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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF SAN BERNARDINO

10
11 CHINO BASIN MUNICIPAL WATER
12 DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, ET AL.,

16 Defendants.

Case No. RCV RS 51010

[Assigned for All Purposes to the
Honorable Stanford E. Reichert]

**CHINO BASIN WATERMASTER STATUS
REPORT REGARDING UPDATE TO THE
OPTIMUM BASIN MANAGEMENT
PROGRAM**

Date: December 13, 2019
Time: 1:30 p.m.
Dept: S35

[Filed concurrently herewith: Declaration of
Bradley J. Herrema in Support of Chino Basin
Watermaster Status Report Regarding Update to
the Optimum Basin Management Program]

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1 The Chino Basin Watermaster (“Watermaster”) is granted discretionary powers to develop
2 an Optimum Basin Management Program (OBMP) for the Basin. In the 20th year following this
3 Court’s approval of the Basin’s first OBMP, Watermaster is now moving forward to refresh and
4 update its Basin management strategies to account for physical, economic, and regulatory
5 changes (“OBMP Update”). Watermaster intends to develop this OBMP Update with stakeholder
6 involvement and ongoing oversight of the Court. Watermaster proposes that the Court be briefed
7 no less frequently than bi-annually to ensure that the substantial ongoing efforts (engineering,
8 legal, outreach, and participation) are open, transparent, and consistent with the Court’s direction.
9 Watermaster respectfully requests an opportunity to appear before the Court to briefly summarize
10 its progress to date, its proposed schedule, and to answer any questions the Court may have.

11 **I. BACKGROUND**

12 Pursuant to the Restated Judgment, Watermaster administers and oversees the
13 implementation of the Restated Judgment. (Restated Judgment, ¶ 16.) The Restated Judgment
14 additionally provides that Watermaster is granted discretionary powers, with the advice of the
15 Pools and the Advisory Committee, to prepare an OBMP to maximize the beneficial use of the
16 resources of the Chino Basin. (Restated Judgment, ¶ 41.) The goals and objectives of the OBMP
17 were initially developed and reduced to writing by the Parties in 1999. In 2000, the Parties to the
18 Restated Judgment (“Parties”) executed the Peace Agreement, a contract among the Parties that
19 enabled the development of the OBMP Implementation Plan. The document establishes a
20 roadmap, complete with the time frames for Watermaster to implement tasks and projects in
21 accordance with the Peace Agreement.

22 In 2007, the OBMP Implementation Plan received its first significant amendments to
23 account for the change in recycled water use strategies for the Basin and to incorporate the final
24 expansion of the Chino Basin Desalters and Basin Re-Operation in support of this effort. Both
25 the original OBMP Implementation Plan and its 2007 amendment were subjected to ongoing
26 review and reporting by the Court.

1 **II. THE NEED FOR THE OBMP UPDATE**

2 The OBMP Implementation Plan was initially adopted more than 20 years ago, and it was
3 last amended more than a decade ago. Since that time, Watermaster’s understanding of the Basin
4 has improved, and the present understanding of the hydrology and hydrogeology of the Chino
5 Basin has led to the identification of new water management challenges. Climate change, salt and
6 nutrient management, and environmental considerations have intensified water management
7 challenges. Changes in the law, increased outside interest in Chino Basin management, external
8 funding opportunities, and improved science and technology have led to the refinement of the
9 Basin management goals. These drivers are described in more detail in the 2020 OBMP Update
10 PowerPoint presentation that was provided to the Watermaster Board at its January 24, 2019
11 regular meeting. (Declaration of Bradley J. Herrema in Support of Chino Basin Watermaster
12 Status Report Regarding Update to the Optimum Basin Management Program, (hereafter
13 “Herrema Decl.”), at ¶ 4, and attached as Exhibit “A” thereto.)

14 As Watermaster has the discretion to prepare an OBMP pursuant to paragraph 41, with the
15 advice of the Advisory and Pool Committees, Watermaster is intending to proceed with the
16 update in the same manner. An update will likely require one or more agreements, and include
17 environmental review of any project components in accordance California Environmental Quality
18 Act (CEQA). Like the original, the OBMP Update will set forth the framework for Watermaster
19 Basin management strategies and project implementation for the next several decades.

20 **III. OBMP UPDATE PROCESS AND SCHEDULE**

21 In order to obtain information and feedback from the parties and other Chino Basin
22 stakeholders, Watermaster has planned a series of eight public listening sessions throughout 2019
23 to support the OBMP Update. To date, five Listening Sessions have been held (January 15, 2019,
24 February 12, 2019, March 21, 2019, May 16, 2019, July 31, 2019) to articulate the issues, needs,
25 and wants of the Judgement parties; draft goals; discuss drivers, trends, and implications; and
26 discuss feedback and recommendations for activities to be included in the OBMP Update.
27 (Herrema Decl., at ¶ 3.) Listening Sessions six through eight are planned to be held between now
28 and January 2020 to finalize the OBMP management goals, articulate impediments to achieving

1 the goals and ways to remove the impediments, and develop an agreement among the Parties to
2 fund and implement the OBMP, as updated. (See Herrema Decl., Exh. A at slide 8.) Watermaster
3 anticipates the OBMP Update will be finalized in January 2020. (*Id.*)

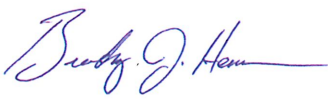
4 Based on this timeframe for completion of the OBMP Update itself, an agreement among
5 the Parties for the implementation of the updated OBMP is expected to be finalized in March
6 2020. The CEQA review process for the updated OBMP can begin in February 2020. (*Id.*) As it
7 has in the past, it is expected that the Inland Empire Utilities Agency will prepare the appropriate
8 CEQA documentation for the OBMP Update. During this process, regular meetings with the
9 Court will enable Watermaster to receive any feedback, including specific direction to facilitate
10 the successful completion of this important effort. Ultimately, Watermaster will seek the Court's
11 approval of the updated OBMP, along with any further direction it may wish to provide.

12 **IV. CONCLUSION**

13 Watermaster respectfully requests the Court to take notice of this Status Report and
14 Watermaster's proposed process to update the OBMP. Watermaster plans to apprise the Court of
15 its progress on the OBMP Update again before the end of 2019 and at least twice a calendar year
16 until it is complete. Watermaster seeks the opportunity to summarize its efforts, discuss calendar
17 and deliverables to the Court's satisfaction.

18 Dated: August 6, 2019

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Case No. RCV RS 51010

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Honorable Stanford E. Reichert]

**DECLARATION OF BRADLEY J.
HERREMA IN SUPPORT OF CHINO
BASIN WATERMASTER STATUS
REPORT REGARDING UPDATE TO THE
OPTIMUM BASIN MANAGEMENT
PROGRAM**

Date: December 13, 2019
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Dept.: S35

[Filed concurrently herewith: Chino Basin
Watermaster Status Report Regarding Update to
the Optimum Basin Management Program]

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23 I, Bradley J. Herrema, declare as follows:

24 1. I am an attorney duly admitted to practice before all of the courts of this State, and
25 am a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for
26 Chino Basin Watermaster (“Watermaster”). I have personal knowledge of the facts stated in this
27 declaration, except where stated on information and belief, and, if called as a witness, I could and
28

1 would competently testify to them under oath. I make this declaration in support of the above-
2 referenced request.

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

5 3. As part of the process of updating the Optimum Basin Management Program
6 (“OBMP Update”), Watermaster has held five Listening Sessions. These Listening Sessions were
7 held at Watermaster’s offices on January 15, 2019, February 12, 2019, March 21, 2019, May 16,
8 2019, and July 31, 2019.

9 4. Watermaster staff made a presentation to the Watermaster Board at its January 24,
10 2019 regular meeting regarding the OBMP Update generally, and the January 15, 2019 Listening
11 Session. Attached hereto as **Exhibit A** is a true and correct copy of that presentation.

12 5. A draft version of Chino Basin Watermaster Status Report Regarding Update to
13 the Optimum Basin Management Program was presented to the Pool Committees and Advisory
14 Committee on July 11, 2019 and July 18, 2019, respectively, for their advice and assistance.

15 6. At its July 25, 2019 regular meeting, the Watermaster Board directed Watermaster
16 legal counsel to file the Chino Basin Watermaster Status Report Regarding Update to the
17 Optimum Basin Management Program.

18 7. I am not aware of any opposition to the Court receiving and filing the Notice.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Dated this 6th day of August, 2019, at Los Angeles, California.

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24 _____
Bradley J. Herrema

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Exhibit A

CHINO BASIN WATERMASTER

2020 OBMP Update

Listening Session #1 (Summary)
January 24, 2019





Content

- History of the OBMP and its Implementation
- Rationale for an Update of the OBMP
 - Stakeholder participation
- Summary and Next Steps



History of the OBMP and its implementation

Why was the OBMP created?

How did we develop it and implement it?

What did we accomplish in implementing the OBMP?



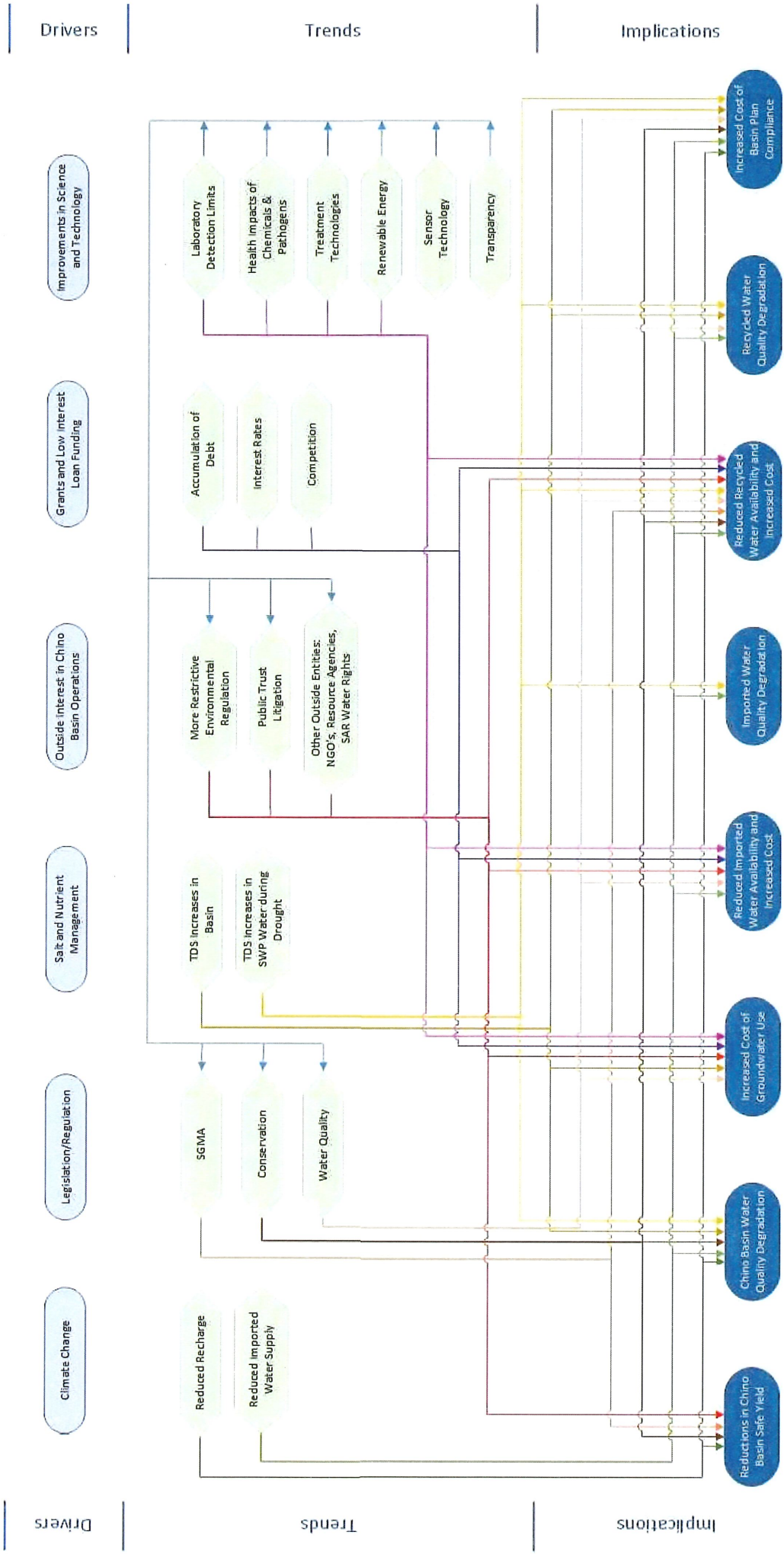
Rationale for and Update of the OBMP

Drivers

Trends

Implications

Exhibit 1 – Drivers and Trends and Their Implications
2020 OBMP Update



Drivers

Trends

Implications

Drivers

Trends

Implications



Rationale for and Update of the OBMP

Issues

Needs

Wants



Summary and Next Steps

- Next steps:
 - Staff will compile meeting notes and emailed input from the Parties into a **Listening Session #1 Memorandum**
 - Parties will review Memorandum and provide comments and suggested edits to the DTI chart and the INW matrix
 - Listening Session #2 (2/13/2019, tentative):
 - Finalize DTI chart and INW matrix
 - Begin defining OBMP Update goals and impediments



Task 1 Project Management and Meetings



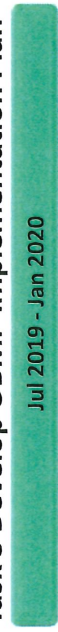
Task 2 Develop OBMP Goals, Impediments, and Actions to Remove Impediments



Prepare TM 1



Task 3 Develop OBMP Implementation Plan



Prepare TM 2



LS 4 review draft TM 1

May 2019

LS 2

Feb 2019

LS 1

Jan 2019

LS 3

Mar 2019

LS 5

Jun 2019

LS 6

Jun 2019

LS 7 review draft TM 2

Nov 2019

LS 8

Jan 2020



2018

2019

2020

CHINO BASIN WATERMASTER

Case No. RCVRS 51010

Chino Basin Municipal Water District v. City of Chino, et al.

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 August 6, 2019 served the following:

1. CHINO BASIN WATERMASTER STATUS REPORT REGARDING UPDATE TO THE OPTIMUM BASIN MANAGEMENT PROGRAM
2. DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF CHINO BASIN WATERMASTER STATUS REPORT REGARDING UPDATE TO THE OPTIMUM BASIN MANAGEMENT PROGRAM

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

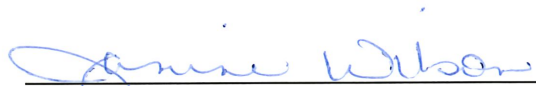
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 August 6, 2019 in Rancho Cucamonga, California.



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Chino Basin Watermaster

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