

**MINUTES OF THE ENGINEERING COMMITTEE MEETING  
OF THE RAINBOW MUNICIPAL WATER DISTRICT  
NOVEMBER 6, 2012**

1. **CALL TO ORDER** – The Engineering Committee Meeting of the Rainbow Municipal Water District on November 6, 2012 was called to order by Member Fekete at 3:05 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. Member Fekete, presiding.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

**Present:** Member Brazier  
Member Fekete  
Member Taufer  
Member Saxon  
Member Rhyne  
Member Prince

**Absent:** Member Strapac  
Alternate Roth

**Also Present:** General Manager Seymour, Assistant General Manager/District Engineer Lee, Finance Manager Buckley, Water Operations/Customer Service Manager Atilano, Human Resources Manager Bush, and Assistant Rubio

Members of the public present were Mr. Heden, J.C. & Associates, Ms. Lennihan, Natural Resources Law and Mr. Mooney, AES Corporation.

4. **PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA**

There were no comments.

**COMMITTEE ACTION ITEMS**

\*5. **APPROVAL OF MINUTES**  
A. September 11, 2012

**Action:**

**Moved by Member Brazier to approve the minutes as written. Seconded by Member Prince.**

**After consideration, the motion CARRIED by the following vote:**

**AYES:** Member Brazier, Member Fekete, Member Taufer, Member Saxon, Member Rhyne and Member Prince.

**NOES:** None.

**ABSTAINED:** None.

**ABSENT:** Member Strapac and Alternate Roth.

**6. DISCUSSION AND POSSIBLE ACTION REGARDING ALTERNATIVE WATER SUPPLY STUDY**

Mr. Heden introduced Ms. Lennihan and Mr. Mooney the sub-consultants working with him on the Alternative Water Source Feasibility Study. Mr. Heden said the 60% Submittal included edits based on the comments received from the District. He mentioned they looked at adding a new connection, parallel piping for the groves, and the types of nurseries in Rainbow Valley. He briefly summarized the 60% Submittal as follows:

- Chapters 1 through 5: Revised well water sections and determined where the connections would be located. Possible locations identified were Rainbow Valley and Bonsall/Beck Reservoirs. The cost differential for well water versus treated water would have to be considered for agricultural and nurseries. Parallel piping would have to be installed to take advantage of the lower cost untreated water. Additional cost information would be provided on the next submittal.
- Chapters 6 through 7: Water Supply Needs Assessment and Raw Water Sources include edits with more information and new charts.
- Chapter 8: Water rights overview discusses the two principal types of surface water rights recognized under California law. Further discussion would be provided by Ms. Lennihan below.
- Chapter 9: Is new for this submittal covering new water rights, water right purchases, leases and exchanges. Includes surface water rights and county and regional board rights.
- Chapter 10: Discusses dual water systems using Beck Reservoir. Figures 10-3 through 10-6 demonstrate how the piping could be routed. The more piping used the more the cost would be although there was a payback depending on how much treated water was used.
- Chapter 11: Reviews the recycled water alternatives with adjacent agencies. An alternative would be to work out plans with a developer to build a recycle water plant for the new developments coming into the District. Vista Valley water was very salty and may be an unlikely source for recycled water. FPUD was interested in working something out with the District, although it would be more likely to work something out with Valley Center. Potentially Escondido seems to have the largest supply of water. Figure 11-3 shows the forecasted recycled water market locations in Southern California.

- Chapter 12: Reviews the current ground water table in the Rainbow Valley and San Luis Rey. Assessments in these areas suggest the ground water may have to be treated and pumped out prior to use. The water would have to be diverted south out of the San Luis Rey River.
- Chapter 13: Discusses the Districts Ordinance 95-1 and how it compared to other water districts ordinances. Table 13-1 provides the ordinance summary comparison.
- Chapter 14: Discusses Reverse Osmosis (RO) with adjacent agencies. The issue with RO was what to do with disposal of the wastewater; currently looking into a couple of ideas that may work with the cooperation of other agencies. Figures 14-3 and 14-4 provide a schematic of a typical low pressure brackish water RO system and layout. Examples of RO facilities, pictures and descriptions were also included.
- Chapter 16 discusses the general plan zoning and property acquisition concerns.

Mr. Heden referred the committee members back to Chapter 8 for discussion on water rights by Ms. Lennihan. She said when taking water out of basins basically one would have to identify the water rights. She mentioned historically pre 1914 there was not a lot of regulation, although post 1914 regulations became challenging requiring state permit to obtain water rights. She defined the two principal types of surface water rights recognized under California law:

- Riparian Water Rights in general authorize the diversion and use of water from a stream on land that is contiguous to the stream and located within the watershed of the stream. In general the concept is if you own the property near a stream you have the right to take the water for that property only and do not have to obtain a State permit.
- Appropriative Water Rights are acquired by diverting water from a stream and applying it to beneficial use and do not require use on land adjacent to the watercourse. They may authorize the use of water at locations distant from the watercourse, including outside of the watershed.

Ms. Lennihan said transfer of water rights can be done although the amount of water to transfer was the consumptive use component not the evaporated water or return flow. She pointed out usually the increment of water transferrable were less than the base amount of the water right, which can be a significant difference.

Ms. Lennihan said there were three tributaries to the San Luis Rey River which were fully appropriated as determined by the State, which meant no more water could be taken out of the river. She said the Santa Margarita River the whole system including Rainbow was deemed fully appropriated by the State. She mentioned both Rivers were heavily monitored and regulated by the State and Federal courts. She said if the District was considering transferring water rights they would have to deal with these two government jurisdictions. Discussion ensued.

Ms. Lennihan said per a relatively recent decision by the Division of Water Resources of the State of Public Works and reaffirmed in Order of the State Water Rights Board; concluded that the groundwater in the basin upstream of the Bonsall and Pala Basins were a subterranean stream flowing through known and definite channels, and hence classified as surface water. She mentioned property which vertically overlies the water interconnected with the San Luis Rey River may have riparian or overlying rights. She said the District's property including that obtained from Sumac Mutual Water Company was likely to fall within the riparian rights as

classified by the State Water Resource Control Board (SWRCB). She pointed out the District's use of its riparian rights was quite limited, however some of the District's larger customers may also have riparian rights, that the District may be able to exercise to make deliveries to those customers under an "agency" agreement.

Ms. Lennihan said the SWRCB had already approved the use of surface water regarding native water which was below the surface water. She mentioned the 1988 San Luis Rey Indian Water Rights Settlement Act was intended to establish a mechanism to redress injury to the water right claims of the Bands as a result of the diversion and use of San Luis Rey River water by the Escondido and Vista Water Districts. She said a multi-party settlement agreement was negotiated, and in 2008 that document was filed and one of the primary features of the settlement was the proposed provision of 16K acre feet per year by federal government at no cost for the benefit of the Bands. She said the Bands may not presently need the water itself, although the settlement includes an agreement by the Bands to support legislation to allow the local entities to market that water. She pointed out this might present future potential for the District to acquire an additional increment of water supply. She mentioned the settlement was not complete the federal government has not executed the agreement because the Bands want recognition of a reserved right in a quantity that the federal government does not believe justified, so it's currently at a stalemate. She said the District would be kept apprised of any changes. She emphasized prior to spending any CIP funds the District should ensure the water rights have been obtained. Discussion ensued.

Mr. Lee suggested the committee members review all the information and send their questions to him or Mrs. Plonka for documentation.

Mr. Heden referred the committee members forward to Chapter 17 for discussion as follows:

- Chapter 17 discusses alternative water sources for the District. Alternatives 1 through 4 use raw water instead of treated water from CWA pipelines for irrigation of nurseries and crops. Alternative 1 was in Rainbow Valley, Alternative 2 was near Pala Mesa Reservoir, Alternative 3 was near Bonsall Reservoir and Alternative 4 was on the Milagro Farm in Bonsall, which include dual piping systems, new flow control facilities, well systems, water right exchanges and the conversion of treated water reservoirs to raw water reservoir(s). Alternatives 5 and 6 would purchase available treated water produced at an adjacent agency's water treatment plant for use throughout the District's service area these alternatives would be more expensive. Alternative 7 would build a District water treatment plant using CWA raw water and an existing District reservoir as operational storage. Alternatives 8 through 10 would be to construct a District owned project involving the use of irrigation return flows from imported water diverted to the San Luis Rey River watershed for replenishment into the watershed's groundwater system in preparation for extraction by a series of wells feeding a Reverse Osmosis plant producing treated water for the District. Discussion ensued.

Mr. Heden asked the committee members to provide comments as soon as possible to be incorporated in the 90% Report.

**7. DISCUSSION AND POSSIBLE ACTION REGARDING CONSOLIDATION/JPA**

Mr. Lee informed the committee members that Mr. Seymour has extended his stay for 3 months to March 1, 2013. He said due to the 2 year process to consolidate through LAFCO Mr. Seymour had suggested proceeding towards a JPA. He said the JPA was not to replace the consolidation it was just a step towards it while more information could be collected and provided to the Board regarding the consolidation. He said staff would start working on how a JPA works and determine whether the District decides to go with a JPA. Discussion ensued.

**8. ENGINEERING UPDATE**

Mr. Lee said Ms. Plonka suggested getting more staff to help out in the Engineering Department; subsequently he tasked her to prepare a staffing study. He provided a copy of the report to the committee members and asked them to provide feedback. Ms. Brazier stated this report was the type of information she was looking for when the District had mentioned cutting staff positions. Mr. Taufer asked if the CIP was project oriented. Mr. Lee responded by definition yes it was. Mr. Taufer asked if staffing was project oriented. Mr. Lee responded not entirely there were a lot of customer services involved that were not related to projects. Mr. Saxon said there were a lot of issues involved with this report regarding funding, projects, manpower, outsourcing etc., which would involve extensive discussions. Mr. Lee said he would like to focus on the Engineering Department first to build the frame work and then other departments could be incorporated. He said this would be a valuable tool to be used for the consolidation. Ms. Rhyne asked if the current hours listed were actual numbers. Mr. Lee said the report numbers per week were averages. Discussion ensued.

Mr. Lee said Pala Mesa Tank was being filled with water and Beck Reservoir should be offline by December 2012. He said this was a huge event for the District because for the first time in a decade the District would be in compliance with CDPH.

**9. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING COMMITTEE MEETING**

Mr. Lee said the Alternative Water Supply Study – 90% progress submittal, the Consolidation Update and the Staffing Report would be the next agenda items.

**10. ADJOURNMENT**

The meeting adjourned at 4:50 p.m.

---

**Kurt Saxon, Committee Chairperson**

---

**Dawn M. Washburn, Board Secretary**