

RESOLUTION NO. 94-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AFFIRMING THE CITY OF BIG BEAR LAKE'S RIGHT TO REUSE TREATED WASTEWATER IN BIG BEAR VALLEY

WHEREAS, the wastewater generated within the City of Big Bear Lake is collected and transmitted to the Big Bear Area Regional Wastewater Agency (BBARWA) treatment plant; and

WHEREAS, the water generated within the City of Big Bear Lake is derived from ground water extracted from local ground water basins; and

WHEREAS, the BBARWA treatment plant treats said wastewater and then transmits the treated wastewater to Lucerne Valley in BBARWA's "outfall pipeline"; and

WHEREAS, BBARWA owns a section of land in Lucerne Valley upon which said treated wastewater is beneficially utilized for irrigation of alfalfa and other crops; and

WHEREAS, the City of Big Bear Lake's Department of Water & Power has developed plans to reuse a significant portion of the City's wastewater in a project referred to as: "The Sand Canyon Wastewater Reuse Project"; and

WHEREAS, the City is aware of a water adjudication proceeding which involves the Lucerne Valley area; and

WHEREAS, the City wants to notify the adjudication's proposed water master, the Mojave Water Agency, that the wastewater that originates in Big Bear Valley and is utilized for irrigation in Lucerne Valley, is the property of the people of Big Bear Valley and part or all of the wastewater will be reused in Big Bear Valley for the benefit of the people of Big Bear Valley.

NOW, THEREFORE, BE IT RESOLVED, that the enclosed letter to the Mojave Water Agency is hereby approved and the Special Counsel is authorized to sign and transmit said letter.

PASSED, APPROVED AND ADOPTED this 21st day of December, 1994.

AYES: Foulkes, Hertzmann, Mellen, Shoettger, Walker
NOES: None
ABSENT: None

December 21, 1994
Date

Neal Hertzmann
Neal Hertzmann, Mayor

ATTEST:

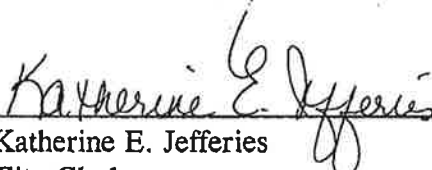
Katherine E. Jefferies
Katherine E. Jefferies
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Katherine E. Jefferies, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Resolution, being Resolution No. 94-63 was duly passed and adopted by the said City Council and attested by the City Clerk of said city, all at a regular meeting of the said Council held on the 21st day of December, 1994, and that the same was so passed and adopted by the following vote:

AYES: Foulkes, Hertzmann, Mellen, Schoettger, Walker
NOES: None
ABSENT: None

Witness my hand and the official seal of said City this 21st day of December, 1994.


Katherine E. Jefferies
City Clerk

RECEIVED

JAN 12 1995

Best, Best & Krieger



Mr. Wayne K. Lemieux
200 North Westlake Blvd., Suite 100
Westlake Village, CA 91362-3765

January 10, 1995

RE: Mojave Basin Area Adjudication

Dear Mr. Lemieux:

The Mojave Water Agency is in receipt of your letter dated December 23, 1994 regarding the Mojave Basin Area Adjudication. Your letter seeks clarification regarding reliance by MWA upon reclaimed water produced by the Big Bear Area Regional Wastewater Agency (BBARWA) to balance the Lucerne Valley Basin. Your letter infers that due to the water rights adjudication which includes the Lucerne Valley, a legal claim will be made to the reclaimed water for use in Lucerne Valley.

The Stipulated Judgment, in its current form, requires that the Court appointed Watermaster annually assess the water supply yield of the five subareas within the adjudicated basins. The annual determination of yield, following a prescribed water production "ramp-down" process, will establish the quantity of water that can be pumped from the basin without replacement by supplemental water. The annual determination of yield would be based upon a total hydrologic inventory of supplies which, by definition, would include return flows from wastewater applied to agriculture by BBARWA in Lucerne Valley, as is the current practice. To the extent that return flows are available in the future, those values would continue to be included in the annual hydrologic inventory by the Watermaster's engineer.

The inclusion of the BBARWA wastewater flow in the annual yield calculation does not result in an adjudicated water right or claim to that source of water supply by the Mojave Water Agency, the Watermaster or the parties to the adjudication, since BBARWA has not been named as a party to the Adjudication. Should the method of disposal from BBARWA change at some future date, the net effect could be a reduction in yield to the basin and consequently an increased need for supplemental water supply from other sources.

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Larry W. Rowe, P.E.
General Manager / Chief Engineer

Mojave Water Agency

Mr. Wayne Lemieux

01/10/95

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Please contact me should you have any further questions.

Sincerely,



Larry W. Rowe
General Manager/Chief Engineer

c. BBARWA

Eric Garner, Best Best and Krieger