

**COPY**

1 SCOTT S. SLATER (State Bar No. 117317)  
2 MICHAEL T. FIFE (State Bar No. 203025)  
3 **HATCH & PARENT, A LAW CORPORATION**  
4 21 East Carrillo Street  
5 Santa Barbara, CA 93101  
6 Telephone No: (805) 963-7000  
7 Facsimile No: (805) 965-4333

FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT  
SEP 27 2006  
FILED EXEMPT

5 **Attorneys For**  
6 **CHINO BASIN WATERMASTER**

BY *Christina Anderson*  
DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO**

10 CHINO BASIN MUNICIPAL DISTRICT

Case No. RCV 51010

11 Plaintiff,

[Assigned for All Purposes to the Honorable J.  
MICHAEL GUNN]

12 vs.

**MOTION TO RECEIVE AND FILE  
TRANSMITTALS**

13 CITY OF CHINO, ET AL.

14 Defendant.

Hearing Date: TBD  
Time: TBD  
Department: R8

HATCH AND PARENT  
21 East Carrillo Street  
Santa Barbara, CA 93101

19 **I. TRANSMITTAL OF STATUS REPORT 2006-01**

20 On February 9, 2006, the Court Ordered the re-appointment of the nine-member Watermaster  
21 Board. As part of that Order, the Court directed Watermaster to continue filing status reports  
22 regarding implementation of the Optimum Basin Management Program ("OBMP"). Attached to this  
23 transmittal as Exhibit "A" is Watermaster's first status report under this new reporting period. This  
24 status report covers the period January 1, 2006 to June 30, 2006.

25 Watermaster respectfully requests that the Court receive and file Status Report 2006-01.

26 **II. TRANSMITTAL OF 28TH ANNUAL REPORT**

27 Attached to this transmittal as Exhibit "B" is Watermaster's 28th Annual Report.  
28 Watermaster respectfully requests that the Court receive and file this Annual Report.

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**III. MISCELLANEOUS RECEIVE AND FILE MOTIONS**

**A. STATUS REPORTS**

The Court has not yet had the opportunity to receive and file OBMP Status Reports 12, 13 and 14 which were filed with the Court on August 8, 2005. When the Court receives and files Status Report 2006-01, Watermaster respectfully requests that it also formally receive and file OBMP Status Reports 12, 13, and 14.

**B. ANNUAL REPORTS**

Watermaster filed the 26th Annual Report on November 30, 2004 and the 27th Annual Report on August 8, 2005, but the Court has not yet had the opportunity to formally receive and file these Annual Reports. When the Court receives and files the 28th Annual Report, Watermaster respectfully requests that it also formally receive and file the 26th and 27th Annual Reports as well.

Dated: September 14, 2006



By: \_\_\_\_\_  
HATCH & PARENT  
Scott S. Slater  
Michael T. Fife  
Attorneys for Chino Basin Watermaster

**CHINO BASIN WATERMASTER**  
**Case No. RCV 51010**  
**Chino Basin Municipal Water District v. The City of Chino**

**PROOF OF SERVICE**

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the within action. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On September 27, 2006 I served the following:

**MOTION TO RECEIVE AND FILE TRANSMITTALS**

- 1. TRANSMITTAL OF STATUS REPORT 2006-01**
- 2. TRANSMITTAL OF 28<sup>TH</sup> ANNUAL REPORT**

BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:

**See attached service list: Mailing List 1**

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 27, 2006 in Rancho Cucamonga, California.

  
\_\_\_\_\_  
PAULA S. MÖLTER  
Chino Basin Watermaster

RICHARD ANDERSON  
1365 W. FOOTHILL BLVD  
SUITE 1  
UPLAND, CA 91786

RODNEY BAKER  
COUNSEL FOR EGGWEST &  
JOHNSON  
PO BOX 438  
COULTERVILLE, CA 95311-0438

WILLIAM P. CURLEY  
PO BOX 1059  
BREA, CA 92882-1059

ROBERT NEUFELD  
14111 SAN GABRIEL CT  
RANCHO CUCAMONGA, CA 91739

LEAGUE OF CA HOMEOWNERS  
ATTN: KEN WILLIS  
99 "C" STREET, SUITE 209  
UPLAND, CA 91786

PAUL HAMRICK  
JURUPA COMMUNITY SVCS DIST  
11201 HARREL ST  
MIRA LOMA, CA 91752

CARL HAUGE  
SWRCB  
PO BOX 942836  
SACRAMENTO, CA 94236-0001

SUSAN TRAGER  
LAW OFFICES OF SUSAN M. TRAGER  
19712 MACARTHUR BLVD  
SUITE 120  
IRVINE, CA 92612

CARLOS LOZANO  
STATE OF CA YTS  
15180 S EUCLID  
CHINO, CA 91710

DAVID B. COSGROVE  
RUTAN & TUCKER  
611 ANTON BLVD  
SUITE 1400  
COSTA MESA, CA 92626

PAUL HOFER  
11248 S TURNER AVE  
ONTARIO, CA 91761

JOE DELGADO  
BOYS REPUBLIC  
3493 GRAND AVENUE  
CHINO HILLS, CA 91709

GLEN DURRINGTON  
5512 FRANCIS ST  
CHINO, CA 91710

DICK DYKSTRA  
10129 SCHAEFER  
ONTARIO, CA 91761-7973

RALPH FRANK  
749 LAKEFIELD RD # B  
WESTLAKE VILLAGE, CA 91361

CARL FREEMAN  
L.D. KING  
2151 CONVENTION CENTRE WAY  
ONTARIO, CA 91764

BOB BEST  
NAT'L RESOURCE CONS SVCS  
25864 BUSINESS CENTER DR K  
REDLANDS, CA 92374

JIM GALLAGHER  
SOUTHERN CALIFORNIA WATER CO  
2143 CONVENTION CENTER WAY  
SUITE 110  
ONTARIO, CA 91764

DON GALLEANO  
4220 WINEVILLE RD  
MIRA LOMA, CA 91752-1412

PETER HETTINGA  
14244 ANON CT  
CHINO, CA 91710

PETE HALL  
PO BOX 519  
TWIN PEAKS, CA 92391

MANUEL CARRILLO  
CONSULTANT TO SENATOR SOTO  
822 N EUCLID AVE, SUITE A  
ONTARIO, CA 91762

KRONICK ET AL  
KRONICK MOSKOVITZ TIEDEMANN  
& GIRARD  
400 CAPITOL MALL, 27<sup>TH</sup> FLOOR  
SACRAMENTO, CA 95814-4417

RONALD LA BRUCHERIE  
12953 S BAKER AVE  
ONTARIO, CA 91761-7903

JOEL KUPERBERG  
OCWD GENERAL COUNSEL  
RUTAN & TUCKER, LLP  
611 ANTON BLVD., 14<sup>TH</sup> FLOOR  
COSTA MESA, CA 92626-1931

ANNESLEY IGNATIUS  
COUNTY OF SAN BERNARDINO FCD  
825 E 3<sup>RD</sup> ST  
SAN BERNARDINO, CA 92415-0835

W. C. "BILL" KRUGER  
CITY OF CHINO HILLS  
2001 GRAND AVE  
CHINO HILLS, CA 91709

STEVE ARBELBIDE  
417 PONDEROSA TR  
CALIMESA, CA 92320

SANDRA ROSE  
PO BOX 337  
CHINO, CA 91708

JOHN ANDERSON  
CBWM BOARD MEMBER  
12475 CEDAR AVENUE  
CHINO, CA 91710

SYP VANDER DUSSEN  
14380 EUCLID  
CHINO, CA 91710

SYBRAND VANDER DUSSEN  
10573 EDISON AVE  
ONTARIO, CA 91761

JOHN THORNTON  
PSOMAS AND ASSOCIATES  
3187 RED HILL AVE, SUITE 250  
COSTA MESA, CA 92626

ALAN MARKS  
COUNSEL - COUNTY OF SAN  
BERNARDINO  
157 W 5<sup>TH</sup> STREET  
SAN BERNARDINO, CA 92415

R.E. THRASH III  
PRAXAIR  
5705 AIRPORT DR  
ONTARIO, CA 91761

BOB KUHN  
669 HUNTERS TRAIL  
GLENORA, CA 91740

GEOFFREY VANDEN HEUVEL  
CBWM BOARD MEMBER  
7551 KIMBALL AVE  
CHINO, CA 91710

BRIAN GEYE  
DIRECTOR OF TRACK ADMIN  
CALIFORNIA SPEEDWAY  
PO BOX 9300  
FONTANA, CA 92334-9300

MICHAEL THIES  
SPACE CENTER MIRA LOMA INC  
3401 S ETIWANDA AVE, BLDG 503  
MIRA LOMA, CA 91752-1126

ROBERT BOWCOCK  
INTEGRATED RESOURCES MGMNT  
405 N. INDIAN HILL BLVD  
CLAREMONT, CA 91711-4724

DAVID RINGEL  
MONTGOMERY WATSON  
PO BOX 7009  
PASADENA, CA 91109-7009

AL LOPEZ  
CBWM BOARD MEMBER  
PO BOX 1773  
CORONA, CA 92878

DAVID SCRIVEN  
KRIEGER & STEWART  
ENGINEERING  
3602 UNIVERSITY AVE  
RIVERSIDE, CA 92501

SENATOR NELL SOTO  
STATE CAPITOL  
ROOM NO 4066  
SACRAMENTO, CA 95814

JUSTIN BROKAW  
MARYGOLD MUTUAL WATER CO  
9725 ALDER ST  
BLOOMINGTON, CA 92316-1637

SWRCB  
PO BOX 2000  
SACRAMENTO, CA 95809-2000

CRAIG STEWART  
GEOMATRIX CONSULTANTS INC  
510 SUPERIOR AVE, SUITE 200  
NEWPORT BEACH, CA 92663

**Members:**

Manuel Carrillo	Manuel.Carrillo@SEN.CA.GOV
Marilyn Levin	marilyn.levin@doj.ca.gov
Mark Kinsey	mkinsey@mwwd.org
Mark Ward	mark_ward@ameron-intl.com
Mark Wildermuth	mwildermuth@wildermuthenvironmental.com
Martha Davis	mdavis@ieua.org
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	martinz@cvwdwater.com
Maynard Lenhert	directorlenhert@mwwd.org
Michael B. Malpezzi	MMalpezzi@reliant.com
Michael Fife	Mfife@hatchparent.com
Michelle Staples	mstaples@jdlaw.com
Mike Del Santo	mdelsant@prologis.com
Mike Maestas	mmaestas@chinohills.org
Mike McGraw	mjmccgraw@FontanaWater.com
Mike Thies	mthies@spacecenterinc.com
Mohamed El-Amamy	melamamy@ci.ontario.ca.us
Nathan deBoom	n8deboom@gmail.com
Pam Wilson	pwilson@hatchparent.com
Paul Deutsch	pdeutsch@geomatrix.com
Paul Hamrick	vhampton@jcsd.us
Paul Hofer	farmwatchtoo@aol.com
Paula Molter	PMolter@CBWM.ORG
Pete Hall	richard.okeefe@corr.ca.gov
Phil Krause	pkrause@parks.sbcounty.gov
Phil Rosentrater	prosentrater@wmwd.com
Rachel R Robledo	RRobledo@HatchParent.com
Richard Atwater	Atwater@ieua.org
Rick Hansen	rhansen@tvmwd.com
Rick Rees	rrees@geomatrix.com
Rita Kurth	ritak@cvwdwater.com
Robert DeLoach	robertd@cvwdwater.com
Robert Dougherty	RED@covcrowe.com
Robert Neufeld	N78098@aol.com
Robert Neufeld	robertn@cvwdwater.com
Robert Rauch	robert.rauchcc@verizon.net
Robert W Bowcock	bbowcock@irmwater.com
Robert W. Nicholson	rwnicholson@sgvwater.com
Roger Florio	roger.florio@ge.com
Ron Craig	RonC@rbf.com
Ron Small	ron.small@dgs.ca.gov
Rosemary Hoerning	rhoerning@ci.upland.ca.us
Sam Fuller	samf@sbymwd.com
Sandra S. Rose	ybarose@verizon.net
Sandy Lopez	slopez@ci.ontario.ca.us
Scott Burton	sburton@ci.ontario.ca.us
Sharon Joyce	SJoyce@executive.corr.ca.gov
Steve Arbelbide	sarbelbide@californiasteel.com
Steve Kennedy	skennedy@bbmblaw.com
Steven Lee	slee@rhlaw.com
Tej Pahwa	tpahwa@dtsc.ca.gov
Terry Catlin	ticatlin@verizon.net
Timothy Ryan	tjryan@sgvwater.com
Tom Bunn	TomBunn@Lagerlof.com
Tom Love	TLove@ieua.org
Tom McPeters	THMcP@aol.com
Tracy Tracy	ttracy@mwwd.org
Virginia Grebbien	vgrebbien@ocwd.com
Wayne Davison	wayne.davison2@cdcr.ca.gov
Wendy Leslie	weslie@jcsd.us
William J. Brunick	bbrunick@bbmblaw.com
WM Admin Staff	

Jim Hill  
Jim Markman  
Jim Taylor  
Jimmy Gutierrez (jimmy@city-attorney.com)  
  
Joe Graziano  
Joe P LeClaire  
Joe Scalmanini  
Joel Moskowitz  
John Anderson  
John Huitsing  
John Rossi  
John Schatz  
John Vega  
Judy Schurr  
Julie Saba  
Kathy Kunysz  
Kathy Tiegs  
Ken Jeske  
Ken Kules  
Kenneth Willis  
Kevin Sage  
Kimberly Arce  
Kyle Snay  
Lisa Hamilton  
Mark Hensley  
Martin Zvirbulis  
Robert W Bowcock

jhill@cityotchino.org  
jmarkman@rwglaw.com  
\_taylor@ci.pomona.ca.us  
jimmy@city-attorney.com  
jgraz4077@aol.com  
jleclaire@wildermonthenvironmental.com  
jscal@lsce.com  
joel@MoskowitzHQ.com  
janderson@ieua.org  
jhuits@earthlink.net  
jrossi@wmwd.com  
jschatz13@cox.net  
johnv@cvwdwater.com  
jschurr@earthlink.net  
jsaba@ieua.org  
kkunysz@mwdh2o.com  
ktiegs@ieua.org  
kjeske@ci.ontario.ca.us  
kkules@mwdh2o.com  
kwillis@homeowners.org  
Ksage@IRMwater.com  
KArce@HatchParent.com  
kylesnay@gswater.com  
Lisa.Hamilton@corporate.ge.com  
mhensley@localgovlaw.com  
martinz@cvwdwater.com  
bbowcock@irmwater.com

**Members:**

Al Lopez	lopezsixto@netzero.net
Alice Shiozawa	afshioza@gswater.com
Andy Malone	amalone@wildermuthenvironmental.com
Anne Schneider	ajs@eslawfirm.com
April Woodruff	awoodruff@ieua.org
Arnold Rodriguez	jarodriguez@sarwc.com
Art Kidman	akidman@mkblawyers.com
Ashnok Dhingra	ashok.dhingra@m-e.aecom.com
Barbara Swanson	Barbara_Swanson@yahoo.com
Bill Kruger	citycouncil@chinohills.org
Bill Rice	brice@rb8.swrcb.ca.gov
Bill Thompson	bthompson@ci.norco.ca.us
Bob Feenstra	feenstra@agconceptsinc.com
Bob Kuhn	bgkuhn@aol.com
Bonnie Tazza	bonniet@cwwdwater.com
Boyd Hill	bhill@mkblawyers.com
Brenda Fowler	balee@fontanawater.com
Brian Hess	bhess@niagarawater.com
Butch Araiza	butcharaiza@mindspring.com
Charles Moorrees	cmoorrees@sawaterco.com
Chris Diggs	cdiggs@fontanawater.com
Chris Swanberg	chris.swanberg@corr.ca.gov
Cindy LaCamera	clacamera@mwdh2o.com
Craig Stewart	cstewart@geomatrix.com
Curtis Aaron	caaron@fontana.org
Dan Arrighi	darrighi@sgvwater.com
Dan Hostetler	dghostetler@csupomona.edu
Dan McKinney	dmckinney@rhlaw.com
Daniel Cozad	dcozad@sawpa.org
Dave Argo	argodg@bv.com
Dave Crosley	DCrosley@cityofchino.org
Dave Hill	dhill@ieua.org
David B. Anderson	danders@water.ca.gov
David D DeJesus	ddejesus@mwdh2o.com
David D DeJesus (davidcicgm@aol.com)	davidcicgm@aol.com
David Ringel	david.ringel@mwhglobal.com
Diane Sanchez	dianes@water.ca.gov
Don Galleano	donald@galleanowinery.com
Duffy Blau	Duffy954@aol.com
Eldon Horst	ehorst@jcsd.us
Eric Garner	elgarner@bbklaw.com
Eunice Ulloa	ulloa.cbwcd@verizon.net
Frank Brommenschenkel	frank.brommen@verizon.net
Fred Fudacz	ffudacz@nossaman.com
Fred Lantz	flantz@ci.burbank.ca.us
Gene Koopman	GTKoopman@aol.com
Gerard Thibeault	gthibeault@rb8.swrcb.ca.gov
Gordon P. Treweek	GTreweek@CBWM.ORG
Grace Cabrera	grace_cabrera@ci.pomona.ca.us
Henry Pepper	henry_pepper@ci.pomona.ca.us
James Jenkins	cnomgr@airports.sbcounty.gov
James P. Morris	jpmorris@bbklaw.com
Janine Wilson	Janine@CBWM.ORG
Jarlath Oley	joley@mwdh2o.com
Jean Cihigoyenetche	Jean_CGC@hotmail.com
Jeffrey L. Pierson	jpierson@unitexcorp.com
Jennifer Novak	jennifer.novak@doj.ca.gov
Jerry King	jking@psomas.com
Jess Senecal	JessSenecal@lagerlof.com
Jill Willis	jnwillis@bbklaw.com
Jim Bryson	jtbryson@fontanawater.com
Jim Erickson (jeeinc@aol.com)	jeeinc@aol.com
Jim Erickson (Jim@city-attorney.com)	Jim@city-attorney.com



**EXHIBIT "A"**

# Optimum Basin Management Program

## Status Report 2006-1: January to June 2006

*Status Report 2006 – 1: Covers activities from January 1 through June 30, 2006.*

### Program Element 1: Develop and Implement a Comprehensive Monitoring Program

#### *Groundwater Level Monitoring*

Watermaster has three active groundwater level monitoring programs operating in the Chino Basin: 1) A semiannual basin-wide well monitoring program, 2) A key well monitoring program associated with the Chino I/II Desalter well fields and the Hydraulic Control Monitoring Program (HCMP), and 3) A piezometric monitoring program associated with land subsidence and ground fissuring in Management Zone 1 (MZ-1). The frequency of groundwater level monitoring varies with each program; depending on the needs of the data analyst. These groundwater level monitoring programs also rely on municipal producers, other government agencies, and private entities to supply their groundwater level measurements, on a cooperative basis. Watermaster digitizes all these measurements and combines them into a relational database for general usage. During this period, Watermaster purchased and installed approximately 18 pressure transducers/data loggers at key wells; principally in the northern portions of Chino Basin where more detailed groundwater level data are needed.

#### *Groundwater Quality Monitoring*

No samples were collected from the key wells during the reporting period—these wells are anticipated to be sampled in July and August 2006. Watermaster continues a comprehensive data collection program whereby water quality data from other sources are routinely collected, QA/QC'd, and loaded into Watermaster's database.

Watermaster and the Inland Empire Utilities Agency (IEUA) are working closely with the Appropriate Pool members and their state-certified laboratories to obtain water quality data as an electronic data deliverable (EDD), which can be entered directly into Watermaster's relational database.

#### *Groundwater-Production Monitoring*

As of June 2006, Watermaster had installed 349 new or rehabilitated meters at active agricultural wells. The remaining 81 currently active wells were not metered because it is believed that they will become inactive within 6 to 12 months as a result of urban development in southern Chino Basin. Watermaster reads the production data from the meters on a quarterly basis and enters these data into Watermaster's relational database.

#### *Surface Water Monitoring*

**Water Quality and Quantity in Recharge Basins.** Watermaster measures the quantity and quality of storm and supplemental water entering the recharge basins. Pressure transducers or staff gauges are used to measure water levels during recharge operations. In addition to these quantity measurements, imported water quality values for State Water Project water are obtained from the Metropolitan Water District of Southern California (MWDSC) and recycled water quality values for the RP1 and RP4 treatment plant effluents are obtained from IEUA. Watermaster monitors the storm water quality in the eight major channels (San Antonio, West Cucamonga, Cucamonga, Deer Creek, Day Creek, San Sevaine, West Fontana, and Declez) usually after each major storm event. Combining the measured flow data with the respective water qualities enables the calculation of the blended water quality in each recharge basin, the "new yield" to the Chino Basin, and the adequate dilution of recycled water.

**Surface Water Monitoring in Santa Ana River (SAR).** Watermaster measures the discharge of the river and selected water quality parameters to determine those reaches of the SAR that are gaining flow from Chino Basin and/or, conversely, those reaches that are losing flow into the Chino Basin. These bi-weekly flow and water quality measurements are combined with discharge data from permanent USGS and Orange County Water District (OCWD) stream gauges and discharge data from publicly owned treatment works (POTWs). These data are used in groundwater modeling to assess the extent of hydraulic control.



### *HCMP Annual Report*

In January of 2004, the RWQCB amended the Water Quality Control Plan (Basin Plan) for the Santa Ana River Basin to incorporate an updated total dissolved solids (TDS) and nitrogen management plan. The Basin Plan Amendment includes both "antidegradation" and "maximum benefit" objectives for TDS and nitrate-nitrogen for the Chino and Cucamonga groundwater management zones. The application of the "maximum benefit" objectives relies on Watermaster and the IEUA's implementation of a specific program of projects and requirements, which are an integral part of the OBMP. On April 15 2005, the RWQCB adopted resolution R8-2005-0064; thus approving the Surface Water Monitoring Program and Groundwater Monitoring Program in support of maximum benefit commitments in the Chino and Cucamonga Basins. Watermaster and the IEUA completed the 2005 Annual Report, which summarizes the results for those two programs, and submitted it to the RWQCB on April 14, 2006 in partial fulfillment of maximum benefit commitments.

### *Chino Basin Recycled Water Groundwater Recharge Program*

The IEUA, Watermaster, Chino Basin Water Conservation District, and San Bernardino County Flood Control District jointly sponsor the Chino Basin Recycled Water Groundwater Recharge Program. This is a comprehensive water supply program to enhance water supply reliability and improve the groundwater quality in local drinking water wells throughout the Chino Groundwater Basin by increasing the recharge of stormwater, imported water, and recycled water. The recharge program is regulated under RWQCB Order No. R8-2005-0033 and Monitoring and Reporting Program No. R8-2005-0033.

**Recharge Activities.** Recycled water recharge in the Banana and Hickory Basins began in 2005. Recycled water recharge in Turner Basin will begin in July 2006.

**Monitoring Activities.** Watermaster and the IEUA collect weekly and bi-weekly water quality samples from basins that are actively recharging recycled water and from lysimeters installed within those basins. During this reporting period, approximately 600 basin and lysimeter samples were collected. Monitoring wells located downgradient of the recharge basins were sampled every two weeks during the reporting period for a total of about 100 samples.

**Construction Activities.** Lysimeters and monitoring wells associated with the Banana, Hickory, and Turner Basins were installed in 2005. No other construction activities related to the monitoring the recharge program occurred during this reporting period. Lysimeters and monitoring wells are expected to be constructed at the RP-3, Declez, and Ely Basins in fiscal year (FY) 2006/07.

**Reporting.** Watermaster and the IEUA completed the following required reports concerning the recharge program during the reporting period:

- Turner Start-Up Protocol Plan – February 2006
- Banana Start-Up Report – Not yet submitted
- Hickory Start-Up Report – Not yet submitted
- 4Q05 Quarterly Report – February 2006
- 1Q06 Quarterly Report – May 2006

### *Land Surface Monitoring*

Watermaster developed a multifaceted land surface monitoring program to develop data for a long-term management plan for land subsidence in Management Zone 1 (MZ-1). The monitoring program consisted of three main elements:

- An aquifer system monitoring facility consisting of multiple depth piezometers and a dual bore extensometer.
- The application of synthetic aperture radar interferometry (InSAR) to measure historical land surface deformation.
- Benchmark surveys to measure land surface deformation, "ground truth" the InSAR data, and evaluate effectiveness of the long term management plan.

Following two years of data collection and analysis, Watermaster submitted the MZ-1 Summary Report in October 2005, which contained Guidance Criteria to minimize subsidence and fissuring. The Guidance Criteria included a listing of Managed Wells and their owners subject to the criteria, a map of the so-called Managed Area, an initial threshold water level (Guidance Level) of 245 feet below the top of the PA-7 well casing, and a plan for ongoing monitoring and notification. Since October 2005, the MZ-1 Summary Report and the Guidance Criteria contained therein have been discussed extensively by the parties involved, and were adopted by the Watermaster Board at its May 2006 Meeting.



The MZ-1 monitoring program has continued unabated. Water level monitoring has been expanded to the central regions of MZ-1 with the installation of transducers/data loggers at selected wells owned by the City of Chino, the Monte Vista Water District, and the City of Pomona. This expansion of the water level monitoring program is the initial effort to better understand the mechanisms behind ongoing land subsidence in this region.

### **Program Element 2: Develop and Implement a Comprehensive Recharge Program**

Construction on the Chino Basin Facilities Improvement Project (CBFIP) Phase I was completed by December 31, 2005 at a cost of \$38M; 50% from a SWRCB Proposition 13 Grant, and 25% each from Watermaster and the IEUA. A CBFIP Phase II list of projects was developed by Watermaster and the IEUA, including monitoring wells, lysimeters, recycled water connections, SCADA system expansions, three MWDSC turnouts, and berm heightening and hardening. At a cost of approximately \$10M, these Phase II facilities will be purchased through a 50% Grant from DWR and 25% each from Watermaster and the IEUA.

In FY 2005-2006, the CBFIP Phase I facilities were able to recharge 49,000 AF of storm and supplemental water; an improvement of 36,000 AF over the historical recharge before the CBFIP. With the completion of the Phase II facilities in FY 2006-2007, the operating plan calls for the recharge of 75,000 AF of storm and supplemental water. By the start of FY 2007-2008, most of the basins will be operating on a 12 months per year basis with only occasional downtime for silt and organic growth removal. Operations and basin planning are coordinated through the Groundwater Recharge Coordinating Committee (GRCC) which meets monthly.

### **Program Element 3: Develop and Implement water Supply Plan for the Impaired Areas of the Basin; and**

### **Program Element 5: Develop and Implement Regional Supplemental Water Program**

Construction on the Chino I Desalter Expansion and the Chino II Desalter facilities was completed in February 2006 and an application has been made for \$1.6 M in Proposition 50 funds to add 8 MGD of ion exchange capacity to the Chino II Desalter. As currently configured, the Chino I Desalter provides 2.6 MGD of treated (air stripping for VOCs) water from Wells 1-4, 4.9 MGD of treated (ion exchange for nitrate removal) water from Wells 5-15, and 6.7 MGD of treated (reverse osmosis for nitrate and TDS removal) water from Wells 5-15 for a total of 14.2 MGD (16,000 AFY). The Chino II Desalter provides 4.0 MGD of ion exchange treated water and 6.0 MGD of reverse osmosis treated water from 8 additional wells for a total of 10.0 MGD (11,000 AFY).

Watermaster has been conducting modeling investigations of various desalter expansion alternatives including the expansion of Chino I and II. The initial work was submitted by Wildernuth Environmental to Watermaster in April 2006. Black and Veatch developed reconnaissance-level engineering plans and costs for these desalter alternatives. Additional modeling work has been completed for a new set of alternatives with the desalter wells located between the Central Avenue fault and Chino I Well No. 5. The latter alternatives can be used to mitigate the Chino Airport plume and meet the hydraulic control objective of Watermaster.

### **Program Element 4: Develop and Implement a Comprehensive Groundwater Management Plan for Management Zone 1**

In October 2005, Watermaster completed the MZ-1 Summary Report, including the Guidance Criteria. Over the following 6 months, the impacted parties have had numerous meetings in an effort to transform the Summary Report into a long-term management plan. The Summary Report and the Guidance Criteria were adopted by the Watermaster Board in May 2006. Presently, additional data are being developed by the impacted parties in an effort to achieve acceptable resolution of issues arising from the Guidance Criteria.

The Cities of Chino and Chino Hills have each submitted forbearance certifications through June 30, 2006 of achieving their goals of 1500 AF forbearance for FY 2005/06.



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## **Program Element 6: Develop and Implement Cooperative Programs with the Regional Water Quality Control Board, Santa Ana Region (Regional Board) and Other Agencies to Improve Basin Management; and**

### **Program Element 7: Develop and Implement a Salt Management Program**

Two Water Quality Committee meetings (January 16, 2006 and April 20, 2006) were held during this six-month period to discuss the status of the investigations of the three major water quality plumes in the Basin. In addition, Watermaster collected samples from several wells for perchlorate isotope analyses. Lastly, Watermaster continued to monitor the activities of General Electric's (GE) continuing remediation at the Flat Iron facility.

#### ***MZ-3 Monitoring Program.***

The former Kaiser plume has been incorporated into an overall monitoring program for the MZ-3 area. The MZ-3 monitoring program is also assessing the groundwater quality impairment from total dissolved solids (TDS), nitrate, and perchlorate. The perchlorate may have originated from the Mid-Valley Landfill (in Rialto Basin, across the Rialto-Colton fault) or it may be a non-point source that resulted from the historical application of Chilean fertilizer. Two rounds of quarterly samples were collected from 22 wells, including former Kaiser wells that Watermaster previously renovated: MP2 and KOFS. The MP2 cluster of wells (four depths) was in the heart of the Kaiser plume when the well was constructed; while KOFS was just beyond the leading edge of the plume. MP2 continues to show an impact from the Kaiser plume and the KOFS well is now impacted. Based on the analytical results, tentative locations were identified for two new monitoring wells. Negotiations were successfully concluded with the City of Ontario to locate one of the wells in a street right-of-way. Construction of that monitoring well has now been included in a bid package for the construction of monitoring wells at recharge basins, so that Watermaster can obtain a more competitive bid based on economies of scale.

#### ***Ontario International Airport (OIA) Volatile Organic Chemical Plume.***

Watermaster met with the consultant to the PRPs, Lynne Preslo/GeoEco, on March 22, 2006. After the meeting, Watermaster provided a water quality and water level database consisting of data from more than 400 private wells and 200 public wells to the RWQCB, which in turn forwarded the database to the PRPs pursuant to their request. In addition to the database, the PRPs requested that they have access to the Chino Basin groundwater model developed by Wildermuth Environmental, Inc. (WEI). Watermaster and WEI agreed to share their modeling expertise with consultants from the PRPs in WEI's office. After the PRPs have had an opportunity to review the data and model, Watermaster will propose to the RWQCB that a follow-up meeting be held to discuss future activities towards remediating the plume.

#### ***Chino Airport VOC Plume.***

Watermaster met with the RWQCB, the San Bernardino County Department of Airports, and their consultant Tetra Tech on March 17, 2006 to discuss a joint remediation of the VOC plume from the airport. Such a joint remediation would help address other issues in the southwestern portion of Chino Basin such as maintenance of hydraulic control and the provision of high quality drinking water in an area of increasing demand. As a result of the meeting, Watermaster agreed to provide a database containing well construction information, water quality, water levels, and production for wells located southwest of the Chino airport. In addition, Watermaster agreed to sample all the wells in this location that could still be sampled to provide up-to-date analytical data on all the possible contaminants in these wells. Twenty-five wells were sampled by Watermaster in May and June of 2006. Once the analytical results are obtained from the laboratory, uploaded into Watermaster's relational database, and data releases are obtained from the private well owners, these data will be reviewed with Tetra Tech to begin the engineering of appropriate remedial actions.

#### ***Perchlorate Isotope Study.***

Neil Sturchio, Professor and Head of the Department of Earth and Environmental Sciences at the University of Illinois at Chicago, has developed a technique for using stable isotopes of chloride and oxygen to distinguish the origin of perchlorate (man-made vs. naturally occurring). There are several per mil shifts in isotopes of both ions between the two sources. He has tested several samples of leachate from fertilizer nitrogen (from the Atacama Desert in Chile) and rocket fuel sources. One of the innovations that Professor Sturchio has developed is the use of a flow-through column with an anion-exchange resin. These bifunctional anion exchange resins were originally developed at Oak Ridge National Laboratory and the University of Tennessee to selectively sorb the pertechnetate ion  $TcO_4^-$  (technetium is mobile with a long half-life, much like perchlorate). A resin



regeneration step is added to recover the perchlorate ion. The exchange resin is required to concentrate the typically low levels of perchlorate in groundwater so that the perchlorate can be analyzed isotopically. Watermaster sampled 15 wells in Chino and Cucamonga Basins and submitted samples to a commercial laboratory for general mineral, general physical, and perchlorate analyses. The resin columns were sent to Professor Sturchio's laboratory at the University of Illinois.

#### ***GE Flat Iron Remediation.***

Finally, with respect to the GE Flat Iron remediation, GE conducted a screening of options for the disposal of treated effluent from their operational pump and treat facilities. Currently, GE discharges their effluent into the Ely Basins, where it percolates back into the groundwater. However, this operation limits Watermaster's ability to recharge recycled water into the Ely Basins and, consequently, Watermaster has asked that GE develop alternative disposal means. As a result of their screening, GE has decided to investigate, in detail, the construction of groundwater injection wells that would be operated in conjunction with their own recharge basin. GE will complete their planning by the fourth quarter 2006 and begin detailed design upon the RWQCB's approval of the concept.

#### ***TDS and Nitrogen Monitoring Pursuant to the 2004 Basin Plan Amendment***

Pursuant to the 2004 Basin Plan Amendment and the Watermaster/IEUA permit to recharge recycled water, Watermaster and the IEUA have conducted groundwater and surface water monitoring programs. Quarterly HCMP reports that summarize data collection efforts were submitted to the RWQCB in February and April of 2006. An annual HCMP report for 2005 was submitted to the RWQCB in April 2006.

#### **Program Element 8: Develop and Implement a Groundwater Storage Management Program; and**

#### **Program Element 9: Develop and Implement a Storage and Recovery Program**

In March 2006, Watermaster submitted a proposal to the San Diego County Water Authority regarding SDCWA use of storage in the Chino Basin. Subsequently, in May 2006, Watermaster staff and legal counsel attended a meeting with SDCWA staff to discuss Watermaster's proposal. SDCWA will make a decision in the second half of 2006 regarding Watermaster's proposal.

The Watermaster/IEUA/Metropolitan Dry Year Yield (DYY) program continued on during the reporting period. As of June 30, 2006, about 60,500 acre-ft had been stored in the Basin in Metropolitan's DYY account. The construction statuses of local facilities included in the DYY program for the participating parties are as follows:

- City of Ontario – Wellhead treatment facility: final design began in April 2006. DYY Wells: Drilling on well no. 45 complete, pump testing on no. 47 complete, and drilling on well no. 46 underway.
- Cucamonga Valley Water District – Six new wells (nos. 39-42, 44, and 45): designs completed for well nos. 39-42 and pre-designs and CEQA documentations completed for well nos. 44 and 45.
- City of Upland – New IX treatment facility constructed and online.
- City of Pomona – Expansion of existing IX treatment facility: final design complete.
- City of Chino Hills – Refurbish Pellisier well and construct new treatment facility: design underway
- Monte Vista Water District – Well no. 31: design will be in completed July 2006. Well no. 33 and treatment facility (joint MVWD/Chino project): Well construction is underway and treatment facility design will commence upon the completion of the well.
- Jurupa Community Services District – Expansion of the Teagarden IX facility: scheduled for completion in October 2006.



**EXHIBIT "B"**



Chino Basin Watermaster

# Twenty-Eighth Annual Report

Fiscal Year 2004-05

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