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**FEE EXEMPT PER GOV. CODE § 6103**

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO**  
10

11 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

12  
13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendants.  
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CASE NUMBER: RCV 51010  
*[Assigned for All Purposes to Honorable  
Stanford E. Reichert, Dept. S35]*

**DECLARATION OF DAVID  
CROSLEY IN SUPPORT OF CITY OF  
CHINO'S OPPOSITION TO CHINO  
BASIN WATERMASTER'S MOTION  
REGARDING 2020 SAFE YIELD  
RESET, AMENDMENT OF  
RESTATED JUDGMENT,  
PARAGRAPH 6**

Date: June 26, 2020  
Time: 1:30 p.m.  
Dept.: S35

*[Filed concurrently with Opposition to  
Motion Regarding 2020 Safe Yield Reset  
and Declaration of Eric Fordham]*

(FEE- EXEMPT PER GOVERNMENT CODE § 6103)

**DECLARATION OF DAVID CROSLEY**

I, David Crosley, declare as follows:

1. I currently serve as the Water & Environmental Manager for the City of Chino ("Chino"). I have served in this capacity since 1995. I am a licensed Civil Engineer in California and Arizona. 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 Chino's Opposition to the Chino Basin Watermaster Motion Regarding 2020 Safe Yield Reset.

2. I have been involved in the Chino Basin ("Basin") for approximately 25 years, representing Chino on the Chino Basin Watermaster ("Watermaster") Appropriative Pool Committee and Advisory Committee. I have participated in the development and implementation of the Watermaster Optimum Basin Management Program ("OBMP"), Peace Agreement, Peace II Agreement, Opposition to the 2015 Safe Yield Reset Agreement the and Settlement of the Appeal of the Court's April 28, 2018 Order pertaining to the 2015 Safe Yield Reset Agreement.

3. As Chino's primary representative to the Appropriative Pool and Advisory Committees, I participated in person at the stakeholder workshops pertaining to the 2020 Safe Yield reset held on July 23, 2019 and January 27, 2020. I also participated in the stakeholder workshop held on April 29, 2020 by conference call. I was accompanied at those workshops by Chino's retained consultant and technical expert Eric Fordham of GeoPentech, Inc. Mr. Fordham is a hydrogeologist possessing highly technical knowledge of the Chino Basin as a result of his having studied the occurrence of Chino Basin land subsidence for approximately 18 years, his participation on the Watermaster Ground Level Monitoring Committee, and his consultation to Chino pertaining to well design and development, and the impact of deteriorated water quality on Chino groundwater wells and groundwater production. Based on Mr. Fordham's experience and knowledge, I tasked him to review Watermaster's work on the Safe Yield reset and advise me of his findings and opinions.

4. Subsequently, Mr. Fordham and I received and reviewed the 2020 Safe

1 Yield Recalculation Final Report dated April 2, 2020 prepared by Watermaster's Engineer,  
2 Wildermuth Environmental Inc. ("WEI Report"). The WEI Report indicates that a single  
3 scenario was evaluated, and that evaluation led Watermaster's Engineer to conclude that the  
4 2020 Safe Yield could be 131,000 AFY. The utilized approach of evaluating a single  
5 scenario limited the possibilities for consideration to only a single calculated estimate. Had  
6 other reasonable scenarios been evaluated including one utilizing the Court Ordered data,  
7 other estimates of the Safe Yield would have been calculated by the model, providing the  
8 stakeholders with a reasonable range of Safe Yield values and the opportunity for a  
9 deliberative process that would include qualitative analysis of the values in order to determine  
10 the best estimate of the Safe Yield.

11 5. Thereafter, at the request of Watermaster, Mr. Fordham and I participated in the  
12 development and submission of Chino's comments on the Safe Yield reset information  
13 including the WEI Report. We transmitted our comments to Tom Harder, the Appropriate  
14 Pool's technical expert, who incorporated them into his letter dated April 23, 2020 that was  
15 forwarded to Watermaster. Mr. Harder's letter dated April 23, 2020 is attached as "Exhibit  
16 C" to the Declaration of Peter Kavounas in Support of Watermaster's Motion Regarding the  
17 2020 Safe Yield Reset. ("Kavounas Declaration").

18 6. Eric Fordham and I also reviewed Tom Harder's April 23, 2020 letter regarding  
19 the Technical Review of the Models and Methodology used as a basis for the 2020 Safe Yield  
20 Recalculation Final Report dated April 2, 2020. In that letter, Mr. Harder requested an  
21 uncertainty analysis of the modeling work performed by Watermaster's Engineer that led to  
22 his estimate of the net recharge to the basin. The uncertainty analysis was requested because  
23 the model utilized by Watermaster's Engineer, like all models, produces outcomes that  
24 contain uncertainties.

25 7. Thereafter, Eric Fordham and I participate in the workshop on April 29, 2020  
26 by teleconference that was scheduled by Watermaster to present the Safe Yield calculation  
27 and to address stakeholder comments. We then reviewed the revised WEI Report dated May  
28 15, 2020. Mr. Fordham and I observed that the revised WEI Report did not describe any

1 substantive revisions to the modeled assumptions, the estimated net recharge, or the  
2 recommended Safe Yield.

3 8. Mr. Fordham and I also reviewed Watermaster's responses to the comments  
4 submitted by the Appropriative Pool and Chino posted on Watermaster's website on May 8,  
5 2020. I believe that information requested by Chino and Tom Harder was not provided by  
6 Watermaster. The requested information has not been provided by Watermaster would help  
7 to inform Chino whether the Watermaster-recommended Safe Yield corresponding to the  
8 2020 to 2030 period is the best estimate of the Safe Yield for that subject time period.  
9 Without the requested information such as a plausible range of Safe Yield estimates, and  
10 reasonable time to consider the information, Chino cannot confidently ascertain what the  
11 Safe Yield corresponding to the 2020 to 2030 period should be.

12 9. As part of the Safe Yield reset process, the Watermaster Engineer developed an  
13 updated model of the Chino Groundwater Basin. The Engineer used the model to evaluate a  
14 single set of assumptions describing multiple factors characterizing Basin conditions in order  
15 to compute an estimate of the basin's net recharge. Reasonable adjustments to the parameter  
16 assumptions evaluated by the model would be expected to yield a range of different and  
17 reasonable estimates of the basin's net recharge, but such adjustments, as suggested by the  
18 Appropriative Pool's comments, have not been evaluated.

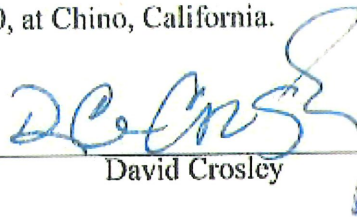
19 10. On May 20, 2020, Watermaster presented the Engineer's recommendations to  
20 reset the Safe Yield at 131,000 AFY for the 2020 Safe Yield reset to the Watermaster Pool  
21 Committees and Advisory Committee, and solicited advice and assistance from those  
22 Committees and their respective members. In response to that request for advice, John  
23 Bosler, Appropriative Pool Committee Chairperson, on behalf of the Appropriative Pool, sent  
24 a letter dated May 20, 2020 to Peter Kavounas, Watermaster General Manager, outlining and  
25 reiterating previously submitted comments by the Pool's technical expert, and Appropriative  
26 Pool concerns pertinent to the Safe Yield reset. A copy of the letter signed by Mr. Bosler is  
27 included as Exhibit C to the Kavounas Declaration.

28 11. Additionally, Chino sent a letter dated May 21, 2020 to the Watermaster

1 Board of Directors (a copy of which is included as Exhibit F to the Kavounas Declaration),  
2 containing advice and including reiteration of Chino's request for additional information and  
3 time needed by the Parties to complete the Safe Yield reset deliberation process. The letter  
4 clarified Chino's view that it did not possess adequate information that it believes is needed  
5 to confidently recommend a 2020 Safe Yield reset, and for that reason could not support the  
6 Watermaster-proposed 131,000 AFY 2020 Safe Yield reset.

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

9 Dated this 15th day of June, 2020, at Chino, California.

10  
11   
12 David Crosley

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 June 15, 2020 I served the following:

1. DECLARATION OF DAVID CROSLLEY IN SUPPORT OF CITY OF CHINO'S OPPOSITION TO CHINO BASIN WATERMASTER'S MOTION REGARDING 2020 SAFE YIELD RESET, AMENDMENT OF RESTATED JUDGMENT, PARAGRAPH 6

/ 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

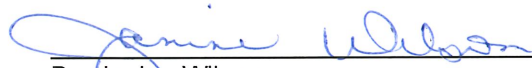
/ BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

/ 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 June 15, 2020 in Rancho Cucamonga, California.

  
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