



## MEMO

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To: Board of Directors  
From: Alan E. Clanin  
Date: August 21, 2018  
Subject: 2018 San Bernardino County Water Conference

### Welcome

Building Industry Association of Southern California, Baldy View Chapter CEO Carlos Rodriguez welcomed attendees to the conference. Chairman of the San Bernardino County Board of Supervisors Robert Lovingood had a few humorous opening remarks.

### Featured Speaker

The featured speaker was Jack Sims, Acting Area Manager, Bureau of Reclamation. Discussion on drought and low storage in the southwestern states. His talk was focused on the Colorado River and its management. Drought response and contingency planning, drought resiliency projects and emergency response programs.

### Breakout session 1B

*Whose Water Is It Anyway*

*Panelists: Russ McLaughlin of Cadiz Inc*

*Steve Anderson, Attorney, Best Best & Krieger LLP*

*Amanda Pearson, Attorney, State Water Resources Control Board*

Excellent discussion on water management and water rights. Who owns the water? What are the proper uses of water? Property rights. Public vs. Private.

Analysis: Whose Water Is It Anyway? There is no correct answer. California does not have a water supply crisis, it has a water management crisis.

## **Breakout session 2A**

### *2017-2018 Legislative Session Recap*

*Panelists: Kathy Besser, Assistant General Manager, Inland Empire Utilities Agency  
Mary Ann Dickenson, Executive Director, California Efficiency Partnership  
Timothy Worley, Executive Director AWWA, Ca-Nv Section*

Riveting recap of the current water legislation bills moving through the Capitol.

Mary Ann Dickenson lead a discussion of SB 1886 which is written to impose a 55 GPCD by 2022 and enforced with \$1000.00 per day fine across service area by 2024. No funding is available for this legislation.

Tim Worley of AWWA enlightened the attendees as to the purpose of SB 623 which is intended to create a fund to assist water systems with poor water quality statewide. The fee/tax will be based on the size of the water meter. A second fee will also be imposed on fertilizers and dairies to remediate nitrate issues.

SB 1263 would require Districts to monitor for and subsequently remove microplastics in water.

Analysis: There is not currently enough information on health effects, testing procedures or removal technology to push forward with this item.

## **Cyber Security and Threats**

FBI Supervisory Special Agent Bryan Willet discussed the many types of cyber terrorism, the effects, prevention and remediation. Agent Willet explained that Ransomware is very prevalent today and suggested that a ransom not be paid, "this only supports further attacks". According to Willet about 20% of victims do not recover their system files. Contact the police or FBI for assistance.

Analysis: Prevention and System Security Checks are a must!



## MEMO

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To: Board of Directors  
From: Steven Farrell  
Date: Aug 16, 2018

Subject: Aug 10 2018 SB County Water Conference Report

See the pasted agenda below, with my comments with regard to those sessions I attended. I can report on highlights orally and of course be available for any questions at the board meeting.

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If anyone is interested, I have a copy of the presentations for the second breakout, "Can the thirst for new housing in San Bernardino be quenched?" This agenda topic was originally disseminated as "Update to the Countywide Inventory", which seemed more interesting to me, but nonetheless the reports were interesting.

Because I was inspired anew by the water rights discussion, I ended up pursuing the concept of highest beneficial use. I found a very informative (20 pages or so) 2015 article by Brian Grey, Professor Emeritus of UC Hastings College of Law, on *The Reasonable Use Doctrine in California Water*. It's a fairly dense discussion, but it was helpful to me, and recommend it. You can find it at:

[https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1986&context=faculty\\_scholarship](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1986&context=faculty_scholarship)

**9:00 a.m. WELCOME**

**9:05 a.m. OPENING REMARKS**

**9:10 a.m. FEATURED SPEAKER**

**Jack Simes** - acting Area Manager for Southern California, Bureau of Reclamation

Nice to hear a little on what he’s about in our area, but for the most part, this was a low-key presentation about the BoR activities and responsibilities in the very broad “West”, and not particularly focused on our County.

Nonetheless he did have highlighted mentions, but little details, about past and current support, funding and work on the Santa Ana River.

**9:30 a.m. BREAK AND VENDOR SHOWCASE**

Program was running late, break started at 9:50. I essentially missed the vendor booths this year. No report

**10:00 a.m. PANEL 1A – WHAT IS PLAN B?**

Hear from local agencies how the WaterFix is actually Plan B and highlight the planning and work underway for the past 10-15 years to become sustainable.

Did not choose this session

**10:00 a.m. PANEL 1B – WHOSE WATER IS IT, ANYWAY?**

The short answer is the people of California. However, the longer answer is more complicated. Our panel will discuss management and water rights and how they affect groundwater banking and restrictions during drought cycles and the sale of water.

As cautioned in the precis, the longer answer is “more complicated”. ...Much more complicated.

The 3-member panel didn’t get into real depth here, so most of the questions you might have were likely not addressed. First presenter did give a nice 10 minute overview of CA water rights. Always a challenge, I was not surprised he didn’t use the term “usufructuary”!

There was an interesting dynamic between two of the speakers, one of whom (at the end of his topic exploring the concept of “highest beneficial use”precept, both disparaged (and predicted the imminent demise of) the application of the public trust doctrine to water rights, uses, and priorities. The other panel member did not have much opportunity to refute or simply respond, but I chatted with him afterward and to ascertain his POV and it seemed clear he didn’t agree.

Both referred to the tension between the current legally “recognized” beneficial uses and the desire to make storage one of them. As opposed to surface water storage, groundwater storage doesn’t easily pair up with other uses, like recreation and environmental needs.

**10:50 a.m. BREAK**

The SWRCB representative gave a short overview of its (her) perspectives of the Board’s water rights oversight, with a highlight being the recent expansion of the consideration of (what I am probably erroneously terming) “harm” to apply to the impacts of groundwater actions (extractions and additions) on surface waters. (Based on the Scott Valley and Hawaii cases, which I have reported on before.)

**11:00 a.m. PANEL 2A – 2017-2018 LEGISLATIVE SESSION RECAP**

Analysts will provide valuable insight on legislation moving through the Capitol, what these bills mean and how we can better advocate for the region.

Did not choose this session

**11:00 a.m. PANEL 2B – CAN THE THIRST FOR NEW HOUSING IN SAN BERNARDINO COUNTY BE QUENCHED?**

The Countywide Vision Water Element Group will present evidence to support its finding from the 2018 update of its countywide water inventory that more than enough water will exist to meet the needs of San Bernardino County residents and businesses through 2040 only if water users continue to improve conservation efforts and the public, local government leaders and developers are willing to invest in projects that will store and protect additional water supplies.

I found this breakout to be a misnomer. Rather than address and answer the topic’s question directly, it seemed to be a rather unrelated presentation of topics unfettered by a common bond. Interesting and informative, yes; but on topic?

Essentially this was a presentation of the County’s water use profile and not about a thirst for new housing or even an examination of housing’s water use and future requirements.

Instead it was an interesting series of projections highlighting our region’s diverse supply sources and the many past and present efforts to increase local supplies and overall reliability.

Informative from a supply POV, I didn’t feel it addressed, much less adequately answered the topic’s question.

I expect to share a few comments about this session at the board meeting.

**12:00 p.m. LUNCH**

**12:20 p.m. CYBER SECURITY AND THREATS**

SPECIAL GUEST: Bryan Willett -  
FBI Supervisory Special Agent,  
cyber squad supervisor for the  
Los Angeles Field Office at  
Federal Bureau of Investigation

Another compelling and cautionary presentation about the risks of cyber crime.

**12:50 p.m. CLOSING REMARKS**

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## A study in contrasting messages from the 2<sup>nd</sup> breakout:

- 1) Yucaipa installs purple pipes and a second water meter for landscaping on new homes. They promote this very progressive commendable campaign as a solution to return to “normal” lawn landscaping:



## **A study in contrasting messages from the 2<sup>nd</sup> breakout:**

- 2) Mojave on the other hand (perhaps just a little tongue-in-cheek, though in sync with their focusing on water use reductions), reported encouraging a policy of “Accepting and adapting to our local environment”:





To the Board of Directors of the Crestline Village Water District,  
August 10,2018

Thank you so much for allowing me the opportunity to attend the 2018 San Bernardino Water Conference. I believe this was an excellent opportunity for me to connect with more people and information to make me a better Director for the Crestline Village Water District. The Conference was hosted by the Building Industry Association of Southern California. Also attending the Conference was Director Farrell and General Manager Clanin.

The featured speaker was Jack Sims, Acting Area Manager, Bureau of Reclamation. Interesting talk about “What is normal? What is extreme?” in today’s water world. His talk was basically on the Colorado River and its management. He stressed the idea, “Every drop saved today is a drop for the future?”

For the first session I attended Fixing California’s Water Supply Reliability—Plan B. The Panel, included Eduardo Espinoza, Director of Engineering Services at Cucamonga Valley Water District, Brandon Goshi, Manager of Water Policy and Strategy, Metropolitan Water District of Southern California, and Tom McCarthy, General Manager Mojave Water Agency. The Session was based on giving information about the twin tunnel proposal at the Sacramento Delta. Funding is in place so the movement of water prior to entering the Delta. MWD supplies water to 6 Counties and 19 million people in Southern California.

For the second Session, I attended, Can The Thirst for New Housing in San Bernardino County Be Quenched? Panel included, Halla Razak-General Manager, Inland Empire Utilities Agency, Bob Tincher- Deputy General Manager—Resources, San Bernardino Municipal, and Joe Zoba—General Manager, Yucaipa Valley Water District. The basic concept was storage of water as it reaches Southern California. One of the most interesting concepts was the possibility of

placing dual water meters at new home construction, one meter for reclaimed water and one for potable water.

Finally Bryan Willet—FBI Supervisory Special Agent, spoke about Cyber Security and Threats. Certainly I have been aware of the impending threat on all of us, but to actually hear a person with firsthand knowledge really brought the threat to reality. Could this District be a target? Yes, absolutely! Thank you to General Manager Clanin and all the staff for their vigilant work ethics

I would like to thank the Board and General Manager Clanin for encouraging me to attend this very worthwhile Seminar.

Respectfully submitted,

Bob Kinzel