valleys Municipal Water District, and Chino Basin Water Master whereby funding will be provided to local agencies to build the water production and treatment facilities. Each participating local water agency will receive a portion of these funds consistent with the agency's ability to use delivered MWD water during normal years and use groundwater from the MWD storage account during dry years (***shift obligation***). Ontario's shift obligation is 8,076 acre-feet, and its share of the funding is $5,674,168. These funds will be used to build three (3) new groundwater wells and a wellhead treatment facility to remove nitrates from several existing wells. The City agrees to complete the construction of the funded facilities no later than March 8, 2008. Upon call by MWD for stored water delivery, the City will operate these facilities, combined with the existing infrastructure to meet its shift obligation. As a result, the City is less reliant on imported water supply and improves its groundwater capacity during wet weather cycles.

Water Facilities Authority: The City of Ontario is a member of the Water Facilities Authority (WFA) that was created under the Joint Exercise of Powers Agreement (JPA) in 1980 (Appendix D). The other members are the Monte Vista Water District and the Cities of Chino, Chino Hills, and Upland. The WFA's charter is to provide for the acquisition and construction of water supply facilities for its member agencies. The WFA purchases imported water from IEUA as a member agency of the MWD. The City

of Ontario has capacity rights up to 25.4 mgd. Since 1990, the City has purchased an average of about 6.69 mgd (7,500 af per year). For 2003, the City purchased an average of 8.3 mgd (9,300 af per year). Figure 11 depicts these statistics. The rated capacity of the WFA treatment plant is 81 mgd (Appendix E). Per Ordinance No. 99-07-02, "Ordinance of the Water Facilities Authority – JPA: Repealing Ordinance 96-09-01", (Appendix F), notes that the City of Ontario has 31.4% of the design capacity of the treatment plant. The future reliability and vulnerability of MWD's supplies in addition to groundwater supplies is discussed in the "Urban Water Management Plan" (Appendix A).

Figure 11 Imported Water Purchases versus Capacity Rights in WFA



Chino Basin Desalting Authority: The City of Ontario is a member of the Chino Basin Desalting Authority (CDA), a joint exercise of powers agency created on September 25, 2001, along with Jurupa Community Services District, SARWC, IEUA and the Cities of Chino, Chino Hills, and Norco. The CDA issued $150M of Revenue Bonds in 2002 for:

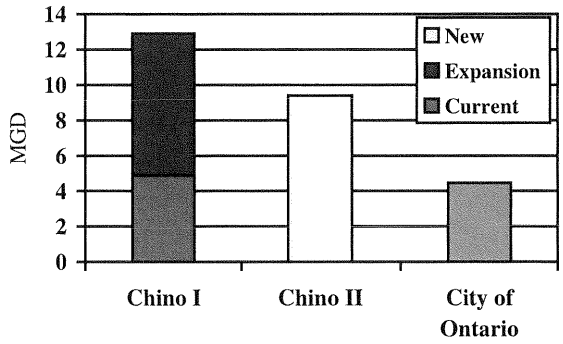
1) the acquisition of the Chino Desalter Unit I (Chino 1) from the Santa Ana Watershed Project Authority; and,

2) the design and expansion of Chino I from 8.0 to 12.9 mgd; as well as,

3) the design and construction of a 9.4 mgd Chino Desalter Unit II (Chino 2).

Chino 1 expansion is expected to be online by June 2005 and to produce an additional 5,000 acre-feet of desalted water per year bringing the total to 14,200 af. Chino 2 Plant is designed for 9.4 mgd which will produce 10,400 af of desalted water per year by June 2005. The City of Ontario has agreed (Appendix G) to purchase 5,000 af/year (average 4.46 mgd) of the 24,600 af/year production capacity (Figure 12).

Figure 12 CDA Desalter Capacity



City Well Production: The City currently (2004) has 26 production wells in the Chino Basin with a combined capacity of about 41,707 gallons per minute (60.1 mgd at 100% utilization). Twenty-three (23) City wells are currently in service. In addition to the nine (9) new wells proposed in the Water Master Plan, the City has also prepared a long range replacement plan for older wells that lose production and as water quality concerns arise in the future. Replacement wells are expected to have higher flow capacities than the well they are replacing. The data in Table 12 provides a snapshot of well capacity.

Table 12 Well Production Planning[5]

Well #	Capacity (GPM)	
	Current	Replacement
7	0	2,500
9	1,770	2,500
11	1,386	2,500
15	1,615	2,500
16	657	2,500
17	1,277	2,500
18	0	2,500
19	0	2,500
20	816	2,500
26	885	2,500
27	1,101	2,500
34	1,525	2,500
3	780	2,500
4	1,000	2,500
36	1,565	2,500
29	2,592	2,500
TOTAL	16,969	40,000

Well #	Capacity (GPM)
	Current
24	1,779
25	1,395
31	2,917
35	2,747
37	2,927
38	2,341
39	2,132
40	3,000
41	2,500
44	3,000
TOTAL	24,738

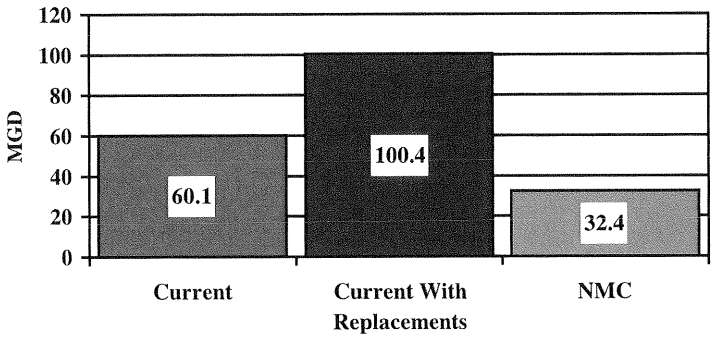
Well #	Capacity (GPM)
	Future
NMC 1	2,500
NMC 2	2,500
NMC 3	2,500
NMC 3	2,500
NMC 4	2,500
NMC 5	2,500
NMC 6	2,500
NMC 7	2,500
NMC 8	2,500
NMC 9	2,500
OMC 1	2,500
OMC 2	2,500
TOTAL	27,500

TOTAL CAPACITY AFTER REPLACEMENTS + ADDITIONS BY THE YEAR 2026.	**92,238**

At 100% utilization (24 hours per day and 7 days per week) 92,238 gpm well capacity produces 132.8 mgd. Figure 13 depicts the current, long range production plan for replacement and the additional new wells planned for NMC, by the year 2026.

[5] City of Ontario Source Planning Model July 2004. (Appendix H)

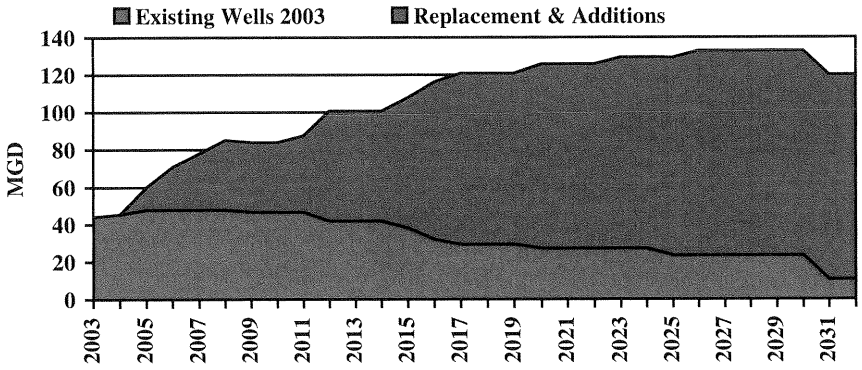
Figure 13 Well Production Capacity (100% Utilization)



The sixteen (16) wells listed in the first column of Table 11 are scheduled for replacement based on age and water quality. The estimated production capacity, excluding New Model Colony Wells, from replacement wells (100% utilization) is expected to increase the current capacity from 41,707 gpm (60.1 mgd) to 69,738 gpm (100.4 mgd) over the next 26 years. Figure 14 depicts this expected capacity increase.

On June 15, 2004 and July 20, 2004, the City Council approved Professional Services Agreements to design eight new wells. It is anticipated that the five wells drilled for the City will provide 12,500 gpm of additional production capacity. Three of the wells, which will serve the New Model Colony area, are anticipated to provide 7,500 gpm in production capacity.

Figure 14 Well Replacements and Additions Program



Recycled Water: The use of recycled water by the City of Ontario and the entities within the Inland Empire Utilities Agencies is extensively covered in the attached Urban Water Management Plan, (Appendix A). In 2000, IEUA delivered about 700 acre-feet of recycled water to the City of Ontario for landscape irrigation. Table 5-6 of the Urban Water Management Plan shows that the City of Ontario could use up to 12,000 acre-feet per year of reclaimed water. The projected recycled water use on Table 13 shows a more conservative trend than that which is shown in the Urban Water Management Plan.

3. Comparison of Supply and Demand

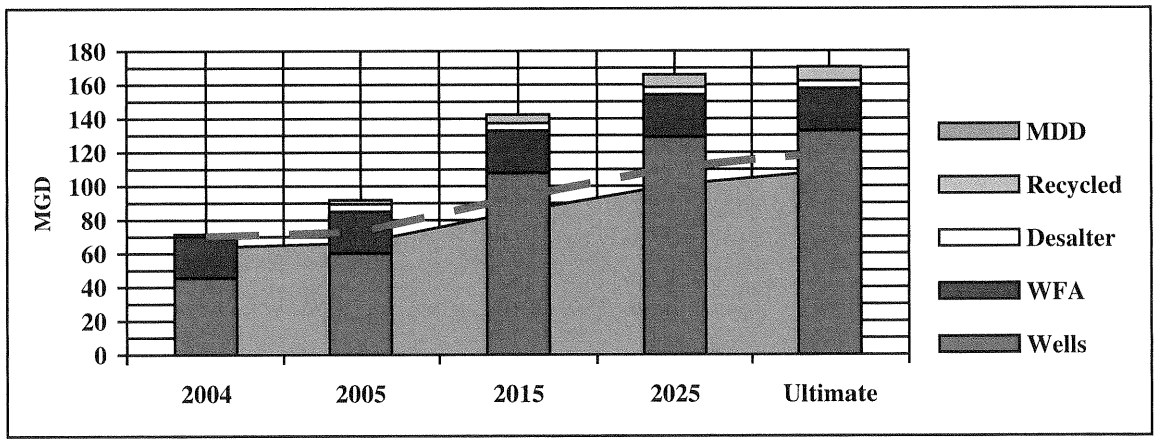
To meet this forecast of demand, the City has developed a computer model of all sources including wells, imported water, Chino Basin Desalter, and recycled water. Wells are at 100% utilization for comparison. Table 12 shows a comparison of sources of supply and demand.

Table 13 Comparison of Sources of Supply and Maximum Day Water Demand (mgd)[6]

	Groundwater	Imported (WFA)	Desalter Water	Recycled Water	**Total**	Demand	Dry Weather Demand[7]
2005	60.1	25	4.4	2.4	**91.9**	66.3	72.9
2010	84.0	25	4.4	3.8	**117.2**	77.0	84.7
2015	107.9	25	4.4	5.2	**142.4**	85.0	93.5
2020	125.8	25	4.4	6.5	**161.7**	92.9	102.2
2025	129.2	25	4.4	7.4	**166.0**	100.9	111.0
2030	132.8	25	4.4	8.3	**170.5**	108.8	119.7

Figure 15 demonstrates that excess capacity of production is available to meet maximum daily demands of the City of Ontario, including the New Model Colony area, for all years upon completion of the construction of planned water facilities.

Figure 15 Source of Supply and Maximum Daily Demand Comparisons



[6] City of Ontario Source of Supply Planning Model July 2004 (Appendix H).
[7] Dry Weather Demand equals Demand column plus 10%

Law

10910. (f) If a water supply for a proposed project includes groundwater, the following additional information shall be included in the water supply assessment.

(1) A review of any information contained in the urban water management plan relevant to the identified water supply for the proposed project.

(2) A description of any groundwater basin or basins from which the proposed project will be supplied. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current bulletin of the department that characterizes the condition of the groundwater basin, and a detailed description by the public water system or the city or county if either is required to comply with this part pursuant to subdivision (b), of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the amount and location of groundwater pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), for the past five years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), from any basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(5) An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project. A water supply assessment shall not be required to include the information required by this paragraph if the public water system determines, as part of the review required by paragraph (1), that the sufficiency of groundwater necessary to meet the initial and projected water demand

associated with the project was addressed in the description and analysis required by paragraph (4) of subdivision (b) of Section 10631.

Introduction*

Since the major source of potable water in the City of Ontario's service area is groundwater, SB 610 requires a groundwater analysis as part of the WSA. This section will include: 1) review of information contained in the urban water management plan relevant to the proposed project, 2) a description of the groundwater basin used to supply potable water to the proposed project and a review of the City of Ontario's legal right to pump from this basin, 3) historic (past 5 years) analysis of amount and location of groundwater pumped from the basin, 4) projected analysis of groundwater to be pumped from the basin, and 5) analysis of the sufficiency of the groundwater basin to meet the demands of the proposed project and the suppliers demands.

1. Review of Urban Water Management Plan (Section 10910 (f)(1))

The "Urban Water Management Plan Year 2000 Update", prepared by Inland Empire Utilities Agency (August 2000) was adopted by the City of Ontario by Resolution 2001-1005 on November 20, 2001 and is attached as Appendix "A" and is incorporated by reference herein. The Plan includes information relevant to the identified water supply for the proposed project. This information includes: current and projected water supplies (*Planning for the Future*[8]) through Year 2020, a description of the Chino Groundwater Basin (*Water Use Trends*), the reliability of the water supply (*Planning for the Future*), historical, current and projected water use (*Planning for the Future*), projected supply and demand comparisons (*Planning for the Future*), demand management provisions (*Water Conservation Program*) and water shortage plans (*Planning for the Future*).

The Section of the UWMP entitled "Planning for the Future" includes a table identifying current supplies and projecting supply sources in five-year increments through the Year 2020. The conservative supply sources contemplated and included development projections through Year 2020, including the project subject to this WSA. This section also discusses groundwater production from the Basin and notes that nitrate and TDS (total dissolved solids) impacting groundwater quality.

The report states that "The Santa Ana Regional Water Quality Control Board (SARWQCB) and the Chino Basin Watermaster have developed water quality standards and management programs that will lead to the long term clean up and management of the water quality issues in the Chino Groundwater Basin. Treatment processes, including the construction of desalters and the removal of industrial waste and brine are a costly but essential part of the overall strategy to ensure maximum use of groundwater supplies."

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[8] Words and phrases italicized parenthetically are in reference to chapters so titled in the Inland Empire Urban Water Management Plan 2000 Update.

* The legal discussion of Chino Groundwater Basin is based upon Jurupa Community Services District's "Water Source Assessment for the County of Riverside EIR No. 450" April 10, 2003, Section 4, prepared by John J. Schatz.

2. Description of Chino Groundwater Basin and Legal Right to Pump (Section 10910 (f)(2)).

A. Description of Chino Groundwater Basin

The City of Ontario produces water from groundwater sources identified in this WSA located in the Chino Groundwater Basin ("the Basin"), which was adjudicated by the Superior Court of the State of California for the County of San Bernardino January 27, 1978 ("the Judgment"). A copy of the Judgment and Court-approved amendments thereto are attached as Appendix I.

Ontario's primary source for potable water comes from local groundwater sources (79%) located in the Chino Groundwater Basin (Basin). The Basin consists of approximately 235 square miles in the upper Santa Ana River Watershed that covers San Bernardino, Riverside and Orange Counties. While still considered a single basin for hydrologic purposes, the Basin is divided into five management zones (Figure 16), based on similar hydrologic conditions, and three sub-basins (Figure 17). The California Regional Water Quality Control Board – Santa Ana Region (Regional Board) in their 1995 Basin Plan divided the Chino Groundwater Basin into three sub-basins for management purposes (Figure 17). The Regional Board has established water quality objectives for these subbasins and writes waste discharge requirements for waste dischargers based in part on these objectives. Presently, the Basin Plan subbasin boundaries and objectives are being rigorously reviewed. New boundaries similar to the management zone boundaries (Figure 16) have been proposed. Revised boundaries and water quality objectives should be adopted sometime in the near future.

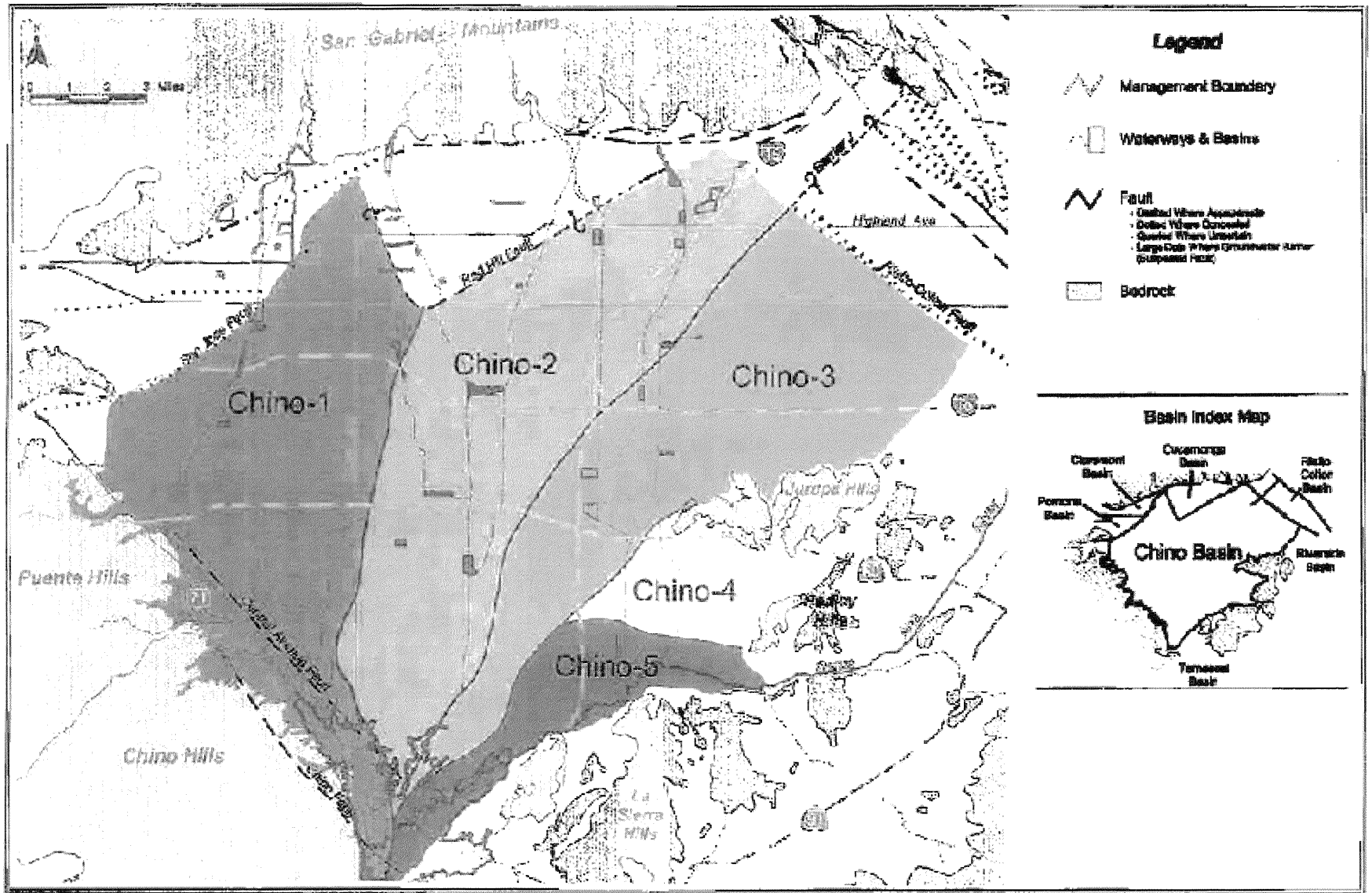
The Basin stores approximately five (5) million acre-feet of groundwater with the capability of storing additional one (1) million acre-feet. Geographically speaking, the City overlies the approximate center of the basin. Operation of the basin is governed by a 1978 court judgment and agreement among producers (Appendix I), whereby each is allotted a "base water right" to a certain percentage of the natural yield or "safe yield" of the basin. Under the judgment/agreement, entities (including the City of Ontario) can pump in excess of their allotted "base water right" but must pay a pump tax to cover the cost to replenish any overdraft caused by the excess pumping. The provisions of the judgment/agreement and the monitoring of the basin are carried out by a court appointed water-master. The water-master files an annual report on pumping and replenishment.[9]

B. Legal Right to Pump from the Chino Groundwater Basin

The Judgment represents a plenary adjudication of all water rights in the Basin and is currently administered under the authority of the Chino Basin Watermaster with continuing jurisdiction by the Court. The principal function of an adjudication generally is to control the use of a water source in order to ensure the source is utilized in an optimum manner. For purposes of an adjudication, the central feature is the determination of the safe yield of the Basin.

[9] Boyle Engineering Water Master Plan, pg 27

The safe yield of a groundwater basin has been defined as the amount of water that can be withdrawn annually without producing an undesirable result. Withdrawal in excess of safe yield is termed overdraft. The Judgment established the safe yield of the Basin in the amount of 140,000 acre-feet per year; however, Watermaster may determine that the operating safe yield can be higher from year-to-year depending on factors including favorable precipitation and management efforts that maximize the beneficial use of the groundwater Basin. These management efforts, which ensure the long-term sufficiency of groundwater from the Basin, including during dry years, are addressed in Subsection 5, which follows:

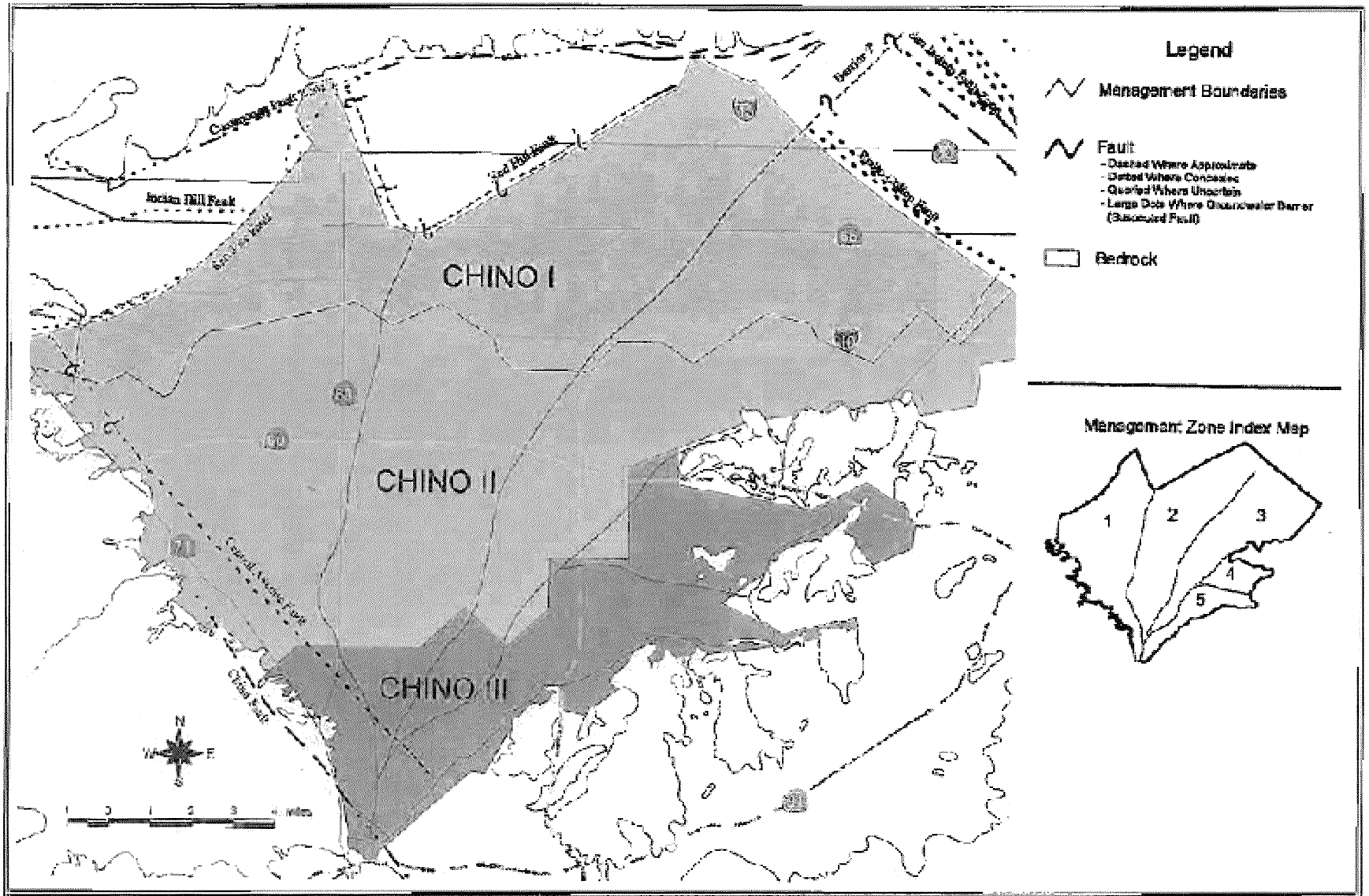


CHINO BASIN MANAGEMENT ZONES

Source: Wildermuth Environmental, Inc.

ALBERT A. WEBB ASSOCIATES
ENGINEERING CONSULTANTS

FIGURE 16



CHINO SUBBASINS DEFINED IN THE 1995 BASIN PLAN

Source: OBMP Phase I Report, Figure 2-6

ALBERT A. WEBB ASSOCIATES
ENGINEERING CONSULTANTS

FIGURE 17

The Judgment does not place any limits upon the groundwater production by any party to the Judgment, which includes the City of Ontario. Non-parties to the Judgment are prohibited from pumping from the Basin (Judgment Paragraph 8), but parties are permitted to pump in accordance with the rights described by the Judgment.

The Judgment allocates safe yield of the Basin according to the three pools as described in Paragraph 13 of the Judgment. The members of each pool are then enjoined from producing water from the Basin in excess of such allocated amount "except pursuant to the provisions of the Physical Solution" (Judgment, Paragraph 13(a)-(c)).

The Physical Solution of the Judgment is described in broad terms by Paragraphs 39 through 57 of the Judgment. Paragraph 45 provides Watermaster with the authority to levy and collect assessments for the purchase of water necessary to balance the production by any party in excess of that party's allocated share of safe yield of the Basin. Paragraphs 49 and 50 then describe the sources of water which are authorized to function as sources of replenishment water and methods by which water can be replenished to the Basin. Exhibit "I", Paragraph 7, of the Judgment describes the way in which costs for replenishment water will spread among the members of the Appropriative Pool, which includes the City of Ontario.

The afore-cited paragraphs of the Judgment evince a clear expectation that parties, including the City of Ontario, would produce water in excess of their adjudicated production rights. The injunction in Paragraph 13 of the Judgment should thus be interpreted to mean that parties are enjoined from producing water in excess of their adjudicated rights except to the extent that they will pay a replenishment assessment upon production exceeding a specified amount.

The ability to produce water from the Basin is accordingly not a matter of availability, as contemplated and sanctioned by the Judgment for the reasons discussed above, but rather a matter of cost. Water produced in excess of production rights will cost more than water produced within a party's production rights. Thus, the quantity and reliability of groundwater supplies for purposes of this WSA is a matter of cost of the water produced from the Basin rather than limitations on production which may otherwise operate to reduce the sufficiency of the groundwater supply.

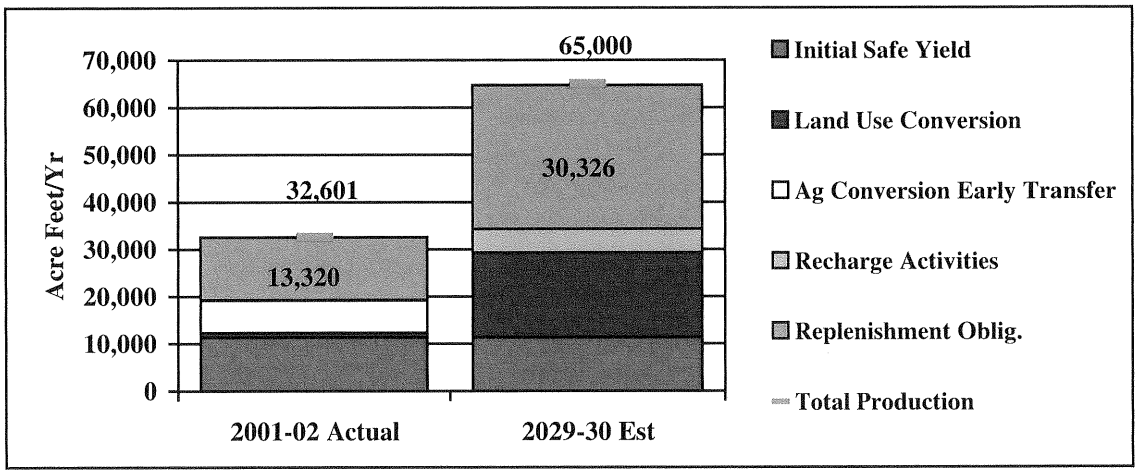
The amount of groundwater which the City of Ontario can pump without being subject to a replenishment assessment due to the combination of past and current agricultural land use conversions was 19,281 acre-feet out of 32,601 acre-feet of Basin production during fiscal year 2001-02 (Table 14 and Figure 18). The amount of water which the City of Ontario produced in 2001-2002 that was subject to a replenishment assessment was 13,320 acre-feet, representing 41% of the total groundwater production for the year (Table 14).

Table 14 Ontario's Water Rights and Replenishment Obligation[10]

Description	2001-02 (Actual) Acre-Feet	2029-30 (Estimated) Acre-Feet
Initial Safe Yield	11,374	11,374
Land Use Conversion	973	18,000
Ag Conversion Early Transfer	6,803	0
Recharge Activities	131	5,000
Total Operating Safe Yield	19,281	34,374
Total Groundwater Production (**note 1**)	32,601	65,000
Less Operating Safe Yield	(19,281)	(34,374)
Replenishment Obligation (net)	**13,320**	**30,626**

Note (1) Total Production is adjusted for assigned water rights from Sunkist Company (equal to water provided by the City, approximately 1500 acre feet per year) and from San Antonio Water Company (equal to shares owned by the City, an entitlement of about 850 acre feet per year).

Figure 18 Basin Production & Replenishment Obligation



[10] Based on 2001-02 Chino Basin Watermaster Assessment

3. Historic Use of Groundwater by the City of Ontario (Section 10910(f)(3))

Ontario's groundwater supply comes from their twenty-three operational groundwater wells located throughout their service area. The general location of these wells is shown on the attached Figure 19* is from Figure 4A of the City of Ontario's Water Master Plan. The amount of groundwater pumped by the City of Ontario since 1983 from the Chino Groundwater Basin is listed on Table 8.

4. Projected Use of Groundwater by the City of Ontario (Section 10910(f)(4))

The proposed project considered in the EIR for the subject property will receive water from the City of Ontario's groundwater sources, Chino Desalter Authority, (desalted water), and recycled water.

The City of Ontario's projected groundwater use is dependent upon the cost of extracting, treating and transporting the water to its customers. Groundwater from the Chino Groundwater Basin will be utilized by the City of Ontario either directly by pumping into its distribution system or by treating the groundwater by its proposed ion exchange plant and then pumping the treated groundwater into the City of Ontario's distribution system. The capacity of the City of Ontario's existing and future wells will be about 92,238 gpm (132.8 mgd) by the year 2026.

In addition to its well production, the City of Ontario will also utilize groundwater from the Chino Groundwater Basin from the Chino Desalter Authority's Chino Basin Desalters. As discussed previously, Ontario's contracted groundwater supply from the Chino Desalters, is 5000 acre-feet/year.

The amount of water that the City of Ontario expects to withdraw from the Chino Basin via their well field or from the Chino Desalters is well within appropriate right pursuant to the Chino Basin Adjudication of 1978. Therefore, the projected supplies needed to meet future demands are easily met from the various sources discussed in this report.

The City of Ontario's projected use of groundwater is presented in Table 11.

5. Sufficiency of Groundwater Basin (Section 10910 (f)(5))

The City of Ontario's legal right to pump water in an amount necessary to meet all demands as sanctioned and protected by the Judgment as discussed above, is buttressed by a number of programs and projects directed to ensuring the sufficiency of groundwater supplies from the Basin, particularly during dry years. An adjudicated water right has perhaps the most substantial indicia of reliability of any water right that currently exists in California. An adjudicated right is based upon long-term studies whose purpose it to protect the long-term functionality of the water source. These rights are coordinated in an established and binding manner with all the other users of the Basin and are overseen

* Bound in the back of the report

by Watermaster which has the authority to mandate and proscribe activities whose purpose is to protect the water source and maximize its long-term beneficial use.

Basin management activities include objectives, projects and programs identified in the Peace Agreement, entered into between Judgment parties on June 29, 2000, which are more specifically described in the Optimum Basin Management Program (OBMP) that implements the provisions of the Peace Agreement. All Watermaster processes are governed by Rules and Regulations and receive active oversight from the Court which, as noted above, retains continuing jurisdiction over the administration of the Judgment. Consequently, the sufficiency of the groundwater is not only directed by rigorous Watermaster management processes, but validated and ensured by continuing Court oversight.

OBMP projects directed to ensuring the maximization of safe yield and operating safe yield of the Basin include: 1) a comprehensive monitoring program; 2) a comprehensive recharge program; 3) development and implementation of a water supply plan for impaired areas of the Basin; 4) development and implementation of a comprehensive groundwater management plan for Management Zone 1; 5) development and implementation of a regional supplemental water program; 6) development and implementation of cooperative programs with the California Regional Water Quality Control Board – Santa Ana Region and other agencies to improve Basin management; 7) development and implementation of a salt management program; 8) development and implementation of a groundwater storage program; and, 9) development and implementation of storage and recovery programs.

As stated, the referenced elements of the OBMP collectively comprise a comprehensive regimen directed to ensuring and maximizing the long-term beneficial use of water in the Basin. In particular, and specific to the location of current and future groundwater production facilities upon which Ontario relies or will rely to provide water to meet all demands within its service area, OBMP Program Element No. 3-"Develop and Implement Water Supply Plan for the Impaired Areas of the Basin" and Program Element No. 5-"Develop and Implement Regional Supplemental Water Program", address the sufficiency of groundwater from the Basin.

> Program Element Nos. 3 and 5 of the OBMP provides in part:
>
> "AS URBANIZATION OF THE AGRICULTURAL AREAS OF SAN BERNARDINO AND RIVERSIDE COUNTIES IN THE SOUTHERN HALF OF THE BASIN OCCURS, THE AGRICULTURAL WATER DEMANDS WILL DECREASE AND URBAN WATER DEMANDS WILL INCREASE SIGNIFICANTLY. FUTURE DEVELOPMENT IN THESE AREAS IS EXPECTED TO BE A COMBINATION OF URBAN USES (RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL). THE CITIES OF CHINO, CHINO HILLS, AND ONTARIO, AND THE JURUPA COMMUNITY SERVICES DISTRICT (JCSD) ARE EXPECTED TO EXPERIENCE SIGNIFICANT NEW DEMAND AS THESE PURVEYORS BEGIN SERVING URBAN CUSTOMERS IN THE FORMER AGRICULTURAL AREAS. BASED ON CURRENT ESTIMATES OF OVERLYING AGRICULTURAL POOL PRODUCTION, IT IS EXPECTED THAT AT LEAST

40,000 ACRE-FT/YR OF GROUNDWATER WILL NEED TO BE PRODUCED (SIC) IN THE SOUTHERN PART OF THE BASIN TO MAINTAIN THE SAFE YIELD.

BASED ON THE DATA PRESENTED IN *OPTIMUM BASIN MANAGEMENT PROGRAM, PHASE I REPORT* (AUGUST 1999), MUNICIPAL AND INDUSTRIAL DEMANDS ARE PROJECTED TO INCREASE 30 PERCENT BETWEEN 2000 AND ULTIMATE BUILD OUT (ASSUMED TO BE 2020 IN THE PHASE I REPORT). SEVERAL AGENCIES WILL EXPERIENCE INCREASES IN DEMAND EXCEEDING 30 PERCENT, INCLUDING THE CITIES OF CHINO, CHINO HILLS, NORCO, ONTARIO, CUCAMONGA COUNTY WATER DISTRICT (CCWD), FONTANA WATER COMPANY (FWC), JCSD, AND THE WEST SAN BERNARDINO COUNTY WATER DISTRICT (WSBCWD). FORECASTS FROM MUNICIPAL AND INDUSTRIAL ENTITIES INDICATE THAT MUNICIPAL WATER SUPPLY SOURCES FOR THE CHINO BASIN AT BUILD OUT WILL CONSIST PREDOMINANTLY OF CHINO BASIN WELLS THROUGH DIRECT USE OR TREATMENT AND USE, GROUNDWATER AND TREATED SURFACE WATER FROM OTHER BASIN, AND MWDSC SUPPLIES. THERE IS APPROXIMATELY 48,000 ACRE-FT/YR OF AGRICULTURAL PRODUCTION IN THE SOUTHERN PART OF THE CHINO BASIN IN THE YEAR 2000, AND THIS PRODUCTION WILL REDUCE TO ABOUT 10,000 ACRE-FT/YR IN THE YEAR 2020 AT BUILD OUT. THIS DECLINE IN AGRICULTURAL PRODUCTION MUST BE MATCHED BY NEW PRODUCTION IN THE SOUTHERN PART OF THE BASIN OR THE SAFE YIELD IN THE BASIN WILL BE REDUCED.

CONSIDERABLE DISCUSSION OF THE ALTERNATIVE WATER SUPPLY PLANS OCCURRED AT THE OBMP WORKSHOPS. THE DISCUSSIONS FOCUSED, IN PART, ON THE ASSUMPTION AND DETAILS OF EACH ALTERNATIVE AND COST. BASED ON TECHNICAL, ENVIRONMENTAL, AND COST CONSIDERATIONS, THE STAKEHOLDERS SELECTED THE WATER SUPPLY PLAN DESCRIBED IN TABLE 2. GROUNDWATER PRODUCTION FOR MUNICIPAL USE WILL BE INCREASED IN THE SOUTHERN PART OF THE BASIN TO: MEET THE EMERGING DEMAND FOR MUNICIPAL SUPPLIES IN THE CHINO BASIN, MAINTAIN SAFE YIELD, AND TO PROTECT WATER QUALITY IN THE SANTA ANA RIVER. A PRELIMINARY FACILITY PLAN (REVISED DRAFT WATER SUPPLY PLAN PHASE I DESALTING PROJECT FACILITIES REPORT) WAS PREPARED IN JUNE 2000, THAT DESCRIBES THE EXPANSION OF THE CHINO I DESALTER AND THE CONSTRUCTION OF THE CHINO II DESALTER TO BE BUILT IN THE JCSD SERVICE AREA (ATTACHMENT I).(UNDERLINING INCLUDED IN QUOTED TEXT). NEW SOUTHERN BASIN PRODUCTION FOR MUNICIPAL USE WILL REQUIRE DESALTING PRIOR TO USE. THE CITIES OF CHINO, CHINO HILLS, ONTARIO AND NORCO, AND THE JCSD WILL MAXIMIZE THEIR USE OF GROUNDWATER FROM THE SOUTHERN PART OF THE BASIN PRIOR TO USING OTHER SUPPLIES[11].

IMPORTED WATER USE WILL INCREASE TO MEET EMERGING DEMANDS FOR MUNICIPAL AND INDUSTRIAL SUPPLIES IN THE CHINO BASIN AREA, WATERMASTER REPLENISHMENT, AND STORAGE AND RECOVERY PROGRAMS OR CONJUNCTIVE USE.

[11]*Detailed discussion continues in this paragraph concerning the production capacity of the desalters and construction/expansion projections.*

EXPANDED USE OF IMPORTED WATER IN THE NORTHERN PART OF THE BASIN WILL HAVE A LOWER PRIORITY THAN MAINTAINING GROUNDWATER PRODUCTION IN THE SOUTHERN PART OF THE BASIN. RECYCLED WATER USE (DIRECT USE AND RECHARGE) WILL INCREASE TO MEET EMERGING DEMANDS FOR NON-POTABLE WATER AND ARTIFICIAL RECHARGE. UNDER THE CURRENT BASIN PLAN, ALL NEW RECYCLED WATER USE WILL REQUIRE MITIGATION FOR TDS AND NITROGEN IMPACTS. RECYCLED WATER USE WILL BE EXPANDED AS SOON AS PRACTICAL. THE TWO NEW DESALTERS DESCRIBED ABOVE AND THE INCREASE IN STORM WATER RECHARGE WILL PROVIDE MITIGATION FOR THE EXPANDED USE OF RECYCLED WATER."

As indicated in the foregoing quoted OBMP text, the City of Ontario overlies groundwater supplies in the southern part of the Basin which must be pumped for purposes of meeting new demands, maintain safe yield and to protect water quality in the Santa Ana River. As agricultural production in the southern part of the Basin declines, it will be necessary for these reasons to increase production for municipal uses. This will be achieved through the Chino I and Chino II Desalters, of which the City of Ontario has a contractual right to purchase 5,000 acre-ft/yr pursuant to the 2001 "Joint Exercise of Powers Agreement Creating the Chino Basin Desalter Authority". Thus, not only was increased Basin water production by the City of Ontario foreseen in the OBMP, but actually sanctioned and encouraged for purposes of achieving OBMP objectives.

The sufficiency of the City of Ontario's groundwater supply is assured due to the abundance of groundwater which it overlies in the central and southern portion of the Basin, OBMP objectives that prioritize and assure production from the southern Basin, coupled with desalting and ion-exchange treatment facilities that enable the use of this abundant supply for municipal (potable) purposes. As indicated in the quoted text of the OBMP, southern basin production, where the City of Ontario is partially located, is the linchpin of several critical OBMP objectives. Thus the sufficiency of groundwater is heightened and prioritized by the necessity of continued pumping from the southern Basin under the OBMP which is administered by the Watermaster and ultimately enforced by continuing Court jurisdiction over the Judgment.

The other referenced OBMP Program Elements are collectively directed to ensuring the sufficiency of Basin groundwater supplies, particularly during dry years, and comprehensively address water quality and quantity, thus maximizing beneficial use over the long-term. Sufficiency of groundwater from the Basin is further assured for the following reasons.

Inland Empire Utilities Agency (IEUA) is a member agency of The Metropolitan Water District of Southern California (MWD), which provides imported water from the State Water Project for direct use by parties to the Judgment in the Basin and for Basin recharge purposes. IEUA has also reviewed the sufficiency of supplies for its service territory that includes the Basin in connection with its Year 2000 Urban Water Management Plan (UWMP).

IEUA's UWMP is consistent with, and reiterative of, OBMP projects and programs. IEUA's UWMP projects increased requirements for imported water for direct and recharge use while noting reductions during dry years (due to increased reliance on groundwater from the Basin) and in the higher amount otherwise required in the absence of OBMP projects and programs. The UWMP also analyzes the sufficiency of water supplies for single and multiple year drought scenarios and concludes the region is expected to meet 100% of its dry year demand under every scenario.

IEUA's UWMP also discusses MWD's Year 2002 "Report on Metropolitan's Water Supplies". IEUA has augmented its assessment of imported water supply reliability via correspondence dated March 19, 2003, to the City of Chino[12]. This correspondence includes detailed discussion regarding contemporary circumstances, including the reduction of Colorado River water to MWD and MWD's most recent supply report: "Report on Metropolitan's Water Supplies", dated March 25, 2003. IEUA concludes, on the bases of the OBMP and its own activities in the Basin and MWD's latest report, that imported supply reliability will remain adequate to serve anticipated demand through 2025. California Water Code Section 10631(j) provides that urban water suppliers, such as IEUA, that rely upon a wholesale agency for a source of water may rely upon water supply information provided by the wholesale agency in fulfilling UWMP informational requirements.

IEUA's independent analysis of contemporary regional water conditions in conjunction with MWD's most recent report, provide additional and reliable assurances concerning the sufficiency of imported water supplies that comprise a portion of overall Basin supply sufficiency. As stated in the above-quoted OBMP text, however, "expanded use of imported water in the northern part of the Basin will have a lower priority than maintaining groundwater production in the southern part of the Basin".

IEUA's March 19, 2003 correspondence also references MWD's 100,000 acre-feet water storage and recovery program which, along with future storage and recovery projects will drought-proof the Basin and all other appropriative pool members (including the City of Ontario) from imported water shortages. Watermaster is currently finalizing an agreement for the MWD 100,000 acre-feet program that will include at least 9,000 acre-feet per year of participation by the City of Ontario and thus further enhancing the sufficiency of the City of Ontario's groundwater supply. This program is consistent with OBMP Program Element No. 9-Develop And Implement Storage And Recovery Program. Benefits to the Basin associated with this program include the construction of facilities to enhance imported water deliveries and the production of water from the Basin. Further demonstrating the sufficiency of Basin groundwater is MWD's program to use the Basin for dry year supply purposes, thus underscoring that sufficient Basin groundwater is available during dry years not only for local use by agencies such as the City of Ontario but also in connection with MWD's regional reliability programs.

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[12]*Attached hereto and incorporated by reference herein as Appendix "J".*

In conclusion, the sufficiency of groundwater from the Basin is assured due to the City of Ontario's legal right to produce water necessary to meet ultimate demands in conjunction with OBMP objectives. These OBMP objectives overseen and administered by the Chino Basin Watermaster specifically direct and assure, under the auspices of continuing Court jurisdiction, the long-term production of water from the southern part of the Basin where the City of Ontario is partially located.

Primary Issue for Assessment - Findings

Whereas:

1. The City of Ontario has been identified as the public water supplier for the New Model Colony.

2. The projected water demand for the project is 31,200 acre-feet per year.

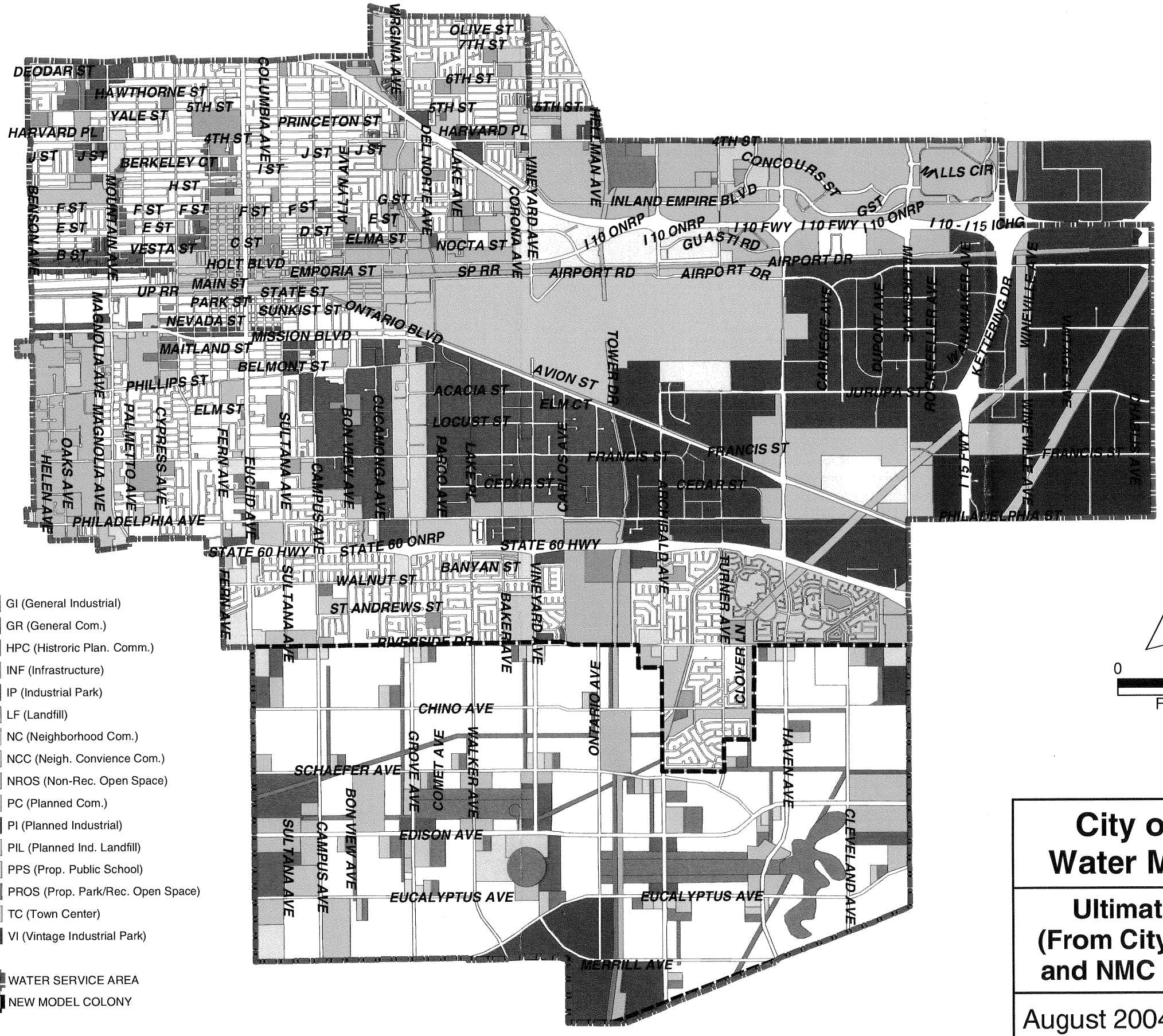
3. The water demand for this project was included in the "Urban Water Management Plan Year 2000 Update" by the Inland Empire Utilities Agency, August 2000 , which was adopted by the City of Ontario by Resolution 2001-1005 dated November 20, 2004.

4. The City of Ontario's existing water supply (2004) is 71.6 mgd, while the maximum day demand is 64.2 mgd. The projected 2025 water supply is 166.1 mgd and the maximum day demand is projected to be 100.9 mgd.

5. The City of Ontario has water rights in the Chino Groundwater Basin and capacity rights (25 mgd) in the WFA Treatment Plant. The City also has contracted for 5000 acre-feet per year from the Chino Desalter Authority. The projected recycled water use is 7.4 mgd by 2025.

   The City of Ontario has sufficient water supply to provide water to the proposed project during normal, single dry, and multiple dry years during a 20 year projection, in addition to meeting the City's existing and planned future uses.

FIGURES 6 and 19



Legend

Land Use

- RR (Rural Res.)
- LDR (Low Den. Res.)
- LMDR (Low-Med. Den. Res.)
- MDR (Med. Den Res.)
- PR (Planned Res.)
- MH (Mobile Home)
- HDR (High Den. Res.)
- AI (Airport Industrial)
- AP (Administrative Prof.)
- ARPT (Ontario Int. Airprort)
- ARS (Air. Service Com.)
- EH (E. Holt Redevop.)
- EPF (Exist. Public Fac.)
- EPS (Exist. Public Sch.)
- EROS (Exist. Park/Rec. Open Space)
- GC (General Com.)
- GI (General Industrial)
- GR (General Com.)
- HPC (Histroric Plan. Comm.)
- INF (Infrastructure)
- IP (Industrial Park)
- LF (Landfill)
- NC (Neighborhood Com.)
- NCC (Neigh. Convience Com.)
- NROS (Non-Rec. Open Space)
- PC (Planned Com.)
- PI (Planned Industrial)
- PIL (Planned Ind. Landfill)
- PPS (Prop. Public School)
- PROS (Prop. Park/Rec. Open Space)
- TC (Town Center)
- VI (Vintage Industrial Park)

- WATER SERVICE AREA
- NEW MODEL COLONY

ALBERT A. WEBB ASSOCIATES
ENGINEERING CONSULTANTS

N

0 4,500
Feet

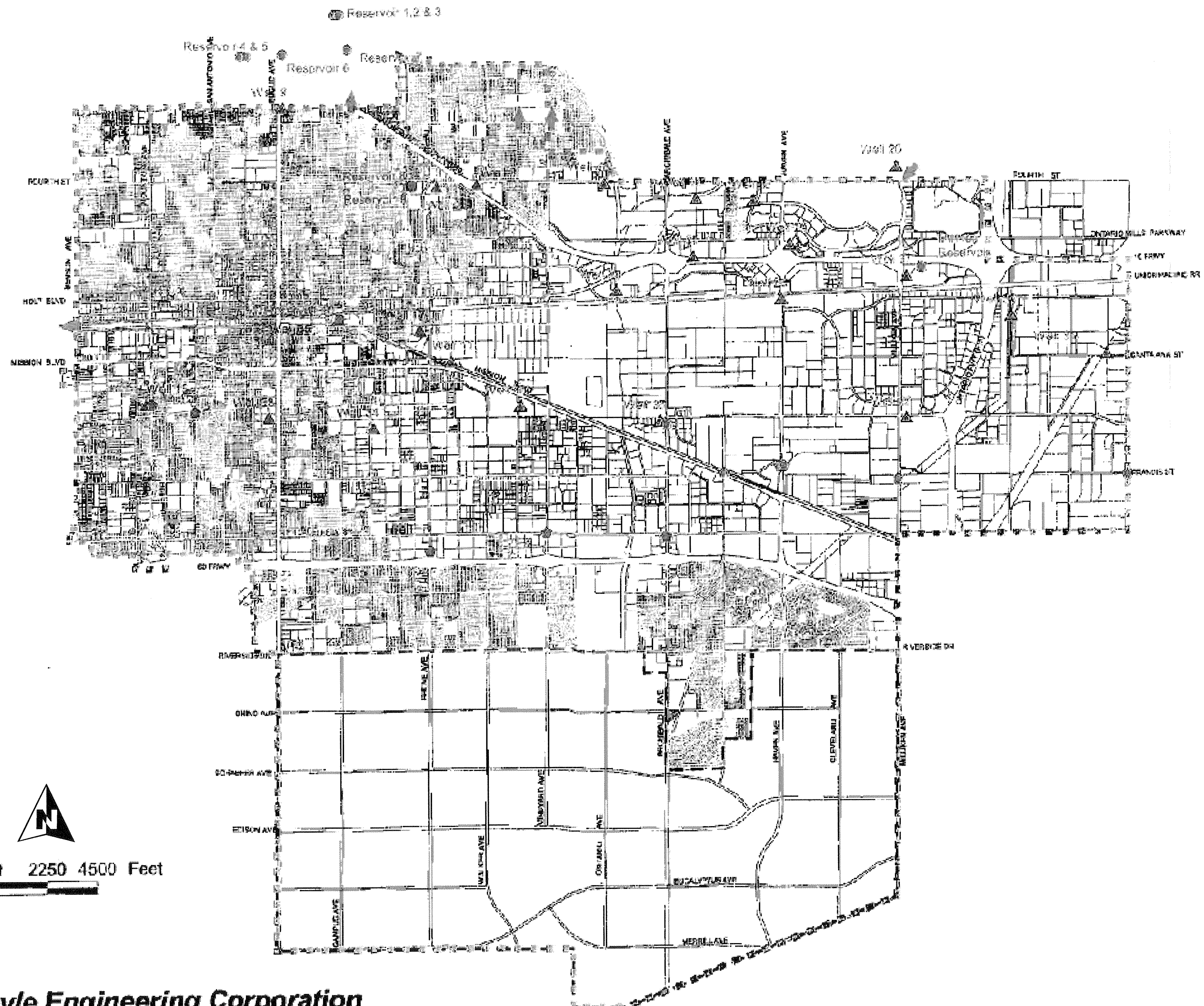
City of Ontario Water Master Plan

Ultimate Land Use (From City General Plan and NMC Specific Plan)

August 2004 | Figure 6

Source: City of Ontario. Map created August 26, 2004. G:\2004\04-0356\Gis\LU_PZ.mxd

Figure 19



Legend
- Reservoirs
- Wells
- Interconnects
- PRV
- Service Area Boundary
- New Model Colony

City of Ontario
Water Master Plan

Existing Water
Facilities
Location Map

Aug. 2000 | Figure 4-A

Boyle Engineering Corporation

CITY OF ONTARIO

SB 221 WRITTEN VERIFICATION OF SUFFICIENT WATER SUPPLY

FOR

THE NEW MODEL COLONY

Purpose of Report

Law

> This bill [excerpt from SB 221] would prohibit approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project.
>
> By increasing the duties of local legislative bodies and local planning agencies and commissions, the bill would impose a state-mandated local program.
>
> This bill would provide that for proposed subdivisions subject to specified requirements of the Subdivision Map Act, the true statement of the provisions that have been made for water is satisfied by submitting a copy of the written verification of the availability of a sufficient water supply, obtained pursuant to specified requirements as described in (1) above.
>
> This bill would provide that no requirement is required by this act for a specified reason.

The City of Ontario produced this "Written Verification" of sufficient water supply to meet the requirements of Senate Bill 221 in support of the New Model Colony Project. The purpose of preparing this "Written Verification" for the entire project is to preclude the need for individual "Written Verification" letters being prepared for residential development projects that will occur within the New Model Colony area.

Project Description and Water Demand

The New Model Colony (NMC) is an 8200 acre area that was annexed to the City of Ontario on November 30, 1999. The Water Supply Assessment to which this document is attached fully depicts the multiple land use types that will occur in the area. Figure 6 of the WSA shows the projected land use. About 5,000 acres have been general planned for residential use. The projected water demand for ultimate development is 31,200 acre-feet per year of which 23,100 acre-feet per year will be for residential use (Table 8, Water Supply Assessment).

Project Applicability

Law

> (c) A development agreement that includes a subdivision, as defined in Section 66473.7, shall not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the provisions of Section 66473.7.
>
> 66473.7 (a) For the purposes of this section, the following definitions apply:
>
> (1) "Subdivision" means a proposed residential development of more than 500 dwelling units, except that for a public water system that has fewer than 5,000 service connections, "subdivision" means any proposed residential development that would account for an increase of 10 percent or more in the number of the public water system's existing service connections.
>
> (i) This section shall not apply to any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households.

SB 221 applies to the Project because there will be developments that will have more than 500 dwelling units which exceed the criteria set in 66473.7(a) of 500 dwelling units.

Identification of Public Water System

Law

> (3) "Public water system" means the water supplier that is, or may become as a result of servicing the subdivision included in a tentative map pursuant to subdivision (b), a public water system, as defined in Section 10912 of the Water Code, that may supply water for a subdivision.
>
> (e) If there is no public water system, the local agency shall make a written finding of sufficient water supply based on the evidentiary requirements of subdivisions (c) and (d) and identify the mechanism for providing water to the subdivision.

The City of Ontario operates the public water system that will supply the proposed project.

Schedule

Law

> SEC. 3. Section 66455.3 is added to the Government Code, to read:
>
> 66455.3. Not later than five days after a city or county has determined that a tentative map application for a proposed subdivision, as defined in Section 66473.7, is complete pursuant to Section 65943, the local agency shall send a copy of the application to any water supplier that is, or may become, a public water system, as defined in Section 10912 of the Water Code, that may supply water for the subdivision.
>
> (b) (1) The legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, shall include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available. Proof of the availability of a sufficient water supply shall be requested by the subdivision applicant or local agency, at the discretion of the local agency, and shall be based on written verification from the applicable public water system within 90 days of a request.
>
> (2) If the public water system fails to deliver the written verification as required by this section, the local agency or any

other interested party may seek a writ of mandamus to compel the public water system to comply.

The City of Ontario's Planning Department requested that the City of Ontario's Water Department provide a report that meets the requirements of SB 221.

Verification of Sufficient Water Supply

Law

(2) "Sufficient water supply" means the total water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses. In determining "sufficient water supply," all of the following factors shall be considered:

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

(B) The applicability of an urban water shortage contingency analysis prepared pursuant to Section 10632 of the Water Code that includes actions to be undertaken by the public water system in response to water supply shortages.

(C) The reduction in water supply allocated to a specific water use sector pursuant to a resolution or ordinance adopted, or a contract entered into, by the public water system, as long as that resolution, ordinance, or contract does not conflict with Section 354 of the Water Code.

(D) The amount of water that the water supplier 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, to the extent that these water supplies meet the criteria of subdivision (d).

A detailed evaluation of the water supply was performed under the attached SB 610 Water Supply Assessment for the New Model Colony. Attached to the Water Supply Assessment was the adopted City of Ontario's Urban Water Management Plan which addresses normal, single-dry and multiple dry year conditions. The plan concludes that sufficient water supply exists to support the Project.

20-Year Water Supply Availability

The City of Ontario has been able to meet all water demands with its available water supplies for the past 20 years. Table 9 of the attached Water Supply Assessment shows the recorded supplies of groundwater and imported water.

Urban Water Shortage Contingency Analysis

Appendix A (Urban Water Management Plan), provides an analysis of future reliability and vulnerability of water supplies in addition to a water conservation program.

On March 19, 1991, the City of Ontario adopted Ordinance No. 2500 (Attachment A) pertaining to emergency water conservation.

The purpose of the ordinance is to provide a mandatory water conservation plan to minimize the effects of a shortage of water supplies on the City's water customers during a water shortage emergency.

It contains three stages of action for water supply shortages. The ordinance also establishes procedures and policies necessary for the orderly administration of a water conservation program to prohibit waste and restrict water during a water shortage.

Water Supply Allocation Effects

The City of Ontario has not adopted any resolution or ordinance restricting water use for any specific sector.

Other Water Supplies

The attached SB 610 Water Supply Assessment discusses the City of Ontario's use of desalted water and recycled water.

Supporting Evidence of Verification of Sufficient Water Supply

Law

> (c) The applicable public water system's written verification of its ability or inability to provide a sufficient water supply that will meet the projected demand associated with the proposed subdivision as required by subdivision (b) shall be supported by substantial evidence. The substantial evidence may include, but is not limited to, any of the following:

(1) The public water system's most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.
(2) A water supply assessment that was completed pursuant to Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code.
(3) Other information relating to the sufficiency of the water supply that contains analytical information that is substantially similar to the assessment required by Section 10635 of the Water Code.

"Substantial evidence" of sufficient water supply is documented within the attached SB 610 report. Other documents referenced within that report include the Urban Water Management Plan Year 2000 Update and Ontario's August 2000 Water Master Plan.

Priority to Proposed Lower Income Housing Projects

Law

(j) The determinations made pursuant to this section shall be consistent with the obligation of a public water system to grant a priority for the provision of available and future water resources or services to proposed housing developments that help meet the city's or county's share of the regional housing needs for lower income households, pursuant to Section 65589.7.

The City of Ontario's Sphere of Influence [New Model Colony] Final Environmental Impact Report certified by City Council Resolution No. 98-08 on January 7, 1998 stated the following policy with regard to "affordable" units.

"a. Policy H-1 will allocate a portion of the City's regional housing need target to the SOI Plan area as appropriate. The policy requires that Specific Plan areas implement housing programs that comply with the State of California Housing and Community Development Requirements, and insure compliance and attainment of the regional housing need assessment "affordable" unit target. (EIR, p. 5.3-5.)

b. Policy 3.7.1 requires each Specific Plan to ensure the provision of an adequate number of units affordable to very low, low and moderate income households within its Specific Plan area. (SOI Plan, p. 3-66.)"

Impact on Agricultural and Industrial Water Demands

Law

> (g) The written verification prepared under this section shall also include a description, to the extent that data is reasonably available based on published records maintained by federal and state agencies, and public records of local agencies, of the reasonably foreseeable impacts of the proposed subdivision on the availability of water resources for agricultural and industrial uses within the public water system's service area that are not currently receiving water from the public water system but are utilizing the same sources of water. To the extent that those reasonably foreseeable impacts have previously been evaluated in a document prepared pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or the National Environmental Policy Act (Public Law 91-190) for the proposed subdivision, the public water system may utilize that information in preparing the written verification.

The City of Ontario's Sphere of Influence Final Environmental Impact Report Volumes 1 and 2 and Addendum to Volume 2 of 2, October 1997, addressed the conversion of the existing land use to a mix urban use development. The following, from Section 5.1.3 "Project Impacts", is from Volume 1 of the above referenced EIR.

> **"Project Impacts – Land Use Type, Function, and Character**
>
> The proposed project will result in the conversion of existing dairy and agricultural uses for a mix of residential, commercial, business park, industrial, open space, parks, golf courses, amenities, and supporting urban and suburban uses. Approximately 7,328 acres of agricultural uses will be re-used. Existing residential units (229 acres), commercial (19 acres), and industrial (67 acres) uses may be retained and integrated with new development or be replaced. Existing utility and flood control corridors and roads are likely to be retained, though some may be re-aligned and modified to reflect land use development patterns. The existing 200 acres of Southern California Agricultural Land Foundation (SoCALF) preserved for agricultural purposes would remain unchanged or relocated within the Sphere of Influence to establish a contiguous area.
>
> Approximately 31,200 residential units on 5,200 acres, 5.5 million square feet of commercial on 504 acres, 5.2 million square feet of industrial and business park uses on 338 acres, 500 acres of educational, 888 acres of parks and trials, and 776 acres of other

public and infrastructure uses will be accommodated in the Sphere of Influence.

Together, these actions will significantly change the existing function, type, and character of land use. Approximately 92 to 100 percent of the existing land uses, excluding streets and utilities will be redeveloped. Fundamentally, the area will evolve from an intensive dairy function characterized by extensive outdoor activities to a predominately urbanized character.

As urbanization of the NMC occurs, agricultural water demands will continue to decrease. For each acre of agricultural land that converts to urban use, the Initial Safe Yield of the appropriative pool member serving the converted land is increased by 2 acre-feet. Ontario's share of the Safe Yield will continue to increase as the NMC develops. Complete conversion of the 8,000 acres of the NMC agricultural land may result in an increase of Ontario's Safe Yield by 16,000 acre-feet."

Verification Based on Project Water Supplies

Law

(d) When the written verification pursuant to subdivision (b) relies on projected water supplies that are not currently available to the public water system, to provide a sufficient water supply to the subdivision, the written verification as to those projected water supplies shall be based on all of the following elements, to the extent each is applicable:

(1) Written contracts or other proof of valid rights to the identified water supply that identify the terms and conditions under which the water will be available to serve the proposed subdivision.
(2) Copies of a capital outlay program for financing the delivery of a sufficient water supply that has been adopted by the applicable governing body.
(3) Securing of applicable federal, state, and local permits for construction of necessary infrastructure associated with supplying a sufficient water supply.
(4) Any necessary regulatory approvals that are required in order to be able to convey or deliver a sufficient water supply to the subdivision.

The attached "Water Supply Assessment" addresses the projected water supplies and demand for the New Model Colony area.

Verification That Relies on Groundwater

Law

> (h) Where a water supply for a proposed subdivision includes groundwater, the public water system serving the proposed subdivision shall evaluate, based on substantial evidence, the extent to which it or the landowner has the right to extract the additional groundwater needed to supply the proposed subdivision. Nothing in this subdivision is intended to modify state law with regard to groundwater rights.

The attached "Water Supply Assessment" addresses the City of Ontario's legal right to pump groundwater from the Chino Basin.

Finding of Sufficient Water Supply

Law

> (3) If the written verification provided by the applicable public water system indicates that the public water system is unable to provide a sufficient water supply that will meet the projected demand associated with the proposed subdivision, then the local agency may make a finding, after consideration of the written verification by the applicable public water system, that additional water supplies not accounted for by the public water system are, or will be, available prior to completion of the subdivision that will satisfy the requirements of this section. This finding shall be made on the record and supported by substantial evidence.
>
> (f) In making any findings or determinations under this section, a local agency, or designated advisory agency, may work in conjunction with the project applicant and the public water system to secure water supplies sufficient to satisfy the demands of the proposed subdivision. If the local agency secures water supplies pursuant to this subdivision, which supplies are acceptable to and approved by the governing body of the public water system as suitable for delivery to customers, it shall work in conjunction with the public water system to implement a plan to deliver that water supply to satisfy the long-term demands of the proposed subdivision.

As depicted in Table 13 of the attached "Water Supply Assessment", the City of Ontario's existing and future water supply (129.2 MGD in 2025) is sufficient to meet the anticipated water demand from its service area including the New Model Colony of 100.9 MGD. Given that the NMC land use and water demand were included in the Urban

Water Management Plan, included in Appendix A of the attached Water Supply Assessment, the City of Ontario finds that "sufficient water supply" is available to support the projected developments* within the New Model Colony area.

* Based on the City of Ontario's General Plan and NMC Specific Plan.

Attachment A

Ordinance No. 2500

ORDINANCE NO. 2500

AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 8A (CONSISTING OF SECTIONS 6-8.20 THROUGH 6-8.29) TO TITLE 6 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO EMERGENCY WATER CONSERVATION

The City Council of the City of Ontario, California, does ordain as follows:

SECTION 1. Title 6 of the Ontario Municipal Code is hereby amended by adding Chapter 8A thereto to read as follows:

"CHAPTER 8A.

EMERGENCY WATER CONSERVATION

SECTION 6-8.20. Scope and Title. This Chapter shall be known as "The Emergency Water Conservation Plan of the City of Ontario".

SECTION 6-8.21. Statement of Policy and Declaration of Purpose.

(a) Because of the water supply conditions prevailing in the City and/or in the area from which the City obtains a portion of its supply, the general welfare requires that the water resources available to the City of Ontario be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented and that the conservation of such water be practiced with a view to the reasonable and beneficial use thereof in the interest of the people of the City.

(b) The purpose of this ordinance is to provide a mandatory water conservation plan to minimize the effect of a shortage of water supplies on the water customers of the City during a water shortage emergency.

SECTION 6-8.22. Authorization to Implement Water Conservation Ordinance.

(a) The City Council is authorized to implement the provisions of this ordinance, following the public hearing required by sub-section (b), upon its determination that such implementation is necessary to protect the public welfare and safety.

(b) Prior to implementation of this ordinance, the City Council shall hold a public hearing for the purpose of determining whether a shortage exists and which measures provided by this ordinance should be implemented. Notice of the time and place of the public hearing shall be published not less than ten (10) days before the hearing in a newspaper of general circulation within the City.

(c) The City Council shall issue its determination of shortage and corrective measures by public proclamation published in a daily newspaper of general circulation within the City. Any prohibitions on the use of water shall become effective immediately upon such publication. Any provisions requiring curtailment in the use of water shall become effective with the first full billing period commencing on or after the date of such publication.

SECTION 6-8.23. General Prohibition. No water customer of the City shall make, cause, use, or permit the use of water from the City in a manner contrary to any provision of this ordinance or in an amount in excess of the use permitted by any curtailment provisions then in effect pursuant to action taken by the City Council in accordance with the provisions of this Chapter.

SECTION 6-8.24. Phase I Shortage.

(a) A Phase I Shortage may be declared when the City Council determines that it is likely that the City will suffer a shortage of up to ten percent (10%) shortage in its water supplies.

(b) The following restrictions on the use of water shall be in effect during a Phase I Shortage:

(1) There shall be no hose washing of sidewalks, walkways, driveways, parking areas or other paved surfaces, except as required for sanitary purposes;

(2) Washing of motor vehicles, trailers, boats and other types of mobile equipment shall be done only with a hand-held bucket or a hose equipped with a positive shutoff nozzle for quick rinses, except that washing may be done at the immediate premises of a commercial car wash or with reclaimed wastewater.

(3) No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a recycling system.

(4) No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless

expressly requested.

(5) All water customers of the City shall promptly repair all leaks from indoor and outdoor plumbing fixtures.

(6) No lawn, landscape or other turf area shall be watered more often than every other day and during the hours between 10:00 a.m. and 4:00 p.m.; except that this provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.

(7) No water customer of the City shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinkler or excessive watering.

SECTION 6-8.25. Phase II Shortage.

(a) A Phase II Shortage may be declared when the City Council determines that it is likely that the City will suffer a shortage of more than ten percent (10%) but less than twenty percent (20%) in its water supplies.

(b) The following restrictions on the use of water shall be in effect during a Phase II Shortage:

(1) The restrictions listed in Section 6-8.24, subsection (b) shall be in effect, except that the restrictions on water lawn, landscape or other turf area shall be modified to prohibit more often than every third day between the hours of 6:00 a.m. and 6:00 p.m.

(2) Commercial nurseries, golf courses and other water-dependent industries shall be prohibited from watering lawn, landscape or other turf areas more often than every other day and between the hours of 10:00 a.m. and 4:00 p.m.; except that there shall be no restriction on water utilizing reclaimed wastewater.

(c) No water customer of the City shall make, cause, use or permit the use of water from the City for any purpose in an amount in excess of eighty-five percent (85 %) of the amount used on the customer's premises during the corresponding billing period during the prior calendar year.

SECTION 6-8.26. Phase III Shortage.

(a) A Phase III Shortage may be declared whenever the City Council determines that it is likely that the City will suffer a shortage of more than twenty percent (20%) in its water supplies.

(b) The following restrictions on the use of water shall be in effect during a Phase III Shortage:

(1) The restrictions listed in Section 6-8.25, subsection (b) shall be in effect, except that there shall be no residential outside watering of lawn, landscaping and other turf areas at any time except by bucket.

(2) Commercial nurseries, golf courses and other water dependent industries shall be prohibited from watering lawn, landscaping and other turf areas more often than every third day and between the hours of 6:00 a.m. and 6:00 p.m.; except that there shall be no restriction on watering utilizing reclaimed water.

(3) The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety and welfare.

(c) No water customer of the City shall make, cause, use or permit the use of water from the City for any purpose in an amount in excess of eighty percent (80%) of the amount used on the customers premises during the corresponding billing period of the prior calendar year.

SECTION 6-8.27. Relief from Compliance.

(a) A water customer of the City may file an application for relief from any provisions of this Chapter. The City Manager shall develop such procedures as he considers necessary to resolve such applications and shall, upon the filling by a water customer of an application for relief, take such steps as he or she deems reasonable to resolve the application for relief. The decision of the City Manager shall be final. The City Manager may delegate his or her duties and responsibilities under this section as appropriate.

(b) The application for relief may include a request that the water customer be relieved, in whole or in part, from the water use curtailment provisions of Sections 6-8.25 (c) and 6-8.26 (c).

(c) In determining whether to grant relief, and the nature of any relief, the City Manager shall take into consideration all relevant factors including, but not limited to:

(1) Whether any additional reduction in water consumption will result in unemployment;

(2) Whether additional members have been added to the household;

(3) Whether any additional landscaped property has been added to the property since the corresponding billing period of the prior calendar year;

(4) Changes in vacancy factors in multi-family housing;

(5) Increased number of employees in commercial, industrial, and governmental offices;

(6) Increased production requiring increased process water;

(7) Water used during new construction;

(8) Adjustments to water used caused by emergency health or safety hazards;

(9) First filling of a permit-constructed swimming pool; and

(10) Water use necessary for reasons related to family illness or health.

(d) In order to be considered, an application for relief must be filed with the City Clerk within fifteen (15) days after the date the provision from which relief is sought becomes applicable to the applicant. No relief shall be granted unless the water customer shows that he or she has achieved the maximum practical reduction in water consumption other than in the specific areas in which relief is being sought. No relief shall be granted to any water customer who, when requested by the City Manager, fails to provide any information necessary for resolution of the customer's application for relief.

SECTION 6-8.28. Failure to Comply.

(a) For each violation by any customer of the water use curtailment provisions of Sections 6-8.25 (c) and 6-8.26 (c), a surcharge shall be imposed in an amount equal to one hundred

percent (100 %) of the portions of the water bill that exceeds the respective percentages set in those two subsections.

(b) Violations by any water customer of the water use prohibitions of Section 6-8.23, or subsection (b) of Sections 6-8.24, 6-8.25, 6-8.26, shall be penalized as follows:

(1) First violation. The City shall issue a written notice of the fact of a first violation to the water customer.

(2) Second violation. For a second violation during any one water shortage emergency, the City shall impose a surcharge in an amount of fifty dollars ($50.00) added to the water customer's water bill.

(3) Third violation. For a third violation during any one water shortage emergency, the City shall impose a surcharge in an amount of one hundred ($100.00) added to the water customer's water bill.

(4) After a fourth and any subsequent violation during any one water shortage emergency, the City shall impose a surcharge in an amount of one hundred fifty ($150.00) added to the customer's water bill.

(5) Fourth and Subsequent Violations. After a fourth violation during any one water shortage emergency, the City may install a flow restricting device of one (1) gallon per minute capacity for services up to one and one-half (1 1/2) inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises at which the violation occurred for a period of not less than forty-eight (48) hours. The City shall charge the water customer the reasonable costs incurred for installing and for removing the flow-restricting devices and for restoration of normal service. The charge shall be paid before normal service can be restored. In addition, the surcharge provided in subsection (b) (4) of this Section shall be imposed.

(c) The City shall give notice of violation to the water customer committing the violation as follows:

(1) Notice of violation of the water use curtailment provisions of Sections 6-8.25 (c)

and 6-8.26 (c) or of first violations of the water use prohibitions of Section 6-8.23 or of subsection (b) of Sections 6-8.24, 6-8.25, and 6-8.26 given in writing by regular mail to the address at which the water customer is normally billed.

(2) Notice of second or subsequent violations of the water use prohibitions of Section 6-8.23 or subsection (b) of Sections 6-8.24, 6-8.25, and 6.8-26 shall be given in writing in the following manner:

(A) by giving the notice to the water customer personally;

(B) if the water customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable age and discretion at the premises and sending a copy through the regular mail to the address at which the water customer is normally billed; or

(C) if a person of suitable age or discretion cannot be found, then by affixing a copy in a conspicuous place at the premises at which the violation occurred, and also sending a copy through the regular mail to the address at which the customer is normally billed.

(d) The notice shall contain a description of the facts of the violation, a statement of the possible penalties for each violation on the merits of the violation pursuant to Section 6-8.28.

SECTION 6-8.29. Hearing Regarding Violations.

(a) Any water customer receiving notice of a second or subsequent violation of sections 6-8.23, 6-8.24 (b), 6-8.25 (b), or 6-8.26 (b) shall have a right to a hearing by the City Manager of the City within fifteen (15) days of mailing or other delivery of the notice of violation.

(b) The water customer's timely written request for a hearing shall automatically stay installation of flow-restricting device on the customer's premises until after the City Manager renders his or her decision.

(c) The water customer's timely written request for a hearing shall not stay the imposition of a surcharge unless within the time period to request a hearing, the water customer deposits with the City money in the amount of any unpaid surcharge due. If it is determined that the surcharge was wrongly assessed, the City will refund any money deposited to the water customer.

(d) The decision of the City Manager shall be final except for judicial review.

(e) The City Manager may delegate his duties and responsibilities under this section as appropriate."

SECTION 2. The Mayor shall sign this Ordinance and the City Clerk shall attest to the same, and the City Clerk shall cause the same to be published within fifteen (15) days after its passage, at least once in the **INLAND VALLEY DAILY BULLETIN**, a newspaper of general circulation in the City of Ontario, California.

APPROVED and ADOPTED this 19th day March , 1991.

CITY OF ONTARIO INCORPORATED DECEMBER 1891 CALIFORNIA

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney