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13 **CHINO BASIN WATERMASTER**

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

16 CHINO BASIN MUNICIPAL WATER
17 DISTRICT,
18
19 Plaintiff,
20
21 v.
22 CITY OF CHINO, ET AL.,
23
24 Defendants.

Case No. RCV RS 51010

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

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

Date: September 25, 2020
Time: 1:30 p.m.
Dept.: S35

[Filed concurrently herewith: Third Supplement
to Status Report]

BROWNSTEIN HYATT FARBER SCHRECK, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101-2711

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

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

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

11 3. I am aware of and involved with the update to the Optimum Basin Management
12 Program for the Chino Basin ("2020 OBMP Update").

13 4. In March 2020, Watermaster began the process to develop an Implementation Plan
14 for the 2020 OBMP Update and associated agreements. On March 2, 2020, Watermaster held a
15 Drafting Session Orientation and, on March 16, 2020, Watermaster held the first OBMP
16 Implementation Plan Drafting Session. These sessions, as well as information pertaining to the
17 environmental review process for the 2020 OBMP Update, are described in the "Optimum Basin
18 Management Program Markers & Milestones, March 2020," a document prepared by
19 Watermaster staff summarizing the 2020 OBMPU Update process. Attached hereto as **Exhibit A**
20 is a true and correct copy of the Optimum Basin Management Program Markers & Milestones,
21 March 2020.

22 5. In March 2020, at the request of the parties due to the then emerging COVID-19
23 pandemic crisis, Watermaster decided to postpone further work on the OBMP Implementation
24 Plan and associated agreements for 30 days. Watermaster offered to re-convene the drafting
25 process in mid-April, however the Parties were not interested in resuming at that time. This
26 information, as well as information pertaining to the environmental review process for the 2020
27 OBMP Update, is described in the "Optimum Basin Management Program Markers &
28 Milestones, April & May 2020." Attached hereto as **Exhibit B** is a true and correct copy of the

Optimum Basin Management Program Markers & Milestones, April & May 2020.

6. The Appropriative Pool submitted draft Implementation Plan language focused on Program Elements 8 and 9 (Develop and Implement Groundwater Storage Management Program, Develop and Implement Storage and Recovery Programs) to Watermaster and other Parties on May 27, 2020 with a request for input and engagement.

7. At this time, two of the three Pool Committees—the Appropriative Pool and Overlying (Non-Agricultural) Pool Committees—have requested that Watermaster reconvene this process. Watermaster is awaiting communication from the Overlying (Agricultural) Pool Committee as to its desires in this regard.

8. At its May 28, 2020 regular meeting, the Watermaster Board approved the 2020 Storage Management Final Report Sections 2.1-2.6 as the Storage Management Plan, providing direction as an incremental step towards the preparation of the required documentation for storage management in a manner that is consistent with Watermaster’s responsibilities under the Judgment. The Watermaster Board additionally directed staff and counsel to support the parties’ efforts to develop an update to the OBMP Implementation Plan and Peace Agreement Amendment for Program Elements 8 and 9 (Storage and Storage & Recovery Programs) in a manner that is consistent with Watermaster’s responsibilities to manage storage under the Judgment; with the objective to complete the update effort by July 30, 2020 and report progress to the Board monthly. The Watermaster Board directed staff to concurrently complete a plan, with advice and assistance of the Pools and the Advisory Committee, to address the risk of potential quantities of stored water exceeding the cumulative amount authorized by the Peace Agreement and accounts for orderly use and distribution of excess quantities in a manner that comports with the directives of the Judgment. The Appropriative Pool and Overlying (Non-Agricultural) Pools have communicated with Watermaster regarding concepts for this plan. Finally, the Watermaster Board directed staff to bring the entire 2020 OBMP Update for Board approval in September, after seeking advice and assistance from the Pool and Advisory Committees.

9. I attended, via remote participation technology, the regular July 15, 2020 meeting of the Inland Empire Utilities Agency (IEUA). At that meeting, the IEUA Board opened a public

1 hearing on the Final EIR and adjourned that hearing to a subsequent meeting in order to allow
2 response to comments submitted that day.

3 10. Watermaster has scheduled a September 1, 2020 workshop to discuss next steps in
4 regard to the OBMP Update, storage management and addressing limitations on volumes of
5 stored water in the Basin, necessary amendments to the OBMP Implementation Plan and the
6 Peace Agreement, and the necessary CEQA review to move forward with these processes. The
7 members of the Appropriative Pool have indicated that they are working to schedule a September
8 2, 2020 workshop as to the discussion of a draft OBMP Implementation Plan amendment
9 regarding Program Elements 8 and 9.

10 11. The Pool Committees, Advisory Committee, and the Watermaster Board are
11 scheduled to review the 2020 OBMP Update Report at their regular September meetings. The
12 Watermaster Board will review the 2020 OBMP Update Report and determine whether to adopt
13 the Report and recommend its approval by the Court. The Pool and Advisory Committees were
14 given the opportunity to offer advice and assistance on the 2020 OBMP Update Report during
15 their August 2020 regular meetings.

16 12. Watermaster anticipates having a further update on a timeline for the OBMP
17 Implementation Plan by early December 2020.

18 13. A draft of Watermaster's Third Supplement to Chino Basin Watermaster Status
19 Report Regarding Update to the Optimum Basin Management Program was presented to the Pool
20 Committees and Advisory Committees during their August 2020 regular meetings for their
21 review and the provision of any advice and assistance to Watermaster. Though no Committee
22 took action at its meeting to provide advice as to the content of this Supplement, Watermaster
23 counsel did receive comments on behalf of members of the Appropriative Pool. Watermaster
24 counsel has supplemented the draft pleading provided the Committees in response to comments
25 relevant to the draft status report. At its August 25, 2020 meeting the Watermaster Board
26 directed the filing of this Supplement.

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Dated: August 26, 2020

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: 

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

21348108

Exhibit A



OPTIMUM BASIN MANAGEMENT PROGRAM — MARKERS & MILESTONES

MARCH 2020

THE REPORT IS DIVIDED INTO FOUR SECTIONS:



Introduction and Background: Provides the history of the OBMP and an overview of the stakeholder process to develop it.



2020 OBMP Goals and Activities: Outlines the 2020 OBMP Goals and the activities proposed by the stakeholders to achieve them.



Integration of the 2020 OBMP Update Activities with the 2000 OBMP Program Elements: This section establishes the relationship between the proposed activities with the already existent Program Elements of the 2000 OBMP Implementation Plan.



2020 OBMP Management Plan: This section delineates all the actions that will continue from the 2000 OBMP as well as the new activities proposed by parties during the 2020 OBMP Update Process. This section also will serve as the basis for drafting the 2020 OBMP Implementation Plan that started in March 2020.

Watermaster received comments from stakeholders until **January 22, 2020** and provided answers included as Appendix B in the Final Report released on **January 24, 2020**.

MONTHLY UPDATE

During the month of March, the OBMP Update team, in collaboration with the Inland Empire Utilities Agency (IEUA), continued the work to complete the required environmental review for the completion of the 2020 OBMP Update. The team also hosted a Drafting Session Orientation on March 2nd, and the first of the OBMP Implementation Plan Drafting Sessions on March 16, 2020.



On March 27, 2020, IEUA filed a Notice of Completion and Notice of Availability of the Draft Subsequent Environmental Report for the 2020 OBMP Update.

With these releases we expect to engage the public and receive comments prior to the finalization of the environmental review process.

Next Steps:

IEUA will continue to receive comments on the Draft SEIR for the 2020 OBMP Update until May 11, 2020.

Due to the ongoing COVID -19 pandemic, stakeholders have requested that all OBMP related activities be paused for at least 30 days. Drafting sessions will resume at a later date to be determined.

**2020
OBMP**



**Enhance Basin
Water Supplies**



**Protect and Enhance
Water Quality**



**Enhance
Management
of the Basin**



**Equitably Finance
the OBMP**

2020 OBMP Implementation Plan Program Elements (PEs) *NEW AND CONTINUING ACTION*

PE 1 – Monitoring Program

- Continue the required monitoring and reporting
- Review and update Watermaster's monitoring and reporting program*

PE 2 – Recharge Program

- Complete the 2023 Recharge Master Plan Update
- Implement recharge projects on need and available resources

PE 3 – Supply for impaired Areas

- Continue CDA Operations



PE 4 – Subsidence Management

- Implement Watermaster's Subsidence Management Plan and adapt as necessary

PE 5 – Regional Supplemental Water Program

- Watermaster will support the IEUA, the TVMWD, the WMWD, and/or others in their efforts to improve water supply and reliability to ensure those efforts are integrated with Watermaster's groundwater management efforts*

PE 6 – Cooperative Programs with Water Quality Regulators

- Develop an initial emerging contaminants monitoring plan*
- Evaluate need for a Groundwater Quality Management Plan*



PE 7 – Salt Nutrient Management Plan

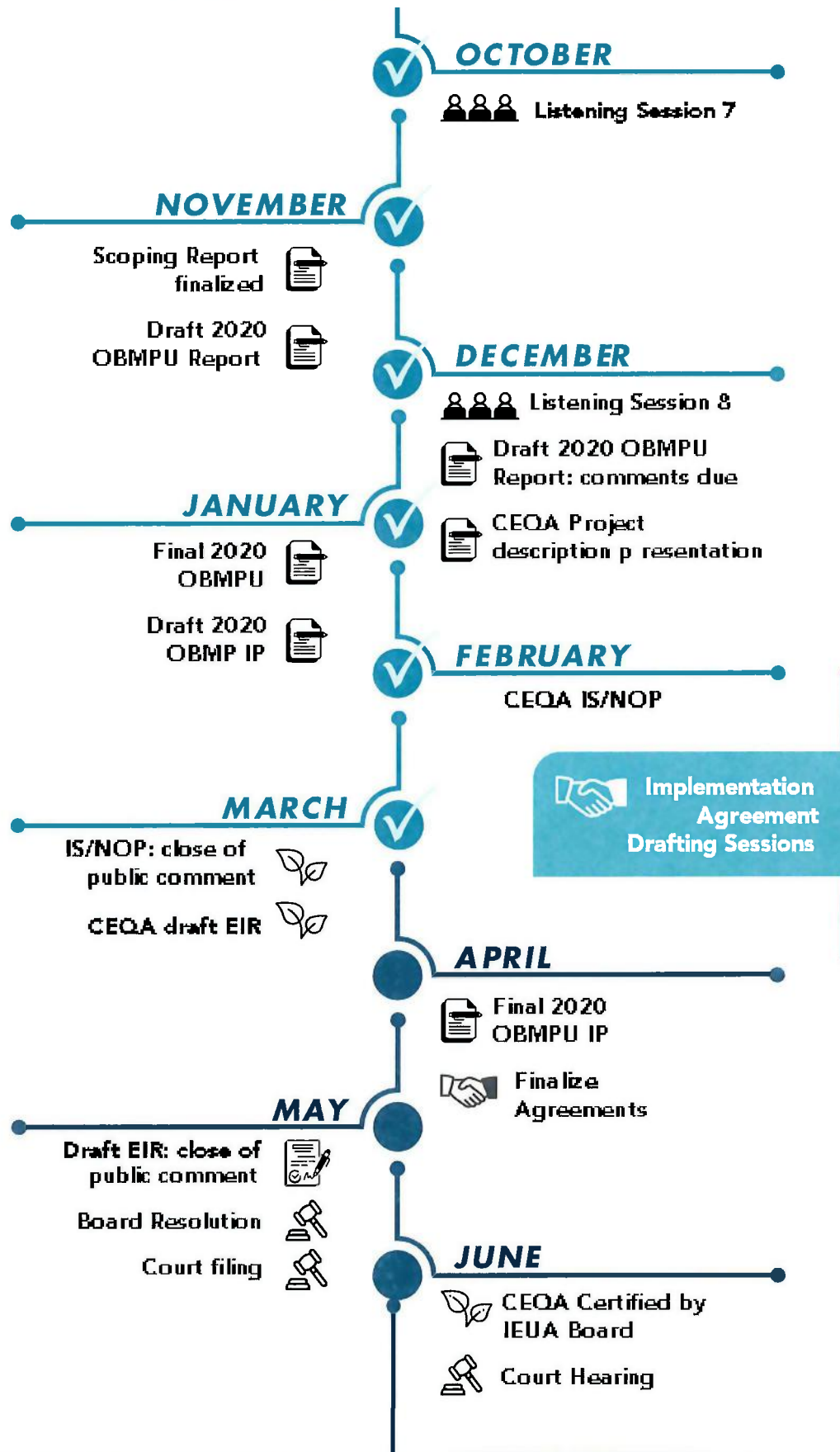
- Continue to implement the Maximum Benefit Salt Nutrient and Management Plan
- Update every 5 years the water quality projections to evaluate compliance*

PE 8/9 – Storage Management Plan/Storage and Recovery Programs

- Complete and submit the 2020 Storage Management Plan to the Court*
- Develop a Storage and Recovery Master Plan*

**New actions*

2020 OBMP Update Process



2019

2020



BACKGROUND

The Chino Basin Judgment gave the Chino Basin Watermaster (Watermaster) the discretionary authority to develop an Optimum Basin Management Program (OBMP) for the Chino Basin, including both water quantity and quality considerations. Watermaster, with direction from the Court, began the development of the OBMP in 1998 and completed it in July 2000. The OBMP was developed in a collaborative public process that identified the needs and wants of all stakeholders; described the physical state of the groundwater basin; developed a set of management goals; identified impediments to those goals; described a series of actions that could be taken to remove those impediments and thereby achieve the management goals; developed and executed agreements to implement the OBMP; and certified a Programmatic Environmental Impact Report (PEIR) pursuant to CEQA with IEUA as the lead agency.

The 2020 OBMP Update was developed through a collaborative stakeholder process, the same way as the 2000 OBMP. A series of public "Listening Sessions" were held by Watermaster throughout 2019 to obtain information, ideas, and feedback from all stakeholders.

Through the Listening Session process, the Chino Basin stakeholders have identified their issues, needs, and want, their collective goals for the 2020 OBMP Update, the impediments to achieving the goals and the management actions required to remove the impediments.

THE COLLABORATIVE PROCESS HAS RESULTED IN THE CREATION OF TWO DOCUMENTS:

- **The 2020 OBMP Scoping Report:** This document captures all the input from the stakeholders and outlines the estimated effort to implement the proposed activities.
- **The 2020 OBMP Update Report:** This is the comprehensive document that includes the history of the OBMP, describes the collaborative process and provides the basis for the development of the 2020 OBMP Implementation Plan Update.

The 2020 OBMP Update requires an Environmental Review of foreseen facilities and projects that could be built as a result of the implementation of the management actions in the updated Implementation Plan. This effort is underway.

For more details on the process and achievements of the listening sessions please refer to our previous newsletters: www.cbwm.org/obmp_newsletters.htm.

For additional information, visit: www.cbwm.org/OBMPU.htm
or contact Edgar Tellez Foster at etellezfoster@cbwm.org

Exhibit B



OPTIMUM BASIN MANAGEMENT PROGRAM — MARKERS & MILESTONES

APRIL & MAY 2020

THE REPORT IS DIVIDED INTO FOUR SECTIONS:



Introduction and Background: Provides the history of the OBMP and an overview of the stakeholder process to develop it.



2020 OBMP Goals and Activities:

Outlines the 2020 OBMP Goals and the activities proposed by the stakeholders to achieve them.



Integration of the 2020 OBMP Update Activities with the 2000 OBMP Program Elements:

This section establishes the relationship between the proposed activities with the already existent Program Elements of the 2000 OBMP Implementation Plan.



2020 OBMP Management Plan: This section delineates all the actions that will continue from the 2000 OBMP as well as the new activities proposed by parties during the 2020 OBMP Update Process. This section also will serve as the basis for drafting the 2020 OBMP Implementation Plan that will occur during the beginning of 2020.

Watermaster released the Final 2020 OBMP Update Report on January 24, 2020 after receiving comments from stakeholders.

MONTHLY UPDATE

During the months of April and May, the OBMPU team continued with the CEQA evaluation and outreach to stakeholders.

The review period for the Draft EIR continued through the month of April and ended on May 11, 2020. IEUA received eight comment letters from parties within the Basin and from agencies outside of the Basin.

The OBMPU team will respond to comments during the month of May. Due to the extensive and challenging nature of the comments received from Chino Basin parties to the draft SEIR, the IEUA will consider the SEIR certification in July and not June as originally anticipated.

The OBMP Implementation Plan drafting has been postponed since March at the request of the parties. Because of this delay, on April 24, 2020, Watermaster issued a Notice of Potential Limitation of Storage to indicate that unless an OBMP Implementation Plan is adopted the parties' use of the basin might be curtailed.

The anticipated Court filing to present the OBMP Update will be postponed.



**2020
OBMP**



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Water Supplies**



**Protect and Enhance
Water Quality**



**Enhance
Management
of the Basin**



**Equitably Finance
the OBMP**

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- Implement Watermaster's Subsidence Management Plan and adapt as necessary

PE 5 – Regional Supplemental Water Program

- Watermaster will support the IEUA, the TVMWD, the WMWD, and/or others in their efforts to improve water supply and reliability to ensure those efforts are integrated with Watermaster's groundwater management efforts*

PE 6 – Cooperative Programs with Water Quality Regulators

- Develop an initial emerging contaminants monitoring plan*
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PE 7 – Salt Nutrient Management Plan

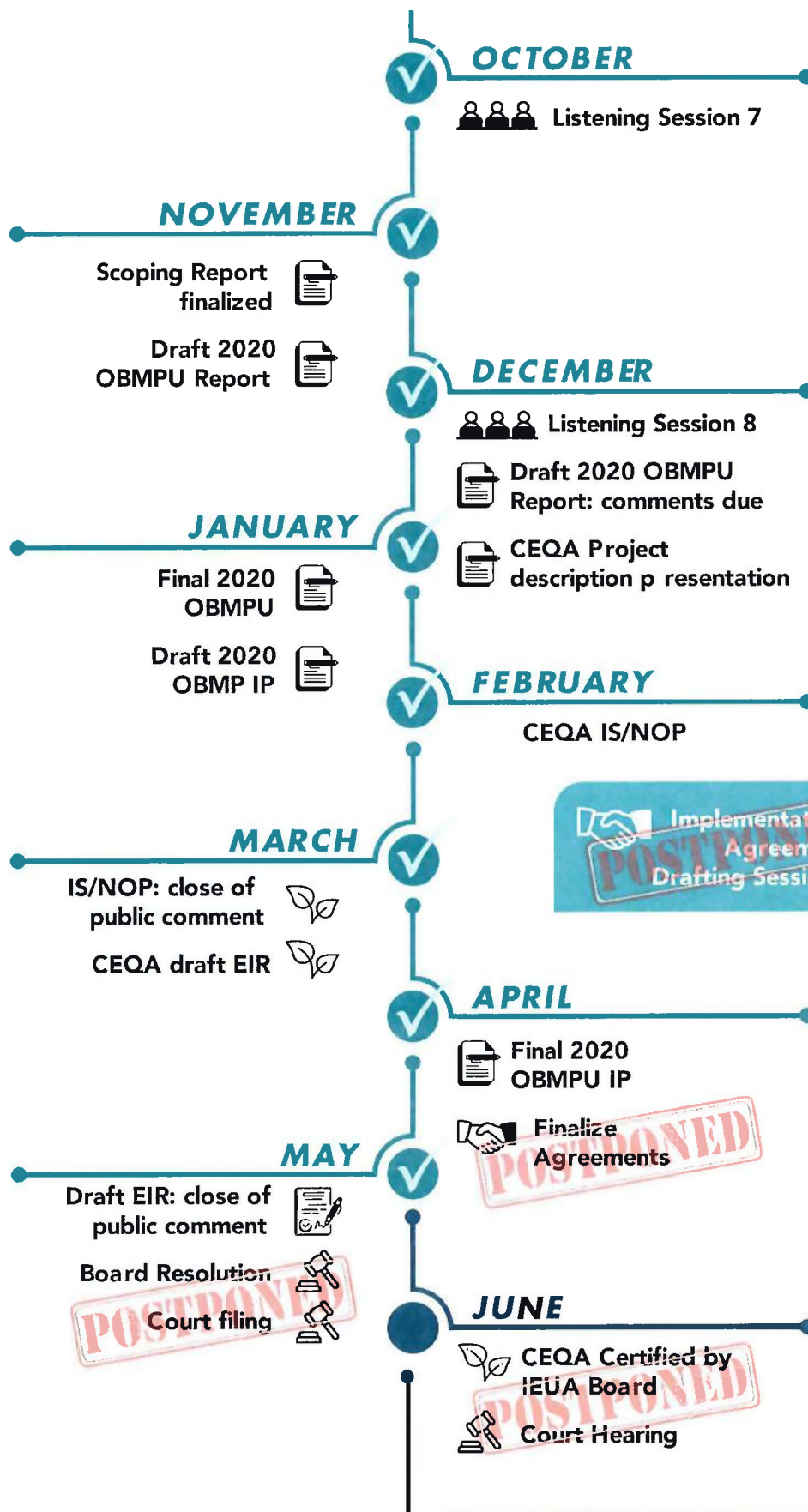
- Continue to implement the Maximum Benefit Salt Nutrient and Management Plan
- Update every 5 years the water quality projections to evaluate compliance*

PE 8/9 – Storage Management Plan/Storage and Recovery Programs

- Complete and submit the 2020 Storage Management Plan to the Court*
- Develop a Storage and Recovery Master Plan*

****New actions***

2020 OBMP Update Process



2019

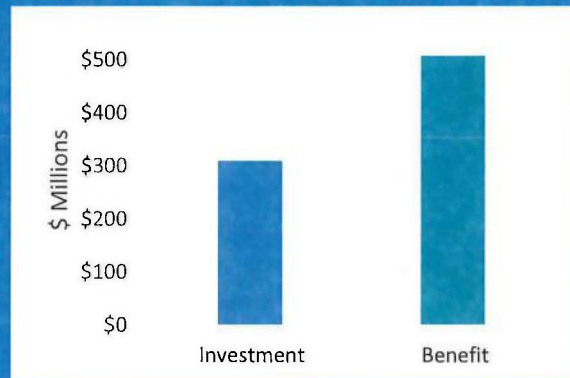
2020



2000 OBMP Costs and Benefits

The Chino Basin Judgment gave the Chino Basin Watermaster (Watermaster) the discretionary authority to develop an Optimum Basin Management Program (OBMP) for the Chino Basin, including both water quantity and quality considerations. Watermaster, with direction from the Court, began the development of the OBMP in 1998 and completed it in July 2000.

Since the adoption of the OBMP and the Implementation of the nine program elements, the stakeholders have been able to accrue ~\$198 M dollars in net benefits as can be seen in the following figure.



This graphs shows the investment calculated as the total cost of building the Chino Desalter Authority plants and wells (offset by \$150M in grants), the Desalter Replenishment Obligation and the OBMP Assessments since 2000. The benefits show the avoided storage losses, the value of Re-Operation Water and the cumulative value of Recycled Water stored in the Basin.

THE HISTORY OF COLLABORATION WITHIN CHINO BASIN PARTIES HAS ALSO BROUGHT OTHER BENEFITS:

- Cumulative transfers of water between parties: ~766k AF
- Cumulative water produced by the CDA: ~449k AF
- Cumulative water recharged through DYY: ~420k AF
- Avoided conflict due to water quality
- Avoided conflict due to land subsidence
- Improved resilience to drought
- Subsidence management and improved water quality in MZ1.

The 2020 OBMP Update was developed through a collaborative stakeholder process, the same way as the 2000 OBMP. A series of public "Listening Sessions" were held by Watermaster throughout 2019 to obtain information, ideas, and feedback from all stakeholders. The Update will enable the Chino Basin stakeholders to continue relying on the Chino Groundwater Basin to satisfy demands of the growing Inland Empire economy at the most cost efficient and sustainable way.

For more details on the process and achievements of the listening sessions please refer to our previous newsletters: www.cbwm.org/obmp_newsletters.htm.

For additional information, visit: www.cbwm.org/OBMPU.htm
or contact Edgar Tellez Foster at etellezfoster@cbwm.org

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 26, 2020 I served the following:

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

/ 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 August 26, 2020 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

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