

ORIGINAL

Decision No. 87839 SEP 7 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In Re the Application of SOUTHERN)
 CALIFORNIA WATER COMPANY, POMONA)
 VALLEY WATER COMPANY, PARK WATER)
 COMPANY and MIRA LOMA WATER COMPANY)
 for approval of Stipulation for)
 Judgment in adjudication of water)
 rights in Chino Basin.)

Application No. 57427
 (Filed July 8, 1977)

O P I N I O N

Applicants are in the business of production, distribution, and sale of water in the Chino Basin. At present applicants are involved in litigation concerning water rights in the Chino Basin and the purpose of this application is to obtain an order of the Commission approving the execution of a Stipulation for Judgment in substantially the form as set forth in Exhibit A to the application.^{1/} The stipulation has been drafted and agreed upon for the purpose of avoiding extensive litigation concerning the water rights in the Chino Basin.

The Chino Basin is one of the largest ground water basins in the south coastal plain of California. The native ground water supply to the Chino Basin consists of precipitation on the watershed and the runoff and percolation therefrom, together with the limited subsurface inflow. The rainfall in the Basin varies from 12 to 35 inches a year with the mean rainfall being approximately 17 inches a year on the valley floor and 23 inches a year in the mountain areas. The safe yield of the Basin is approximately 140,000 acre feet per year. The estimated use in 1974 was 175,000 acre feet. Unless that overdraft is corrected, water will be more difficult to obtain, more expensive, and, ultimately, the Basin will be depleted to the point where continued extractions will be economically infeasible.

^{1/} Salient features of the stipulation are set forth in Appendix A of this decision.

On January 2, 1975 Complaint No. 164327 was filed in the San Bernardino Superior Court by Chino Basin Municipal Water District against all water producers in the Chino Basin, including applicants, seeking an adjudication and determination of the rights of all water producers in the Basin.

Negotiations for judgment have been conducted for more than two years by an advisory committee which contained representatives from applicants and all other major producers from the Basin. Applicants expressly represent that the proposed Stipulation for Judgment is fair and reasonable under the circumstances presently existing and that the stipulation is necessary for preservation of the ground water basin.

Applicants seek an order pursuant to Section 851 of the Public Utilities Code on the theory that the proposed stipulation might be considered an encumbrance of their property which is necessary or useful in the performance of their duties to the public. The restriction of rights to pump from the Chino Basin can be considered a diminution of property rights and therefore an encumbrance requiring Commission authorization. The Commission has authorized such Stipulations for Judgment in the past. See Decision No. 80272 dated July 18, 1972 in Application No. 53375 (San Gabriel Valley Basin adjudication); and Decision No. 87547 dated July 6, 1977 in Application No. 57162 (Warren Valley Basin adjudication).

Findings

1. There is a present overdraft of the water supply of the Chino Basin.
2. There is need for a solution to this overdraft problem.
3. Execution of the Stipulation for Judgment is a reasonable way of accomplishing the solution and is not adverse to the public interest.
4. Applicants should be authorized to enter into and carry out the terms of the Stipulation for Judgment in substantially the form and substance as set forth in Exhibit A attached to the application.

5. There are no protests; a public hearing is not necessary.
The Commission concludes that the application should be granted pursuant to Section 851 of the Public Utilities Code.

O R D E R

IT IS ORDERED that:

1. Southern California Water Company, Pomona Valley Water Company, Park Water Company, and Mira Loma Water Company are hereby authorized to carry out the terms of the Stipulation for Judgment substantially in the form of Exhibit A attached to the application.

2. Applicants shall:

- a. Within fifteen days after execution, file with the Commission an executed copy of the Stipulation for Judgment.
- b. Advise the Commission of any substantive changes made in the future to either the stipulation or to the judgment.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 7th
day of SEPTEMBER, 1977.

Robert Batistich
President
William J. Fournier, Jr.
Richard H. Reynolds
Vernon L. Sturgeon
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

WATER RIGHTS IN CHINO BASIN

	<u>Total Rights</u> (Acre Feet)	<u>Share of</u> <u>Safe Yield</u> (Acre Feet)	<u>Percent of</u> <u>Total Rights</u>
I. Overlying Agricultural Producers (Over 1,000 persons and entities)	Not Available	82,000	(N/A)
II. Overlying Nonagricultural Rights (10 users)	9,385	7,366	78%
III. Appropriative Rights (22 users)	78,763.8	54,834	69
a. SoCal Water	1,774.5	1,235.4	69
b. Pomona Valley Water Co.	3,106.3	2,162.6	69
c. Park Water Co.	236.1	164.4	69
d. Mira Loma Water Co.	1,116.0	776.9	69

A Watermaster will be appointed to administer the provisions of the judgment.