

FEE EXEMPT

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6 **CHINO BASIN WATERMASTER**

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

10
11 CHINO BASIN MUNICIPAL WATER
DISTRICT,

12 Plaintiff,

13 v.

14 CITY OF CHINO, ET. AL,

15 Defendant.

Case No. RCV RS51010

Assigned for All Purposes to the
Honorable Stanford E. Reichert

**REQUEST FOR THE COURT TO AMEND
THE ANNUAL REPORTING SCHEDULE
FOR THE GROUND-LEVEL
MONITORING COMMITTEE**

Hearing Date: January 12, 2018
Time: 1:30 p.m.
Dept.: S35

[Declaration of Bradley J. Herrema and
[Proposed] Order filed concurrently herewith]


1 **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE THAT, on January 12, 2018 at 1:30 p.m. in Department S35 of
3 the above-entitled court located at 247 West Third Street, San Bernardino, California 92415-
4 0210, the Chino Basin Watermaster (“Watermaster”) will hereby request that the Court permit the
5 amendment of the annual reporting schedule for the Ground-level Monitoring Committee.

6 Watermaster’s request will be based upon this notice, the memorandum of points and
7 authorities attached hereto, the Declaration of Bradley J. Herrema concurrently filed herewith, all
8 documents on file herein, and such oral and documentary evidence as may be presented at the
9 time of the hearing on this matter.

10
11 Dated: December 1, 2017

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

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14 By: 
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16 BRADLEY J. HERREMA
17 CHRISTOPHER R. GUILLEN
18 Attorneys for
19 CHINO BASIN WATERMASTER
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directed counsel to seek the Court's concurrence. (*Id.*).

To make the transition to the amended schedule, Watermaster proposes that the next annual report cover an eighteen month time frame – January 2017 through June 2018 and be filed by November 30, 2018. Subsequent annual reports would cover the amended time frame of July to June and Watermaster would plan to file them with the Court by November 30 of each year. Watermaster knows of no opposition to the amendment of the GLMC reporting period. (Herrema Decl., at ¶ 5.)

Dated: December 1, 2017

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By: 
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BRADLEY J. HERREMA
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FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER DISTRICT,

Plaintiff,

v.

CITY OF CHINO, ET. AL,

Defendant.

Case No. RCV RS51010

Assigned for All Purposes to the
Honorable Stanford E. Reichert

DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF WATERMASTER'S REQUEST FOR THE COURT TO AMEND THE ANNUAL REPORTING SCHEDULE FOR THE GROUND-LEVEL MONITORING COMMITTEE

Hearing Date: January 12, 2018
Time: 1:30 p.m.
Dept.: S35

[Watermaster Request and [Proposed] Order filed concurrently herewith]

DECLARATION OF BRADLEY J. HERREMA

I, Bradley J. Herrema, declare:

1. I am an attorney duly admitted to practice before all of the courts of this State, and am a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for Chino Basin Watermaster (“Watermaster”). I have personal knowledge of the facts stated in this declaration, except where stated on information and belief, and, if called as a witness, I could and would competently testify to them under oath. I make this declaration in support of the above-referenced request.

2. As legal counsel for Watermaster, I am familiar with Watermaster’s practices and procedures, as well as actions taken by the Pool Committees, Advisory Committee, and Board.

3. At its regularly scheduled meeting on September 28, 2017, the Watermaster Board unanimously approved the 2016 Annual Report of the Ground-Level Monitoring Committee (GLMC). This annual report was filed with the Court for its receipt and filing on November 17, 2017.

4. At its regularly scheduled meeting on October 26, 2017, the Watermaster Board unanimously approved amending the GLMC’s reporting period to mirror Watermaster’s production and fiscal year schedule (July 1 to June 30), with the filing of the Annual Report by November 30 of each year, and requesting the Court’s concurrence in the same. A true and correct copy of the Watermaster Staff Report discussing the reasons for and recommending the amended reporting period and schedule is attached hereto as Exhibit 1.

5. Watermaster knows of no opposition to the amendment of the GLMC reporting period as referenced in paragraph 4, above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Dated this December 1, 2017, at Santa Barbara, California.



Bradley J. Herrema

16174218

Exhibit 1

CHINO BASIN WATERMASTER

II. BUSINESS ITEMS

B. GROUND-LEVEL MONITORING COMMITTEE CHANGE IN ANNUAL REPORTING SCHEDULE



CHINO BASIN WATERMASTER

9641 San Bernardino Road, Rancho Cucamonga, Ca 91730
Tel: 909.484.3888 Fax: 909.484.3890 www.cbwm.org

PETER KAVOUNAS, P.E.
General Manager

STAFF REPORT

DATE: October 26, 2017
TO: Board Members
SUBJECT: Ground Level Monitoring Committee Changes to Annual Reporting Schedule
(Business Item II.B.)

SUMMARY

Issue: The Ground Level Monitoring Committee (GLMC) is recommending a change to its Court approved annual reporting schedule to better coincide with seasonal fluctuations in groundwater levels and to provide enough time for review of the annual reports.

Recommendation: Approve the suggested changes to the Ground Level Monitoring Committee annual reporting schedule and file with the Court.

Financial Impact:

The proposed schedule will require Watermaster to purchase one additional InSAR scene for March 2018 in FY 2017/18; the additional expense will be covered from reserves through a budget transfer. The increase in current fiscal year's expense is only a change in timing of image acquisitions and does not represent an increase in the long-term expense for the Ground Level Monitoring Program.

Future Consideration

Watermaster Board – October 26, 2017: Approval [Within WM Duties and Powers]

ACTIONS:

October 12, 2017 – Appropriative Pool: No Action
October 12, 2017 – Non-Agricultural Pool: No Action
October 12, 2017 – Agricultural Pool: No Action
October 19, 2017 – Advisory Committee: Unanimously supported the change
October 26, 2017 – Watermaster Board:

BACKGROUND

Watermaster prepares and files an annual report of the GLMC (formerly the Land Subsidence Committee) that describes the GLMC's activities and recommendations in each calendar year. The draft annual report goes through extensive review by the Watermaster Engineer, Watermaster staff and counsel, and by the GLMC before it is recommended for Watermaster approval by the GLMC. In 2007, the Court directed Watermaster to proceed with its MZ-1 Subsidence Management Plan (the "Long Term Plan"), and ordered Watermaster to timely file annual reports with the Court, with the expectation that they would be filed by September 1st of each year.

Watermaster's 2015 Subsidence Management Plan provided that during the first quarter of each calendar year, Watermaster staff and the Watermaster engineer will analyze the data generated by the Ground Level Monitoring Program during the prior calendar year and prepare a draft Annual Report, with the reports being approved through the Watermaster Pool process by the end of each fiscal year and then submitted to the Court."

This item was presented to the three Pool Committees at its October 12, 2017 meetings, no concerns were raised and the three Pools expressed their support of the proposed changes.

This item was presented to the Advisory Committee on October 19, 2017, no concerns were raised and the Committee expressed its unanimous support of the proposed changes.

DISCUSSION

Hydraulic heads in the aquifer system fluctuate annually under the seasonal stresses of pumping and recharge. Hydraulic heads typically rise to a peak in the spring. It is appropriate to perform the repeated annual analysis of land subsidence data consistent with the springtime peak in hydraulic heads. Therefore, the GLMC has recommended that data collection for the annual report should end in March of each year, as opposed to the current practice of ending in December. For this technical reason, and to provide sufficient review time, the Ground Level Monitoring Committee recommends that the due date for submittal of the annual report to the Court be shifted from June 30 to November 30.

To transition from the present annual report schedule to the proposed schedule, the next annual report would cover an 18-month period (January 2017-June 2018), and subsequent annual reports would cover a fiscal year (July-June) timeframe. As this differs from the Court's expectation in its direction as to the implementation of the Long-Term Plan, Watermaster would have to request the Court's concurrence in the proposed new schedule.

The proposed schedule will require Watermaster to purchase one additional InSAR scene for March 2018 in FY 2017/18. In the conduct of the monitoring program InSAR images are currently budgeted to be purchased on a calendar year basis; for the Fiscal Year 2017/18 there is budget to purchase InSAR images in calendar year 2017 only. For the adjustment of the reporting schedule Watermaster will need to purchase during Fiscal Year 2017/2018 an additional image in 2018, one that would have otherwise been purchased in FY 2018/19, in advance. While this is an increase in the current Fiscal Year's expense, it does not represent an increase in the long-term expense for the Ground Level Monitoring Program.

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[PROPOSED] ORDER

On January 12, 2018, Watermaster’s Motion requesting that the Court amend the annual reporting schedule for the Ground-Level Monitoring Committee came on regularly for hearing in the above-captioned matter. Having read and considered the papers and heard the arguments of counsel, the Motion is **GRANTED**. It is **HEREBY ORDERED** that:

The Ground-Level Monitoring Committee’s reporting period shall hereafter be amended from a calendar year basis to a Watermaster fiscal year basis – July 1 to June 30 – with the reports due to be filed with the Court by November 30 of each year. To accommodate the change, the next annual report shall cover an eighteen month time frame – January 2017 through June 2018 – and be filed by November 30, 2018.

Dated: _____

Hon. Stanford E. Reichert
Judge of the Superior Court

16174712

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 December 1, 2017 I served the following:

1. REQUEST FOR THE COURT TO AMEND THE ANNUAL REPORTING SCHEDULE FOR THE GROUND-LEVEL MONITORING COMMITTEE
2. DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF WATERMASTER'S REQUEST FOR THE COURT TO AMEND THE ANNUAL REPORTING SCHEDULE FOR THE GROUND-LEVEL MONITORING COMMITTEE
3. [PROPOSED] ORDER RE WATERMASTER'S REQUEST FOR THE COURT TO AMEND THE ANNUAL REPORTING SCHEDULE FOR THE GROUND-LEVEL MONITORING COMMITTEE

/ X / 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.

/ X / 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 December 1, 2017 in Rancho Cucamonga, California.



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Chino Basin Watermaster

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