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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
DISTRICT,

12
13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendants.
17

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

**DECLARATION OF ERIC FORDHAM
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 herewith: Opposition to
Motion Regarding 2020 Safe Yield Reset;
Declaration of David Crosley]

(FEE- EXEMPT PER GOVERNMENT CODE § 6103)

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1 comprise the CVM with the various assigned hydrologic parameters.

2 4. Model calibration employs a method where all the hydrologic parameters
3 assigned in the model are adjusted to minimize the difference between the model calculated
4 solution and measured data. The better the solution matches the measured data, the better the
5 calibration. However, the solution is not unique and there is a range over which each of the
6 adjustable parameters can vary, which leads to uncertainty in the parameters assigned in the
7 model and the resulting model outputs. The evaluation of model parameter uncertainty
8 provides a means for assessing the reliability of the model's predictions and a possible range
9 of outcomes. As an example, in a basic groundwater flow model where aquifer hydraulic
10 conductivity is an adjustable parameter assigned in the model and the model predicted
11 groundwater recharge to match (i.e. calibrate) a measured groundwater level, as the hydraulic
12 conductivity was increased by the modeler (i.e. person assigning the parameter) the model
13 would proportionately increase the amount of recharge necessary to maintain the calibration
14 with the measured groundwater level. Conversely, if the hydraulic conductivity were
15 decreased, the recharge would decrease. If one were evaluating net recharge in this example,
16 the possible range in hydraulic conductivity derived from field testing or empirical methods
17 that were assigned to the model would control the resulting range in recharge calculated by
18 the model; a single solution for recharge in this case would be misleading. The concept
19 presented in this example pertains to the parameters assigned in the CVM. During
20 discussions at the July 23, 2019 workshop, questions were raised by stakeholders, including
21 myself, as to the limitations, use and uncertainty of inferred hydrologic and measured data
22 used in the updated CVM. The questions posed during this workshop are provided in
23 Exhibit B, Wildermuth Declaration, 2020 Safe Yield Recalculation Final Report dated May
24 15, 2020 Appendix F-1 (the WEI Report).

25 5. Following calibration of the CVM, WEI conducted a second workshop on
26 January 27, 2020 to discuss the model calibration and the planning scenario that would be
27 used for the Safe Yield Reset. At this workshop WEI presented information describing the
28 hydrology and cultural conditions that would be used in the analysis. The planning scenario

1 evaluated using the CVM was identified as SYR1, which was based on the best
2 understanding of water demands, supply, hydrology and cultural conditions. These data were
3 provided as inputs to the model, which was then used to derive a net recharge for the Safe
4 Yield Reset. Comments and questions that were raised by stakeholders, including myself
5 during and subsequent to the January 27, 2020 workshop included application of groundwater
6 recharge data that were either estimated or derived for model input, model calibration and the
7 reliability and uncertainty of those data. Questions were also raised by Mr. Thomas Harder,
8 technical expert for the Appropriative Pool, during the workshop as to the need to run
9 multiple pumping scenarios to better inform the Parties on how best to optimize the Basin's
10 Safe Yield. The questions captured during this workshop are in the Safe Yield Report
11 Appendix F-2.

12 6. Subsequently, Watermaster released the 2020 Safe Yield Recalculation Final
13 Report dated April 2, 2020, which I reviewed and provided comments to the City of Chino.
14 My comments along with comments by the Chino's Water and Environmental Manager, Mr.
15 Dave Crosley were provided to the Appropriative Pool and their hydrogeology expert Mr.
16 Harder. Mr. Harder prepared a technical memorandum dated April 23, 2020 that included
17 Chino's comments along with his own and others from the Appropriative Pool for submission
18 to Watermaster (Kavounas Declaration, Exhibit C). Chino's comments focused on concerns
19 pertaining to the use and application of model input parameters such as hydrologic properties
20 including rainfall, the model calibration process, and the desire for modeling multiple
21 scenarios.

22 7. Based on my background in hydrogeology, understanding of the Chino Basin
23 and approach used to develop the 2020 Safe Yield reset value, it is my opinion that the use of
24 the Chino Valley Model (CVM) described in 2020 Safe Yield Recalculation Final Report did
25 not comply with the April 28, 2017 Court-approved methodology for calculating Safe Yield
26 for the Chino Basin (identified as the 2015 Safe Yield Reset Agreement [SYRA]).
27 Specifically, the Court orders in paragraph 4.4 on page 16 that "*The reset will rely upon long-*
28 *term hydrology and will include data from 1921 to the date of the reset evaluation.*" The

1 Safe Yield Reset evaluation did not rely explicitly on the historical precipitation record from
2 1921 to the date the reset evaluation was initiated in 2019, as ordered. The evaluation utilized
3 a subset of the historical precipitation record from 1950 to 2011 that apparently biased the
4 results towards a lower net recharge amount. In addition, the development of the CVM for
5 recalculating the 2020 Safe Yield did not include other generally accepted modeling practices
6 such as incorporating an analysis of parameter uncertainty and evaluating a reasonable range
7 of possible future water demand scenarios, although these items were requested during
8 workshops and in Stakeholder-submitted written comments (Safe Yield Report, Appendix F).
9 Both additional practices are consistent with the goal of maximizing the beneficial use of the
10 waters of the Chino Basin as stated in paragraph 4.4 on pages 16 and 17 of the order, as they
11 are considered accepted hydrologic science and best management practice.

12 **Use of Long-Term Historical Precipitation Record**

13 8. The use of long-term historical precipitation from 1921 to the date of the reset
14 evaluation, which was initiated in 2019, is intended to average the influence of short-term
15 climatic variations such as wet or dry periods (SYRA, paragraph 4.4). Use of the long-term
16 average precipitation is then used in combination with current and projected future land uses
17 and cultural conditions to estimate the future net groundwater recharge to the Chino Basin.

18 9. Watermaster's Engineer, WEI, without evident Court permission, however,
19 used the precipitation record from 1950 to 2011 as a proxy for the Court-ordered time period
20 for future model projections (Safe Yield Report, Section 7.2). In the Report WEI indicates
21 that the precipitation from 1950 to 2011 was used to estimate future net recharge and Safe
22 Yield as the average for this period is equal to the available long-term historical precipitation
23 record from 1895 to 2018. Use of the historical precipitation record from 1921 to the date of
24 the reset evaluation should be used as indicated in the Court-order to estimate future net
25 recharge.

26 10. While the average of annual rainfall for the available long-term (1895 to 2018)
27 and proxy (1950 to 2011) time periods are nearly the same, inspection of the Annual
28 Precipitation Time History chart in the Safe Yield Report (Figure 3-13) indicates that

1 between 1950 and 2011 climatic conditions were not representative of the conditions prior to
2 that time. For example, the annual rainfall during the first 29 years of the Court-ordered
3 historical time period, 1921 to 1950, was generally moderate, lacking periods that were
4 extremely wet or dry. During this early time period, presumably the majority of rainfall
5 occurred during the winter months and would result in increased deep infiltration of
6 precipitation and applied water (DIPAW) due to continuous wetting of soil in the root zone.
7 DIPAW comprises the majority of the Chino Basin's net groundwater recharge.

8 11. The annual rainfall from 1950 to 2011 was more extreme with fewer wet
9 periods that were wetter, and longer dry periods that were drier. The longer dry periods
10 would likely limit DIPAW from interspersed rainfall as soil in the root zone would need to
11 rewet prior to deep infiltration occurring. Therefore, use of the 1950 to 2011 precipitation
12 record to calculate DIPAW in model projections excludes more moderate climatic conditions
13 and would presumably bias the result with less groundwater recharge compared to the Court-
14 ordered historical precipitation record. Further review and analyses of the rainfall variations
15 of daily, monthly and annual measurements in the historical data sets is warranted to better
16 understand the influence the data would have on DIPAW and net recharge. Details on the
17 precipitation data used for estimating future DIPAW and net recharge, such as daily
18 precipitation have not been provided by Watermaster's Engineer for Stakeholder review.

19 **Uncertainty of Model Parameters**

20 12. The 2020 Safe Yield Reset relies on a groundwater model that is composed of
21 numerous hydrologic parameters. The available literature that has been written on models
22 commonly indicate that models are simplified representations of a physical system and there
23 are inherent uncertainties in the parameters used to describe the system that lead to a model
24 that may or may not provide reasonable predictions (e.g. Oreskes et al. 1994ⁱ, Poeter 2007ⁱⁱ,
25 Doherty et al 2010ⁱⁱⁱ and Rubin 2003^{iv}). This is also the case with the CVM. A good model
26 is generally one that accounts for the uncertainty associated with its predictions and improves
27 its performance as more data become available. An uncertainty analysis has not been
28 completed for the CVM.

1 13. As pointed out by Mr. Harder in his April 23, 2020 Technical Review of the
2 Models and Methodology used as the basis for the 2020 Safe Yield Reset, there are numerous
3 assumed or estimated parameters in the CVM. While the model parameters when adjusted
4 and taken together are considered well calibrated in that the model results adequately fit
5 measured data, such as groundwater levels, the solution is not unique. An infinite number of
6 equally well calibrated set of model parameters may exist. However, each set of calibrated
7 parameters that make up the model will likely result in different predicted outcomes. As an
8 example, the 2013 Chino Basin Groundwater Model was well calibrated as is the 2020 CVM,
9 however both models estimate different amounts of DIPAW for the period of 2019 and 2020
10 (see Tables 1 of Mr. Harder's Technical Review). For this reason, Watermaster's Engineer
11 should complete an analysis of the uncertainty of the CVM model parameters to derive a
12 range of model estimated net recharge that could be used more effectively for decision
13 making purposes by the Parties. This type of analysis is currently a standard of practice in
14 hydrologic science for groundwater modeling.

15 **Multiple Future Water-Demand Scenarios**

16 14. The Safe Yield recalculation should be based not only on the best estimate of
17 how the basin will be managed, which includes the currently envisioned projection of future
18 pumping as provided by the Parties, but also a likely range of future pumping that the Parties
19 could implement. It has been shown in past Watermaster Engineer's reports, such as the
20 2013 Chino Basin Groundwater Model Update and Recalculation of Safe Yield Pursuant to
21 the Peace Agreement report that using multiple Planning Scenarios are useful in assessing
22 Basin response to different planned groundwater production. Based on a range of possible
23 pumping scenarios, Watermaster's Engineer could conduct an optimization investigation
24 using the CVM to inform the Parties on how best to optimize net recharge and the Safe Yield
25 of the basin through managing pumping, recharge, and storage.

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

28 Dated this 12th day of June 2020, at Lakewood, California.

1 By: Eric Fordham
2 Eric Fordham
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5 ⁱ Oreskes, N., K. Schrader-Frechette and K. Belitz, 1994, Verification, validation and confirmation of numerical
6 models in the Earth Sciences. Science, vol 263, February 4, pp.641-646.

7 ⁱⁱ Poeter, E., 2007, All models are wrong: How do we know which are useful? – Looking back at the 2006
8 Darcy Lecture Tour. Ground Water, vol. 45, issue 4, pp. 390-391.

9 ⁱⁱⁱ Doherty, J. and D. Welter, 2010, A short exploration of structural noise. Water Resources Research, 46.

10 ^{iv} Rubin, Y., 2003, Applied Stochastic Hydrogeology. Oxford and New York, Oxford University Press, 391 pp.

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 ERIC FORDHAM 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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