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11	CHINO BASIN MUNICIPAL WATER	Case No. RCV RS 51010	
12	DISTRICT,	[Assigned for All Purposes to the	
13	Plaintiff,	Honorable Stanford E. Reichert]	
14	V.	THIRD SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT	
15	CITY OF CHINO, ET AL.,	REGARDING UPDATE TO THE OPTIMUM BASIN MANAGEMENT	
16	Defendants.	PROGRAM	
17		Date: September 25, 2020	
18		Time: 1:30 p.m. Dept.: S35	
19		[Filed concurrently herewith: Declaration of Bradley J. Herrema]	
20		Bradley J. Herremaj	
21			
22	On Avgust 6, 2010, the Chine Regin V	Notormostar ("Wotermostar") filed its Status Penort	
23	On August 6, 2019, the Chino Basin Watermaster ("Watermaster") filed its Status Report		
24	Regarding Update to the Optimum Basin Management Program ("Status Report") providing the		
25	Court with the background of the Optimum Basin Management Program ("OBMP")		
26	development, and describing Watermaster's planned comprehensive update to the OBMP that		
27	will maintain Watermaster's ability to competently administer the decree and implement the		
	Court's orders over time. Watermaster has fi	led two supplements to the Status Report—one on	
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December 6, 2019 and one on March 13, 2020—which provided updates on Watermaster's progress on the 2020 OBMP Update. When before the Court on June 26, 2020 and again on July 10, 2020, Watermaster requested the opportunity to further brief the Court on ongoing efforts to update the OBMP and specifically the management of storage. The Court set September 25, 2020 as the date for the Court, to among other things, receive a further status report from Watermaster. In anticipation of this Court hearing, Watermaster further supplements the Status Report to update the Court as to Watermaster's progress on the 2020 OBMP Update since March 2020 as follows.

### I. **OBMP UPDATE PROCESS AND SCHEDULE**

### A. The Process to Date

OBMP Update Implementation Plan Drafting Process 1.

As discussed in the Second Supplement to the Status Report ("Second Supplement"), the 2020 OBMP Update Report was finalized and circulated in January 2020. Thereafter, Watermaster began the process to develop an OBMP Implementation Plan and associated agreements, holding a Drafting Session Orientation on March 2, 2020 and the first OBMP Implementation Plan Drafting Session on March 16, 2020. (See Declaration of Bradley J. Herrema ("Herrema Decl."), ¶ 4, Ex. A, OBMP Markers & Milestones March 2020.) In March 2020, at the request of the parties due to the then emerging COVID-19 pandemic crisis, Watermaster decided to postpone further work on the OBMP Implementation Plan and associated agreements for 30 days. Watermaster offered to re-convene the drafting process in mid-April, however the Parties were not interested in resuming at that time. (Id. at ¶ 5, Ex. B., OBMP Markers & Milestones April & May 2020.)

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. (Herrema Decl., ¶ 6.) 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. (Herrema Decl., ¶

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7.) Watermaster is awaiting communication from the Overlying (Agricultural) Pool Committee as to its desires in this regard. (*Id.*)

## 2020 Storage Management Plan

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. (Herrema Decl., 8.) 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. (Id.) The Watermaster Board directed staff to concurrently complete a plan, with advice and assistance of the Pool and Advisory Committees, 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. (*Id.*) The Appropriative Pool and Overlying (Non-Agricultural) Pools have communicated with Watermaster regarding concepts for this plan. (Id.)

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. (*Id.*)

## OBMP Update Subsequent Environmental Impact Report

On February 10, 2020, the Inland Empire Utilities Agency ("IEUA") issued the Initial Study/Notice of Preparation for the 2020 OBMP Update, notifying interested parties that an Environmental Impact Report ("EIR") would be prepared to analyze the potentially significant impacts associated with implementation of the projects identified in the 2020 OBMP Update. On

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March 27, 2020, IEUA circulated the Draft Subsequent Environmental Impact Report for the Chino Basin Watermaster Optimum Basin Management Program Update ("Draft EIR") for public review and comment. (Herrema Decl., ¶ 4, Ex. A.) The public review and comment period for the Draft EIR ended on May 11, 2020 and, on July 2, 2020, IEUA posted the Final Subsequent Environmental Impact Report for the Chino Basin Watermaster Optimum Basin Management Program Update ("Final EIR") with responses to the comments received during the public review and comment period for the Draft EIR. (Id. at ¶ 5, Ex. B.) At its regular July 15, 2020 meeting, the IEUA Board opened a public hearing on the Final EIR and adjourned that hearing to a subsequent meeting in order to allow response to comments submitted that day. (Herrema Decl., 9.)

#### 4. 2020 Safe Yield Reset

Finally, on July 10, 2020, this Court granted Watermaster's Motion Regarding 2020 Safe Yield Reset, Amendment of Restated Judgment, Paragraph 6, and reset the Safe Yield of the Chino Basin from 135,000 acre-feet per year to 131,000 acre-feet per year for the period commencing July 1, 2020 and ending on June 30, 2030.

#### В. **Deliverables and Schedule**

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

The Pool Committees, Advisory Committee, and the Watermaster Board are scheduled to review the 2020 OBMP Update Report at their regular September meetings. The Watermaster Board will review the 2020 OBMP Update Report and determine whether to adopt the Report and recommend its approval by the Court. (Herrema Decl., ¶ 11.) The Pool and Advisory

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Committees were given the opportunity to offer advice and assistance on the 2020 OBMP Update Report during their August 2020 regular meetings. (Id.) Watermaster anticipates having a further update on a timeline for the OBMP Implementation Plan by early December 2020. (*Id.* at ¶ 12.)

### C. Third Supplement to the Status Report

A draft of this pleading was presented to the Pool Committees and Advisory Committees during their August 2020 regular meetings for their review and the provision of any advice and assistance to Watermaster. (Herrema Decl., ¶ 13.) Though no Committee took action at its meeting to provide advice as to the content of this Supplement, Watermaster counsel did receive comments on behalf of members of the Appropriative Pool. (Id.) Watermaster counsel has supplemented the draft pleading provided to the Committees in response to comments relevant to the draft status report. (Id.) At its August 25, 2020 meeting, the Watermaster Board directed the filing of this Supplement. (*Id.*)

### II. **CONCLUSION**

Watermaster respectfully requests the Court take notice of this Third Supplement to the Status Report. Watermaster seeks an open dialogue with the Court to address any questions the Court may have and further direction that the Court may wish to offer at the September 25, 2020 hearing. Watermaster further requests the Court set a hearing in October or November 2020 to consider approval of the 2020 OBMP Update Report.

Dated: August 26, 2020

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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

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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 August 26, 2020 I served the following:

	<ol> <li>THIRD SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT REGBARDING UPDATE TO THE OPTIMUM BASIN MANAGEMENT PROGRAM</li> </ol>
<u>/ X </u> /	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.
<u>/ X_</u> /	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.
l decla correc	are under penalty of perjury under the laws of the State of California that the above is true and t.
	Executed on August 26, 2020 in Rancho Cucamonga, California.

By: Janine Wilson

Chino Basin Watermaster

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