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Attorneys for
CHINO BASIN WATERMASTER

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

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, ET AL.,

Defendants.

Case No. RCV RS 51010

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

**NOTICE OF LODGING OF [PROPOSED]
ORDERS RE CHINO BASIN
WATERMASTER MOTION REGARDING
2020 SAFE YIELD RESET, AMENDMENT
OF RESTATED JUDGMENT,
PARAGRAPH 6**

1 TO THE HONORABLE STANFORD E. REICHERT, SAN BERNARDINO COUNTY
2 SUPERIOR COURT JUDGE, AND ALL OTHER INTERESTED PARTIES:

3 PLEASE TAKE NOTICE that on July 16, 2020, the Chino Basin Watermaster lodged a
4 [Proposed] Orders Granting Chino Basin Watermaster Motion Regarding 2020 Safe Yield Reset,
5 Amendment of Restated Judgment, Paragraph 6. Both the [Proposed] Orders and a comparison of
6 the [Proposed] Orders to the Court's July 10, 2020 tentative ruling are attached for the parties'
7 convenience, as Attachment 1 and Attachment 2, respectively.

8
9 Dated: July 16, 2020

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: 

SCOTT S. SLATER
BRADLEY J. HERREMA
CHRISTOPHER R. GUILLEN
ATTORNEYS FOR
CHINO BASIN WATERMASTER

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Attachment 1

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER DISTRICT,

Plaintiff,

vs.

CITY OF CHINO, et al.,
Defendants

RCV 51010

[Proposed]

ORDERS RE
CHINO BASIN WATERMASTER
MOTION REGARDING 2020 SAFE
YIELD RESET, AMENDMENT OF
RESTATED JUDGMENT,
PARAGRAPH 6

Date: July 10, 2020

Time: 1:30 PM

Department: 35/S1

PLEADINGS, ANALYSIS, and RULINGS

1) Chino Basin Watermaster Motion Regarding 2020 Safe Yield Reset, Amendment of Restated Judgment, Paragraph 6

- a) The Watermaster motion requests that the court reset the Safe Yield of the Chino Basin from 135,000 acre-feet per year [AFY] to 131,000 for the period commencing July 1, 2020 and ending on June 30, 2030. Pursuant to the court's continuing jurisdiction, the court previously reset the Safe Yield from

1 its initial 140,000 AFY to 135,000 for the period of 2010 to 2020.

2 b) Additionally, Watermaster has requested the court to direct Watermaster to:

3 i) Undertake an interim revaluation of the Safe Yield upon the California
4 State Water Resource Control Board's adoption of conservation measures
5 (*i.e.*, reduced Evapotranspiration Adjustment Factors), which may impact
6 the net recharge of the Chino Basin during the Reset Period; and

7 ii) Move the court to further reset the Safe Yield if these conservation
8 measures will result in a change to the Safe Yield of the Chino Basin by
9 more than 2.5% during the Reset Period.

10 (1) The court notes that AB 1668 and SB 606 collectively known as
11 "Making Conservation a California Way of Life" [Water Code §10609,
12 et seq.] require the establishment of new water efficiency standards for
13 purveyors. The State Board will adopt urban irrigation standards that
14 could decrease the net recharge to the Basin, and thereby reduce the
15 Safe Yield of the Basin. However, the Watermaster engineer concluded
16 it was currently too speculative to analyze the legislation's impact on
17 Safe Yield.

18 c) The restated judgment, the 2017 order, and the 2019 order control the 2020
19 Safe Yield reset process.

20 i) The April 28, 2017 order [2017 order], pages 15 to 18, and the Reset
21 Technical Memorandum describe the process and methodology for the
22 2020 Safe Yield reset process.

23 (1) There was an additional order filed March 15, 2019 [2019 order] which
24 the court entered as a resolution of the issues after the appeal of the
25 2017 order.

26 ii) The reduction from 135,000 acre-feet to 131,000 acre-feet is a reduction of
27 3%. The reduction from the initial 140,000 acre-feet to 131,000 acre-feet is
28 reduction of 6.4%.

- 1 2) In support of the motion, Watermaster has submitted its 2020 Safe Yield
2 Recalculation Final Report [exhibit B to the motion], prepared by Mark
3 Wildermuth of Wildermuth Environmental [WEI], who has been Watermaster
4 engineer for previous Safe Yield recalculations.
- 5 a) The court finds that the analysis complies with the 2017 order, the 2019
6 orders, and the reset technical memorandum [exhibit A to the motion].
7 b) The court finds that the model was properly calibrated [section 6].
8 c) The court finds that the model has had adequate peer review.
9 d) The court finds that the parties had sufficient opportunity to participate and in
10 the process for the Safe Yield reset.
11 e) The court finds that the Safe Yield reset to 131,000AFY will not result in an
12 undesirable result or material physical injury to the Basin.
- 13 3) Joinders
- 14 a) Jurupa Community Services District (JCSD) *joinder* to Watermaster reset AND
15 *motion for continuance*
- 16 i) Filed June 23, 2020, Overlying (Agricultural Pool) [Ag Pool] OBJECTION
17 to Jurupa Community Services District [JCSD] *request for continuance* of
18 Watermaster reset, amendment of restated judgment paragraph 6.
19 (1) The court has granted the request for continuance; the new hearing date
20 and time is July 10, 2020, 1:30 PM, Department 35.
- 21 b) City of Pomona (Pomona) JOINDER in Watermaster reset [not a declaration
22 as indicated in the register of actions (ROA)].
23 c) Inland Empire Utilities Agency [IEUA]
24 d) Cucamonga Valley Water District JOINDER in Watermaster reset [not a
25 declaration as indicated in the ROA].
26 e) Fontana Union Water Company
27 f) Jurupa Community Services District (JCSD)
28 g) Three Valleys Municipal Water District

h) Western Municipal Water District (WMWD)

i) Ag Pool MOTION TO STRIKE JOINDERS of Pomona, IEUA, Cucamonga Valley Water District and Fontana Union Water Company, JCSD, Three Valleys Municipal Water District and WMWD.

(a) Filed June 24, 2020, Inland Empire Utility Agencies OPPOSITION to Ag Pool *motion to strike joinders* to Watermaster motion (regarding 2020 Safe Yield reset) by Pomona, IEUA, Cucamonga Valley Water District, and Fontana Union Water Company, JCSD, Three Valley's Municipal Water District, and WMWD.

(i) The court overrules the Ag Pool *motion to strike* all joinders.

(ii) The court grants all joinders in the Watermaster reset motion.

4) OPPOSITIONS

a) Filed June 16, 2020, Chino OPPOSITION to Watermaster reset

b) Filed June 16, 2020, Ag Pool OPPOSITION to Watermaster reset

i) Filed June 19, 2020, Chino City REPLY to Ag Pool *opposition* to Watermaster Reset

(1) Ag Pool *motion to strike* Chino City REPLY to Ag Pool *opposition*.

(a) Chino opposition to Overlying (Agricultural) Pool [Ag Pool] "ex parte" motion to strike Chino REPLY to Ag Pool opposition to Watermaster reset motion.

ii) Filed June 19, 2020, Appropriative Pool [AP] REPLY to Ag Pool's *opposition* to Watermaster reset motion

(a) Ag Pool motion to strike Appropriative Pool REPLY to Ag Pool opposition.

c) Filed June 19, 2020, Watermaster REPLY to *all oppositions* to Watermaster reset motion.

DISCUSSION

A. Underlying Watermaster's Safe Yield reset is the Chino Valley Model (CVM)

1 which Mark Wildermuth and his firm have developed. The court finds the results of
2 this model to be reliable. Wildermuth has worked in the Chino Basin for more than
3 40 years and has developed and updated sophisticated model of the Basin, including
4 a 2007 version of the mode which WEI updated in 2013 on which the court relied to
5 for the court's 2017 order to set the Safe Yield for the 2011-2020 period.

6 1. Furthermore, after completing an administrative draft of the Safe Yield
7 report, Mr. Wildermuth's firm, WEI, met with consultants from Luhdorff &
8 Scalmanini Consulting Engineers [LSCE] as well as other technical experts associated
9 with the Appropriative Pool and the State of California to discuss the Safe Yield
10 analysis, methodology, modeling, and its application.

11 a) Will Halligan, of LCSE, worked with Joe Scalmanini when Scalmanini
12 served as the court's special referee's technical expert.

13 b) After completing its evaluation, LSCE concluded that the model
14 employed to develop the Safe Yield report, which is under the court's
15 consideration, is consistent with prevailing professional standards.

16 B. Filed June 16, 2020, Chino opposition to Watermaster reset motion

17 1. Chino has argued that Watermaster failed to produce an estimate if the
18 Basin's net recharge based upon the hydrological data set described in the 2017
19 order. [Page 2, line 27.]

20 2. However, the court has found that the Safe Yield reset analysis
21 complies with the court-ordered reset process. Wildermuth has used the Basin data
22 not only from 1921 to 1949, but also long term precipitation data from 1885 to the
23 present. As the court has pointed out before, the court and parties are dealing with
24 geological time frames, and a longer time frame for data should give better long term
25 results. The court agrees with the Watermaster argument Chino's suppositions about
26 incorporating information into a base period are just suppositions. The court must
27 rely on the conclusions of credible experts, such as Wildermuth.

28 3. Chino wants a range of usable estimates of net recharge, but provides

1 no basis upon which the court can make a selection among most reasonable bases.

2 4. Chino also argues that Watermaster refused to perform an uncertainty
3 analysis, which is a standard engineering practice used to identify the uncertainties
4 inherent in every model so as to lead to the most accurate estimate of the net
5 recharge of the Basin. [page 3, line 1.]

6 a) However, section 1.9 of the 2020 Safe Yield Recalculation Final Report
7 by WEI shows that there has been sufficient stakeholder and technical
8 reviews of the Safe Yield analysis to satisfy the court.

9 5. Chino also argues that it did not have an opportunity to delve into the
10 details of the CVM model. Release of the model could lead to parties and individuals
11 changing inputs into the model that enable advocacy to be injected into the modeling
12 process. Watermaster's assurances regarding transparency and open access are
13 buttressed by the court's oversight pursuant to its continuing jurisdiction over Safe
14 Yield, as well as the stakeholder and technical reviews set forth in the motion and
15 supporting exhibits and declarations.

16 6. To support its opposition, Chino relies on the declaration of Dave
17 Crosley, water and environmental manager for the city of Chino, a licensed civil
18 engineer (involved in 25 years; primary representative for Chino to the Appropriative
19 Pool) and the declaration of Eric Fordham, president of GeoPentech, Inc. (a
20 registered geologist with specialty certifications in the state for engineering geology
21 and hydrogeology, providing Chino with hydrogeology consulting services for 18
22 years).

23 a) Generally these reports complain that Wildermuth did not take into
24 account every possible scenario and every possible range of inputs

25 b) The court has considered the information provided by these two
26 consultations, but the court concludes that the extensive and extremely
27 well documented Wildermuth report is a much must more persuasive,
28 credible, and reliable basis for which the court to reset Safe Yield at

131,000 acre-feet/year.

7. Therefore, the court denies Chino's requests to:

- a) Direct Watermaster to produce an estimate of the basis projected net recharge based on the court ordered data.
- b) Provide Chino the information it has requested including access to the CVM.
- c) Instruct Watermaster to engage Chino and the other parties in a meaningful dialogue about the accuracy of the Basin's net recharge and the proper Safe Yield.
- d) Additionally the court finds that:
 - I) Chino's concerns can be addressed in the OBMP planning efforts.
 - II) The restated judgment makes setting Safe Yield an action authorized under the court's continuing jurisdiction, and the court has expressly ordered Watermaster to assume responsibility for the necessary evaluation.
 - III) Watermaster conducted and facilitated the 2020 Safe Yield reset process with ongoing opportunities for participation by the parties. Chino and the Ag Pool availed themselves of these opportunities. Examples are set forth on pages 4-6 of Watermaster's reply.
 - IV) To rise to level of making a change and outcomes sufficiently certain to be incorporated into a Safe Yield reset the valuation, there would need to be coordinating agreements and an operating plan, none of which exist today. [Page 5, lines 9-11.]
 - V) While Chino argues that the language at page 16 of the 2017 order required Watermaster engineer to set the CVM base period to include an "entire period" [unclear to the court, but apparently from 1921 to 1949], neither the 2017 order of the reset technical memorandum mandates this. The Wildermuth declaration states his

report uses long-term precipitation data from 1895 to present inclusive of the period from 1921 to the present. Wildermuth selected 1950 to 2011 for the planning period.

- e) Chino's argument would lead to a range of Safe Yields with no particular basis for the selection of one over another. There is no logical basis on which the court could make that decision. It would result in a lengthy trial and analysts experts' opinions of varying opinions. The weight that the court gives to Wildermuth evaluation as proven itself and stood the test of time. Therefore the court selects that one.

C. Opposition of Overlying (Agricultural) Pool [Ag Pool]

1. The Ag Pool opposition is that during the 2010 to 2020 reset period, the actual net recharge to the Basin was 125,000 acre-feet per year, 10,000 acre-feet per year less than the 135,000 AFY Safe Yield projected by Watermaster's modeling and set by the court.

- a) So, the Ag Pool claims that the 2020 Safe Yield reset failed to account for this lower than projected net recharge in the Basin. The Basin's actual hydrology was 10,000 acre-feet per year less for the last decade which adds up to the 100,000 acre-feet of over allocation. The Ag Pool asserts that this over allocation resulted in increased storage that threatens Safe Yield.

- b) The Ag Pool claims Watermaster is jumping from a test projected net recharge to another projection of net recharge without adjusting for actual conditions in the Basin over the previous Safe Yield reset planning period [that is 2010 to 2019].

- (a) The Ag Pool asserts that Watermaster's refusal to remedy that error in the current Safe Yield reset results in MPI to the Basin. [Page 6, line 19.]

- c) The Ag Pool's primary concern is that "Basin storage" (also called

1 native groundwater and some of the documents) has not been
2 accounted for and the Safe Yield reset for the 2020 storage
3 management plan.

4 I) The Ag Pool talks about Watermaster's storage management plan
5 white paper. Nowhere else is this mentioned in any of the
6 paperwork filed with the court. The court gathers that this white
7 paper talks about the operational storage requirement [OSR] is the
8 storage volume in the Chino Basin necessary to maintain Safe Yield.

9 II) The Ag Pool complains that depletion in Basin storage shows that
10 the Basin's Safe Yield has not been maintained causing MPI.

11 (a) However, the Ag Pool does not identify any specific MPI.

12 (b) The Ag Pool complains that Basin storage is noted to have
13 been reduced to less than 4.5 MAF by 2019, and that is a
14 reduction of over 800,000 as below operational storage
15 requirement for 1997 to 2019.

16 (i) There is no specific consequence to this complaint.

17 (c) The Ag Pool also argues that groundwater in managed storage
18 is subject to production rights and will be extracted at some
19 point in time. The Safe Yield reset in the 2020 storage
20 management plan did not account for this shortfall below
21 operational storage requirements so the extraction of
22 managed storage will result in MPI.

23 (i) Again, the court notes that no MPI is specifically
24 identified.

25 (d) The Ag Pool uses an analogy to a bank account, that if you
26 take more money out that your deposit, sooner or later you
27 run out of money. [Page 8, line 7.]

28 2. Watermaster response is that the reset looks forward, not backwards;

1 furthermore, the reset tries to take into account all the factors. Although the
2 Watermaster reply was with respect to both the opposition of the Chino and the Ag
3 Pool, the court will address it here.

4 a) Watermaster argues that the Ag Pool approach is basically a worst case
5 scenario approach. It looks to the worst drought we had in the last 50
6 years and worries that the Basin is going to have another worst drought
7 in the next 50 years.

8 b) The prospective long range model is the one the court must consider.
9 Ten years in geological time is nothing more than an instant. Even 100
10 years is a short time. The court must consider, as the Wildermuth
11 report does, the longest time period for which relevant data exists.

12 I) Watermaster also argues that the Ag Pool approach only looks at the
13 last 10 years.

14 (a) The court concludes that the Wildermuth report and all of its
15 underlying data has the correct broad, not narrow,
16 interpretation for the OBMP. The OBMP does not require
17 that the court look only at the previous 10 years to compute
18 Safe Yield.

19 (b) An implication of the Ag Pool opposition, not sought by the
20 Ag Pool, is that the court should set the Safe Yield at 125,000
21 acre-feet/year in an attempt to catch up with the 10,000 acre-
22 feet per year that were pumped for the last 10 years without
23 replenishment. The court has previously relied on the
24 forecast and recommendations of Wildermuth and found
25 them to be credible. The court will continue to rely on those
26 predictions with the additional reduction of 4000 acre-feet per
27 year in Safe Yield.

28 (c) The storage management plan and the Safe Yield might be

1 intimately interlinked and dependent on each other.

2 However, intertwining the two leads to the problem such as
3 the court encountered the Safe Yield Reset Agreement
4 (SYTRA) in 2015. There were so many objections to all the
5 aspects of SYRA that the motion failed. The court had to
6 focus on the groundwater analysis. The GSI report is
7 engaging in legal analysis, not groundwater analysis.

8 (d) There is no legal requirement that the next Safe Yield be
9 based solely upon the 10 year period 2011 to 2020. To do so
10 would be contrary to all the court's orders and the CAMA
11 (Court Approved Management Agreements). Also, to make
12 such a narrow basis for projection would be too narrow a
13 range for a substantial prediction.

14 c) The court confirms the argument of Watermaster that Safe Yield reset
15 was never intended to precisely match actual net recharge over a 10 year
16 period.

17 d) There is no support in the evidence that allowing production at the
18 projected net recharge during the reset period would constitute an
19 undesirable results or material physical injury to the Basin.

20 I) Wildermuth's professional opinion is that allocating the Safe Yield
21 equivalent to the net recharge during the reset period would not
22 result in undesirable results or material physical injury.

23 (a) The court notes Watermaster's point that the "operational
24 storage requirement" quantity cited by the Ag Pool is a
25 remnant of a prior analysis that was prepared as a precursor
26 to the 2020 storage management plan. Those have been
27 superseded by the analysis performed using the CVM. The
28 CVM estimates the total quantity of water in the Basin at least

12,000,000 acre feet. The court methodology does not require a “true up” related to a prior reset period.

(b) Additionally the Ag Pool’s comments regarding the consistency of the Safe Yield report’s recommendation with the OBMP implementation plan and Watermaster rules and regulations, the document cited have been superseded by the courts 2017 order and 2019 orders. [Page 9].

(i) Language in the reset technical memorandum to which the Ag Pool refers was the process in the OBMP before the courts 2017 order.

(ii) The Ag Pool is a party to a contest proceeding regarding applications to store and transfer excess carry over water.

(iii) The net recharge is estimated using parties projected water demands and production. In the case of the Appropriative Pool parties, these estimates were provided by the parties themselves.

3. Chino reply to Ag Pool opposition filed June 19, 2020

a) Ag Pool motion to strike Chino reply

I) The Ag Pool motion to strike

(a) Chino opposition to Ag Pool motion to strike Chino reply to Ag Pool opposition to reset motion filed June 26, 2020.

a. The Ag Pool motion to strike is denied.

b) Chino argues that the Ag Pool is now trying to reset retroactively the Safe Yield of the Basin to 135,000 AFY for 2010 to 2020.

c) Further, Chino argues that the Ag Pool has failed to show that there was an undesirable result of material physical injury from the “overallocation” of 10,000 AFY for the 10 year period

1 I) For the reasons stated herein, the court finds that there was no
2 “overallocation” and nothing for which any appropriator has a duty
3 to replenish.

4 4. Filed June 19, 2020, Appropriative Pool reply to Overlying
5 (Agricultural) Pool [Ag Pool] opposition

6 a) Motion of the Ag Pool to strike the Appropriative Pool reply.

7 I) Motion denied.

8 II) There is no legal basis for the request and it is simply an attempt to
9 evade the submission of Harder’s report and the agricultural pools
10 interpretation of that.

11 b) The court notes that the Ag Pool gave its express written approval to
12 the 2015 Safe Yield reset/recalculation methodology set forth in the
13 2017 Safe Yield reset order methodology. That express written
14 approval by the Ag Pool did not mention or advocate that the court
15 adjust the methodology to address the claim the Ag Pool is now
16 making, *i.e.*, that 100,000 acre-feet of water was over allocated during
17 the 2011-2020 reset period.

18 c) The Ag Pool’s opposition is rooted in the prior reset period on which it
19 signed off via its express written approval of the prescribed
20 methodology for the 2017 SYR (Safe Yield Reset) order, and it is not
21 based on any revelatory data from the 2020 SYR motion.

22 d) In reliance on the court’s 2017 SYR order, the Appropriative Pool
23 members structured their operations and planning processes, and
24 expended substantial ratepayer money based on the availability and
25 associated cost to use Chino Basin water.

26 e) The Ag Pool is advocating a change in the interpretation of the 2017
27 SYR order methodology that disregards the long-term hydrology the
28 Basin in favor of the most recent 10 year period in contravention of the

1 courts clear methodology directive.

2 f) There is no provision in the 2015 Safe Yield reset methodology and
3 requires adjustments to account for alleged overestimated Safe Yield in
4 the prior 10 years. Accordance with element 5 of the 2015 Safe Yield
5 methodology, no adjustments are necessary because no material
6 physical injury was evident from the forward projection.

7 g) Thomas Harder (the Appropriative Pool's technical expert) rejects the
8 technical assertions made in the Ag Pool's opposition regarding any
9 alleged undesirable results or material physical injury.

10 I) The declaration of Thomas Harder in support of the appropriative
11 pool's reply.

12 (a) He essentially supports the motion.

13 (b) Any over allocation of Safe Yield for the period 2010 through
14 2020 would have been accounted for any estimate of Safe
15 Yield and the determination of no material physical injury.

16 (c) There is no provision in the 2015 Safe Yield reset
17 methodology that requires adjustments to account for
18 overestimated Safe Yield of the prior 10 years.
19

20 Therefore, the court orders:

21 I. Watermaster has satisfied the requirements of the court's April 28, 2017 orders
22 for Watermaster's Motion Regarding 2015 Safe Yield Reset Agreement, Amendment
23 of Restated Judgment, paragraph 6 ("2017 order") as they relate to the resetting of
24 the Safe Yield of the Basin by June 30, 2020;

25 II. Paragraph 6 of the Restated Judgment is hereby amended to read as follows:
26 "Safe Yield. Safe Yield of the Basin is 131,000 acre-feet per year."

27 III. Effective date of the amendment of Paragraph 6 of the Restated Judgment is July
28 1, 2020.

1 IV. Watermaster shall commence the next Safe Yield reset process, taking into
2 account then prevailing best management practices and advances in hydrological
3 science, no later than July 1, 2028, so the Safe Yield for the period commencing July
4 1, 2030, and ending June 30, 2040 may be reset by June 30, 2030. Watermaster shall
5 present its evaluation and recommendation regarding the Safe Yield for the period of
6 July 1, 2030, and ending June 30, 2040 to the Parties to the Judgment no later than
7 January 1, 2030.

8 V. If the California State Water Resources Control Board develops water
9 conservation measures prior to June 30, 2030, that result in a reduction in urban
10 irrigation and the Chino Basin (*i.e.*, reduced Evapotranspiration Adjustment Factors),
11 as required by Water Code § 10609, et seq., that is reasonably likely to materially
12 reduce recharge to the Basin, Watermaster shall conduct a reevaluation of the Safe
13 Yield in the Chino Basin. If the State's measures are determined to change the Safe
14 Yield of the Basin by more than 2.5% during the Reset Term, Watermaster will
15 promptly move the court to reset the Safe Yield pursuant to the methodology
16 adopted in the 2017 order.

17 IT IS SO ORDERED.

18
19 Date: _____
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23 Judge Stanford E. Reichert
24 San Bernardino County Superior Court
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Attachment 2

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7 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF SAN BERNARDINO
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10 CHINO BASIN MUNICIPAL WATER)
11 DISTRICT,)
12 Plaintiff,)
13 vs.)
14 CITY OF CHINO, et al.,)
15 Defendants)
16
17
18

RCV 51010

[Proposed]

ORDERS RE
CHINO BASIN WATERMASTER
MOTION REGARDING 2020 SAFE
YIELD RESET, AMENDMENT OF
RESTATED JUDGMENT,
PARAGRAPH 6

Date: July 10, 2020
Time: 1:30 PM
Department: 35/S1

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22 PLEADINGS, ANALYSIS, and RULINGS
23

- 24 1) Chino Basin Watermaster Motion Regarding 2020 Safe Yield Reset, Amendment
25 of Restated Judgment, Paragraph 6
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27 Chino Basin from 135,000 acre-feet per year [AFY] to 131,000 for the period
28 commencing July 1, 2020 and ending on June 30, 2030. Pursuant to the

1 court's continuing jurisdiction, the court previously reset the Safe Yield from
2 its initial ~~145,000~~140,000 AFY to 135,000 for the period of 2010 to 2020.

3 b) Additionally, Watermaster has requested the court to direct Watermaster to:

4 i) Undertake an interim revaluation of the Safe Yield upon the California
5 State Water Resource Control Board's adoption of conservation measures
6 (*i.e.*, reduced ~~Evapotranspiration~~Evapotranspiration Adjustment Factors),
7 which may impact the net recharge of the Chino Basin during the Reset
8 Period; and

9 ii) Move the court to further reset the Safe Yield if these conservation
10 measures will result in a change to the Safe Yield of the Chino Basin by
11 more than 2.5% during the Reset Period.

12 (1) The court notes that AB 1668 and SB 606 collectively known as
13 "Making Conservation a California Way of Life" [Water Code §10609,
14 et seq.] require the establishment of new water efficiency standards for
15 purveyors. The State Board will adopt urban irrigation standards that
16 could decrease the net recharge to the Basin, and thereby reduce the
17 Safe Yield of the Basin. However, the Watermaster engineer concluded
18 it was currently too speculative to analyze the legislation's impact on
19 Safe Yield.

20 c) The restated judgment, the 2017 order, and the 2019 order control the 2020
21 Safe Yield reset process.

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23 Technical Memorandum describe the process and methodology for the
24 2020 Safe Yield reset process.

25 (1) There was an additional order filed March 15, 2019 [2019 order] which
26 the court entered as a resolution of the issues after the appeal of the
27 2017 order.
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2 3%. The reduction from the initial 140,000 acre-feet to 131,000 acre-feet
3 is reduction of 6.4%.

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5 Recalculation Final Report [exhibit B to the motion], prepared by Mark
6 Wildermuth of Wildermuth Environmental [WEI], who has been Watermaster
7 engineer for previous Safe Yield recalculations.

8 a) The court finds that the analysis complies with the 2017 order, the 2019
9 orders, and the reset technical memorandum [exhibit A to the motion].

10 b) The court finds that the model was properly calibrated [section 6].

11 c) The court finds that the model has had adequate peer review.

12 d) The court finds that the parties had sufficient opportunity to participate and
13 in the process for the Safe Yield reset.

14 e) The court finds that the Safe Yield reset to 131,000AFY will not result in an
15 undesirable result or material physical injury to the Basin.

16 3) Joinders

17 a) Jurupa Community Services District (JCSD) *joinder* to Watermaster reset AND
18 *motion for continuance*

19 i) Filed June 23, 2020, Overlying (Agricultural Pool) [Ag Pool] OBJECTION
20 to Jurupa Community Services District [JCSD] *request for continuance* of
21 Watermaster reset, amendment of restated judgment paragraph 6.

22 (1) The court has granted the request for continuance; the new hearing
23 date and time is July 10, 2020, 1:30 PM, Department 35.

24 b) City of Pomona (Pomona) JOINDER in Watermaster reset [not a declaration
25 as indicated in the register of actions (ROA)].

26 c) Inland Empire Utilities Agency [IEUA]

27 d) Cucamonga Valley Water District JOINDER in Watermaster reset [not a
28 declaration as indicated in the ROA].

- 1 e) Fontana Union Water Company
2 f) Jurupa Community Services District (JCSD)
3 g) Three Valleys Municipal Water District
4 h) Western Municipal Water District (WMWD)
5 i) Ag Pool MOTION TO STRIKE JOINDERS of Pomona, IEUA,
6 Cucamonga Valley Water District and Fontana Union Water Company,
7 JCSD, Three Valleys Municipal Water District and WMWD.
8 (a) Filed June 24, 2020, Inland Empire Utility Agencies OPPOSITION
9 to Ag Pool *motion to strike joinders* to Watermaster motion (regarding
10 2020 Safe Yield reset) by Pomona, IEUA, Cucamonga Valley Water
11 District, and Fontana Union Water Company, JCSD, Three Valley's
12 Municipal Water District, and WMWD.
13 (i) The court overrules the Ag Pool *motion to strike* all joinders.
14 (ii) The court grants all joinders in the Watermaster reset motion.
15 4) OPPOSITIONS
16 a) Filed June 16, 2020, Chino OPPOSITION to Watermaster reset
17 b) Filed June 16, 2020, Ag Pool OPPOSITION to Watermaster reset
18 i) Filed June 19, 2020, Chino City REPLY to Ag Pool *opposition* to
19 Watermaster Reset
20 (1) Ag Pool *motion to strike* Chino City REPLY to Ag Pool *opposition*.
21 (a) Chino opposition to Overlying (Agricultural) Pool [Ag Pool] "ex
22 parte" motion to strike Chino REPLY to Ag Pool opposition to
23 Watermaster reset motion.
24 ii) Filed June 19, 2020, Appropriative Pool [AP] REPLY to Ag Pool's
25 *opposition* to Watermaster reset motion
26 (a) Ag Pool motion to strike Appropriative Pool REPLY to Ag Pool
27 opposition.
28

1 c) Filed June 19, 2020, Watermaster REPLY *to all oppositions* to Watermaster reset
2 motion.

3 ~~5) MISC~~

4 ~~a) Filed June 15, 2020, notice of order CONTINUING March 20, 2020, hearing~~
5 ~~to June 26, 2020.~~

6 ~~b) Filed June 15, 2020, notice of all motions scheduled for March 20, 2020,~~
7 ~~hearing taken off calendar.~~

8 DISCUSSION

9 A. Underlying Watermaster's Safe Yield reset is the Chino Valley Model (CVM)
10 which Mark Wildermuth and his firm have developed. The court finds the results of
11 this model to be reliable. Wildermuth has worked in the Chino Basin for more than
12 40 years and has developed and updated sophisticated model of the Basin, including
13 a 2007 version of the mode which WEI updated in 2013 on which the court relied to
14 for the court's 2017 order to set the Safe Yield for the 2011-2020 period.

15 1. Furthermore, after completing an administrative draft of the Safe Yield
16 report, Mr. Wildermuth's firm, WEI, met with consultants from Luhdorff &
17 Scalmanini Consulting Engineers [LSCE] as well as other technical experts
18 associated with the Appropriative Pool and the State of California to discuss the Safe
19 Yield analysis, methodology, modeling, and its application.

20 a) Will Halligan, of LCSE, worked with Joe Scalmanini when Scalmanini
21 served as the court's special referee's technical expert.

22 b) After completing its evaluation, LSCE concluded that the model
23 employed to develop the Safe Yield report, which is under the court's
24 consideration, is consistent with prevailing professional standards.

25 B. Filed June 16, 2020, Chino opposition to Watermaster reset motion

26 1. Chino has argued that Watermaster failed to produce an estimate if the
27 Basin's net recharge based upon the hydrological data set described in the 2017
28 order. [Page 2, line 27.]

1 2. However, the court has found that the Safe Yield reset analysis
2 complies with the court-ordered reset process. Wildermuth has used the Basin data
3 not only from 1921 to 1949, but also long term precipitation data from 1885 to the
4 present. As the court has pointed out before, the court and parties are dealing with
5 geological time frames, and a longer time frame for data should give better long term
6 results. The court agrees with the Watermaster argument Chino's suppositions
7 about incorporating information into a base period are just suppositions. The court
8 must rely on the conclusions of credible experts, such as Wildermuth.

9 3. Chino wants a range of usable estimates of net recharge, but provides
10 no basis upon which the court can make a selection among most reasonable bases.

11 4. Chino also argues that Watermaster refused to perform an uncertainty
12 analysis, which is a standard engineering practice used to identify the uncertainties
13 inherent in every model so as to lead to the most accurate estimate of the net
14 recharge of the Basin. [page 3, line 1.]

15 a) However, section 1.9 of the 2020 Safe Yield Recalculation Final Report
16 by WEI shows that there has been sufficient stakeholder and technical
17 reviews of the Safe Yield analysis to satisfy the court.

18 5. Chino also argues that it did not have an opportunity to delve into the
19 details of the CVM model. ~~The CVM is a Wildermuth proprietary model.~~ Release
20 of the model could lead to parties and individuals changing inputs into the model
21 that enable advocacy to be injected into the modeling process. Watermaster's
22 assurances regarding transparency and open access are buttressed by the court's
23 oversight pursuant to its continuing jurisdiction over Safe Yield, as well as the
24 stakeholder and technical reviews set forth in the motion and supporting exhibits
25 and ~~deleations~~declarations.

26 6. To support its opposition, Chino relies on the declaration of Dave
27 Crosley, water and environmental manager for the city of Chino, a licensed civil
28 engineer (involved in 25 years; primary representative for Chino to the Appropriative

1 Pool) and the declaration of Eric Fordham, president of ~~GeoPenteh~~GeoPentech,
2 Inc. (a registered geologist with specialty certifications in the state for engineering
3 geology and hydrogeology, providing Chino with hydrogeology consulting services
4 for 18 years).

- 5 a) Generally these reports complain that Wildermuth did not take into
6 account every possible scenario and every possible range of inputs
7 b) The court has considered the information provided by these two
8 consultations, but the court concludes that the extensive and extremely
9 well documented Wildermuth report is a much must more persuasive,
10 credible, and reliable basis for which the court to reset Safe Yield at
11 131,000 acre-feet/year.

12 7. Therefore, the court denies Chino's requests to:

- 13 a) Direct Watermaster to produce an estimate of the basis projected net
14 recharge based on the court ordered data.
15 b) Provide Chino the information it has requested including access to the
16 CVM.
17 c) Instruct Watermaster to engage Chino and the other parties in a
18 meaningful dialogue about the accuracy of the Basin's net recharge and
19 the proper Safe Yield.
20 d) Additionally the court finds that:
21 I) Chino's concerns can be addressed in the OBMP planning efforts.
22 II) The restated judgment makes setting Safe Yield an action authorized
23 under the court's continuing jurisdiction, and the court has expressly
24 ordered Watermaster to assume responsibility for the necessary
25 evaluation.
26 III) Watermaster conducted and facilitated the 2020 Safe Yield reset
27 process with ongoing opportunities for participation by the parties.
28

1 Chino and the Ag Pool availed themselves of these opportunities.
2 Examples are set forth on pages 4-6 of Watermaster's reply.

3 IV) To rise to level of making a change and outcomes sufficiently
4 certain to be incorporated into a Safe Yield reset the valuation, there
5 would need to be coordinating agreements and an operating plan,
6 none of which exist today. [Page 5, lines 9-11.]

7 V) While Chino argues that the language at page 16 of the 2017 order
8 required Watermaster engineer to set the CVM base period to
9 include an "entire period" [unclear to the court, but apparently from
10 1921 to 1949], neither the 2017 order of the reset technical
11 memorandum mandates this. The Wildermuth declaration states his
12 report uses long-term precipitation data from 1895 to present
13 inclusive of the period from 1921 to the present. Wildermuth
14 selected 1950 to 2011 for the planning period.

15 e) Chino's argument would lead to a range of Safe Yields with no particular
16 basis for the selection of one over another. There is no logical basis on
17 which the court could make that decision. It would result in a lengthy
18 trial and analysts experts' opinions of varying opinions. The weight that
19 the court gives to Wildermuth evaluation as proven itself and stood the
20 test of time. Therefore the court selects that one.

21 C. Opposition of Overlying (Agricultural) Pool [Ag Pool]

22 1. The Ag Pool opposition is that during the 2010 to 2020 reset period,
23 the actual net recharge to the Basin was 125,000 acre-feet per year, 10,000 acre-feet
24 per year less than the 135,000 AFY Safe Yield projected by Watermaster's modeling
25 and set by the court.

26 a) So, the Ag Pool claims that the 2020 Safe Yield reset failed to account
27 for this lower than projected net recharge in the Basin. The Basin's
28 actual hydrology was 10,000 acre-feet per year less for the last decade

1 which adds up to the 100,000 acre-feet of over allocation. The Ag Pool
2 asserts that this over allocation resulted in increased storage that
3 threatens Safe Yield.

4 b) The Ag Pool claims Watermaster is jumping from a test projected net
5 recharge to another projection of net recharge without adjusting for
6 actual conditions in the Basin over the previous Safe Yield reset
7 planning period [that is 2010 to 2019].

8 (a) The Ag Pool asserts that Watermaster's refusal to remedy
9 that error in the current Safe Yield reset results in MPI to the
10 Basin. [Page 6, line 19.]

11 c) The Ag Pool's primary concern is that "Basin storage" (also called
12 native groundwater and some of the documents) has not been
13 accounted for and the Safe Yield reset for the 2020 storage
14 management plan.

15 I) The Ag Pool talks about Watermaster's storage management plan
16 white paper. Nowhere else is this mentioned in any of the
17 paperwork filed with the court. The court gathers that this white
18 paper talks about the operational storage requirement [OSR] is the
19 storage volume in the Chino Basin necessary to maintain Safe Yield.

20 II) The Ag Pool complains that depletion in Basin storage shows that
21 the Basin's Safe Yield has not been maintained causing MPI.

22 (a) However, the Ag Pool does not identify any specific MPI.

23 (b) The Ag Pool complains that Basin storage is noted to have
24 been reduced to less than 4.5 MAF by 2019, and that is a
25 reduction of over 800,000 as below operational storage
26 requirement for 1997 to 2019.

27 (i) There is no specific consequence to this complaint.
28

1 (c) The Ag Pool also argues that groundwater in managed
2 storage is subject to production rights and will be extracted at
3 some point in time. The Safe Yield reset in the 2020 storage
4 management plan did not account for this shortfall below
5 operational storage requirements so the extraction of
6 managed storage will result in MPI.

7 (i) Again, the court notes that no MPI is ~~not~~ specifically
8 identified.

9 (d) The Ag Pool uses an analogy to a bank account, that if you
10 take more money out than your deposit, sooner or later you
11 run out of money. [Page 8, line 7.]

12 2. Watermaster response is that the reset looks forward, not backwards;
13 furthermore, the reset tries to take into account all the factors. Although the
14 Watermaster reply was with respect to both the opposition of the Chino and the Ag
15 Pool, the court will address it here.

16 a) Watermaster argues that the Ag Pool approach is basically a worst case
17 scenario approach. It looks to the worst drought we had in the last 50
18 years and worries that the Basin is going to have another worst drought
19 in the next 50 years.

20 b) The prospective long range model is the one the court must consider.
21 Ten years in geological time is nothing more than an instant. Even 100
22 years is a short time. The court must consider, as the Wildermuth
23 report does, the longest time period for which relevant data exists.

24 I) Watermaster also argues that the Ag Pool approach only looks at
25 the last 10 years.

26 (a) The court concludes that the Wildermuth report and all of its
27 underlying data has the correct broad, not narrow,
28 interpretation for the OBMP. The OBMP does not require

1 that the court look only at the previous 10 years to compute
2 Safe Yield.

3 (b) ~~The~~An implication of the Ag Pool opposition, not sought by
4 the Ag Pool, is that the court should set the Safe Yield at
5 125,000 acre-feet/year in an attempt to catch up with the
6 10,000 acre-feet per year that were pumped for the last 10
7 years without replenishment. The court has previously relied
8 on the forecast and recommendations of Wildermuth and
9 found them to be credible. The court will continue to rely on
10 those predictions with the additional reduction of 4000
11 acre-feet per year ~~and in~~ Safe Yield.

12 (c) The storage management plan and the Safe Yield might be
13 intimately interlinked and dependent on each other.
14 However, intertwining the two leads to the problem such as
15 the court encountered the Safe Yield Reset Agreement
16 (SYTRA) in 2015. There were so many objections to all the
17 aspects of SYRA that the motion failed. The court had to
18 focus on the groundwater analysis. The GSI report is
19 engaging in legal analysis, not groundwater analysis.

20 (d) There is no legal requirement that the next Safe Yield be
21 based solely upon the 10 year period ~~2001~~2011 to ~~2010~~2020.
22 To do so would be contrary to all the court's orders and the
23 CAMA (Court Approved Management Agreements). Also,
24 to make such a narrow basis for projection would be too
25 narrow a range for a substantial prediction.

26 c) The court confirms the argument of Watermaster that Safe Yield reset
27 was never intended to precisely match actual net recharge over a 10
28 year period. -

1 d) There is no support in the evidence that allowing production at the
2 projected net recharge during the reset period would constitute an
3 undesirable results or material physical injury to the Basin.

4 I) Wildermuth's professional opinion is that allocating the Safe Yield
5 equivalent to the net recharge during the reset period would not
6 result in undesirable results or material physical injury.

7 (a) The court notes Watermaster's point that the "operational
8 storage requirement" quantity cited by the Ag Pool is a
9 remnant of a prior analysis that was prepared as a precursor
10 to the 2020 storage management plan. Those have been
11 superseded by the analysis performed using the CVM. The
12 CVM estimates the total quantity of water in the Basin at least
13 12,000,000 acre feet. The court methodology does not
14 require a "true up" related to a prior reset period.

15 (b) Additionally the Ag Pool's comments regarding the
16 consistency of the Safe Yield report's recommendation with
17 the OBMP implementation plan and Watermaster rules and
18 regulations, the document cited have been superseded by the
19 courts 2017 order and 2019 orders. [Page 9].

20 (i) Language in the reset technical memorandum to which
21 the Ag Pool refers was the process in the OBMP
22 before the courts 2017 order.

23 (ii) The Ag Pool is a party to a contest proceeding
24 regarding applications to store and transfer excess
25 carry over water.

26 (iii) The net recharge is estimated using parties projected
27 water demands and production. In the case of the
28

Appropriative Pool parties, these estimates were provided by the parties themselves.

3. Chino reply to Ag Pool opposition filed June 19, 2020

a) Ag Pool motion to strike Chino reply

I) The Ag Pool motion to strike

(a) Chino opposition to Ag Pool motion to strike Chino reply to Ag Pool opposition to reset motion filed June 26, 2020.

a. The Ag Pool motion to strike is denied.

b) Chino argues that the Ag Pool is now trying to reset retroactively the Safe Yield of the Basin to 135,000 AFY for 2010 to 2020.

c) Further, Chino argues that the Ag Pool has failed to show that there was an undesirable result of material physical injury from the “overallocation” of 10,000 AFY for the 10 year period

I) For the reasons stated herein, the court finds that there was no “overallocation” and nothing for which any appropriator has a duty to replenish.

4. Filed June 19, 2020, Appropriative Pool reply to Overlying (Agricultural) Pool [Ag Pool] opposition

a) Motion of the Ag Pool to strike the Appropriative Pool reply.

I) Motion denied.

II) There is no legal basis for the request and it is simply an attempt to evade the submission of Harder’s report and the agricultural pools interpretation of that.

b) The court notes that the Ag Pool gave its express written approval to the 2015 Safe Yield reset/recalculation methodology set forth in the 2017 Safe Yield reset order methodology. That express written approval by the Ag Pool did not mention or advocate that the court adjust the methodology to address the claim the Ag Pool is now

1 making, *i.e.*, that 100,000 acre-feet of water was over allocated during
2 the 2011-2020 reset period.

3 c) The Ag Pool's opposition is rooted in the prior reset period on which it
4 signed off via its express written approval of the prescribed
5 methodology for the 2017 SYR (Safe Yield Reset) order, and it is not
6 based on any revelatory data from the 2020 SYR motion.

7 d) In reliance on the court's 2017 SYR order, the Appropriative Pool
8 members structured their operations and planning processes, and
9 expended substantial ratepayer money based on the availability and
10 associated cost to use Chino Basin water.

11 e) The Ag Pool is advocating a change in the interpretation of the 2017
12 SYR order methodology that disregards the long-term hydrology the
13 Basin in favor of the most recent 10 year period in contravention of the
14 courts clear methodology directive.

15 f) There is no provision in the 2015 Safe Yield reset methodology and
16 requires adjustments to account for alleged overestimated Safe Yield in
17 the prior 10 years. Accordance with element 5 of the 2015 Safe Yield
18 methodology, no adjustments are necessary because no material
19 physical injury was evident from the forward projection.

20 g) Thomas Harder (the Appropriative Pool's technical expert) rejects the
21 technical assertions made in the Ag Pool's opposition regarding any
22 alleged undesirable results or material physical injury.

23 I) The declaration of Thomas Harder in support of the appropriative
24 pool's reply.

25 (a) He essentially supports the motion.

26 (b) Any over allocation of Safe Yield for the period 2010 through
27 2020 would have been accounted for any estimate of Safe
28 Yield and the determination of no material physical injury.

1 (c) There is no provision in the 2015 Safe Yield reset
2 methodology that requires adjustments to account for
3 overestimated Safe Yield of the prior 10 years.
4

5 Therefore, the court orders:

6 I. Watermaster ~~is~~has satisfied the requirements of the court's April 28, 2017
7 orders for Watermaster's ~~motion regarding~~Motion Regarding 2015 Safe Yield ~~reset~~
8 ~~agreement, amendment of restated judgment~~Reset Agreement, Amendment of
9 Restated Judgment, paragraph 6 ("2017 order") as they relate to the ~~setting~~resetting
10 of the Safe Yield of the Basin by June 30, 2020;

11 II. Paragraph 6 of the ~~restated judgment~~Restated Judgment is hereby amended to
12 read as follows: "Safe Yield. Safe Yield of the Basin is 131,000 acre-feet per year."

13 III. Effective date of the amendment ~~paragraph of Paragraph~~paragraph of Paragraph 6 of the ~~restated~~
14 ~~judgment~~Restated Judgment is July 1, 2020.

15 IV. Watermaster shall commence the next Safe Yield reset process, taking into
16 account then prevailing best management practices and advances in hydrological
17 science, no later than ~~January~~July 1, ~~2029, 2028,~~ so the Safe Yield ~~may be reset by~~
18 ~~June 30, 2030, and for~~ the period commencing July 1, 2030, and ending June 30,
19 ~~2040. 2040 may be reset by June 30, 2030. Watermaster shall present its evaluation~~
20 and recommendation regarding the Safe Yield for the period of July 1, 2030, and
21 ending June 30, 2040 to the Parties to the Judgment no later than January 1, 2030.

22 V. If the California State ~~water resources control board of Elders~~Water
23 Resources Control Board develops water conservation measures prior to June 30,
24 2030, that result in a reduction in urban irrigation and the Chino Basin (*i.e.*, reduced
25 ~~Evapotranspiration~~Evapotranspiration Adjustment Factors), as required by Water
26 Code § 10609, et seq., ~~That that~~ is reasonably likely ~~two to~~ materially ~~reduced~~reduce
27 recharge to the Basin, Watermaster shall conduct a reevaluation of the Safe Yield in
28 the Chino Basin. If the ~~state~~State's measures are determined to change the Safe

1 Yield of the Basin by more than 2.5% during the Reset Term, Watermaster will
2 promptly ~~moved~~move the court to reset the Safe Yield pursuant to the methodology
3 adopted in the 2017 order.

4 IT IS SO ORDERED.

5
6 Date:_____

7
8
9 _____
10 Judge Stanford E. Reichert
11 San Bernardino County Superior Court
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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 July 16, 2020 I served the following:

1. NOTICE OF LODGING OF [PROPOSED] ORDERS RE CHINO BASIN WATERMASTER 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 July 16, 2020 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

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