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8	Attorneys for CHINO BASIN WATERMASTER					
9						
10	SUPERIOR COURT OF THE STATE OF CALIFORNIA					
11	FOR THE COUNTY OF SAN BERNARDINO					
12						
13	CHINO BASIN MUNICIPAL WATER DISTRICT,	Case No. RCV RS 51010				
14	Plaintiff,	[Assigned for All Purposes to the Honorable Stanford E. Reichert]				
15	,	DECLARATION OF BRADLEY J.				
16	V.	HERREMA IN SUPPORT OF FOURTH				
17	CITY OF CHINO, et al.,	SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT ON				
18	Defendant.	THE UPDATE TO THE OPTIMUM BASIN MANAGEMENT PROGRAM				
19		Date: January 8, 2021				
20		Time: 1:30 p.m. Dept.: S35				
21		[Filed concurrently herewith: Fourth Supplement				
22		to Chino Basin Watermaster Status Report on the Update to the Optimum Basin Management Program]				
23		Trogram				
24	I, Bradley J. Herrema, declare as follo	ows:				
25	1. I am an attorney duly admitted to practice before all of the courts of this State, and					
26	am a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for					
27	Chino Basin Watermaster ("Watermaster"). I have personal knowledge of the facts stated in this					
28		on and belief, and, if called as a witness, I could and				
	DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF FOURTH SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT ON THE UPDATE TO THE OPTIMUM BASIN MANAGEMENT PROGRAM					

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would competently testify to them under oath. I make this declaration in support of the abovereferenced request.

- As legal counsel for Watermaster, I am familiar with Watermaster's practices and 2. procedures, as well as actions taken by the Pool Committees, Advisory Committee and Watermaster Board.
- I am aware of and involved with the update to the Optimum Basin Management 3. Program for the Chino Basin ("2020 OBMP Update").
- The 2020 OBMP Update process has led to the 2020 OBMP Scoping Report and 4. 2020 OBMP Report which captures input from stakeholders, summarizes the history of the OBMP, describes the collaborative process and provides the basis for the development of the 2020 OBMP Implementation Plan Update. These are summarized in the September & October 2020 Newsletter attached to this declaration as Exhibit A.
- On August 13, 2020 and August 20, 2020, at their regularly scheduled meetings, 5. the 2020 OBMP Report was presented to the Pool Committees and Advisory Committee, respectively, for their advice and assistance. The Advisory Committee expressed interest in exploring a Local Storage Limitation Solution to be considered first before the 2020 OBMP Update and asked for Watermaster to present options for the same.
- On September 10, 2020, at their regularly scheduled meetings the 2020 OBMP \ 6. Report was presented to the Pool Committees for additional input.
- On September 17, 2020, at its regularly scheduled meeting, the Advisory 7. Committee recommended that the Watermaster Board amend the contracts with its consultants to perform the necessary work to implement a Local Storage Limitation Solution first, and approved a budget amendment to perform the necessary work to implement a Local Storage Limitation Solution.
- At its September 24, 2020 meeting, Watermaster approved the contract amendments to expand its consultants' scopes of work to implement the Local Storage Limitation Solution and adopted the associated budget amendment.
- On October 8, 2020 and October 25, 2020, the 2020 OBMP Report was again DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF FOURTH SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT ON THE UPDATE TO THE OPTIMUM BASIN MANAGEMENT **PROGRAM**

presented to the Pool Committees and Advisory Committee, respectively. A true and accurate copy of Resolution 2020-06 adopting the 2020 OBMP Report is attached as Exhibit B.

On October 22, 2020, during its regularly scheduled meeting, the Watermaster 10. Board adopted the 2020 OBMP Report.

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

Dated this 9th day of December, 2020, at Redondo Beach, California.

Bradley J. Herrema

Exhibit A



OPTIMUM BASIN MANAGEMENT PROGRAM MARKERS & MILESTONES

SEPTEMBER-OCTOBER 2020

What you'll find in the Optimum Basin Management Program Report:



Introduction and Background: The history of the OBMP and an overview of the public development process.



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



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

Establishes the relationship between the proposed activities with the existing 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 2021.

OBMP ADOPTED

The long-awaited 2020 Optimum Basin Management Program (OBMP) update was unanimously adopted by the Watermaster Board of Directors in October, concluding development and collaboration between Watermaster staff, consultants and stakeholders.

In the months leading up to adoption, Watermaster conducted a final workshop to address any remaining comments on the draft plan. All comments and responses have been added to an appendix of the final 2020 OBMP report.

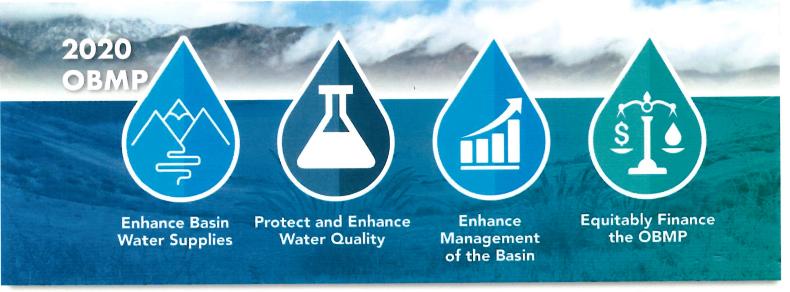
The three regional agencies involved in basin management – Three Valleys Municipal Water District, Inland Empire Utilities Agency and Western Municipal Water District – unanimously adopted resolutions of support for the 2020 OBMP, in advance of Watermaster Board's consideration.

The 2020 OBMP is an example of a successful collaborative public process that identified management goals and steps to achieve them. The program will guide management for the next 20 years and will ensure the maximum beneficial use of the Basin by all interested parties.

Next Steps:

First, the parties need an agreement to address a portion of the Storage Management Plan related to storage for local use only. Watermaster is evaluating the effects of continuing local storage use.

Second, Judgment parties will need to develop an agreement to implement the OBMP update and IEUA will prepare the necessary CEQA documentation. Court review and a financing plan will follow.



2020 OBMP Implementation Plan Program Elements

(PEs) NEW AND CONTINUING ACTIONS

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











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 needs, and desires, 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 input from all 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

RESOLUTION 2020-06 OF THE CHINO BASIN WATERMASTER

REGARDING

ADOPTION OF THE 2020 OPTIMUM BASIN MANAGEMENT PROGRAM

- 1. WHEREAS, the Chino Basin Watermaster ("Watermaster") was appointed pursuant to the Judgment in Chino Basin Municipal Water District v. City of Chino, et al. (San Bernardino Superior Court Case No. RCV RS 51010, formerly Case No. SCV 164327) to administer and enforce the provisions of the Judgment and any subsequent instructions and orders of the Court;
- 2. WHEREAS, pursuant to Paragraph 41 of the Restated Judgment, Watermaster, with advice of the Advisory and Pool Committees, is granted discretionary powers to develop an Optimum Basin Management Program to maximize the beneficial utilization of the water resources of the Basin;
- 3. WHEREAS, pursuant to Court direction, Watermaster prepared and submitted a Phase I Report regarding the OBMP to the Court in the year 2000;
- 4. WHEREAS, on June 25th, 2000, the Watermaster Board adopted Resolution No. 2000-05 to: "Approve the "Peace Agreement", to Adopt the Goals and Plans of the Phase I Report for the Optimum Basin Management Program ("OBMP") Consistent with the Peace Agreement as its OBMP, and to Adopt the Requisite Policies and Procedures to Implement the Provisions set forth in Article V of the Peace Agreement on or Before December 31, 2000";
- WHEREAS, the Court ordered Watermaster to act in accordance with and to administer the Peace Agreements as provided therein;
- 6. WHEREAS, the Watermaster Board adopted the Goals of the OBMP and the parties to the Judgment agreed to Watermaster's performance of specific implementation measures that pertain to:
 - Enhance Basin Water Supplies
 - Protect and Enhance Water Quality
 - Enhance Management of the Basin
 - Equitably Finance the OBMP
- 7. WHEREAS, the OBMP and the implementing measures set forth in OBMP Implementation Plan satisfied the then-existing Court requirement that Watermaster prepare an OBMP, with a further discharge of its specific duty regarding desalters occurring in December of 2007.
- 8. WHEREAS, collectively these actions, supported by the representations, assurances, and agreements in the Peace Agreement have supported the "full utilization" of the Basin's water resources and enabled the region to manage the Chino Groundwater Basin to provide a clean, reliable water supply for the \$2 Billion economy of the Inland Empire;
- WHEREAS, the Parties to the Chino Basin Judgment have acted in accordance with the Peace Agreement and collaborated on the implementation of the OBMP for the past 20 years;

- **10. WHEREAS,** implementation of the OBMP has accrued significant benefits including but not limited to:
 - Management of Land Subsidence
 - Expanded and improved groundwater recharge facilities
 - Expanded Direct and Indirect use of recycled water
 - Construction and operation of the Chino Desalters
 - Minimization of storage losses
 - Expedited water transfers and recharge applications
- 11. WHEREAS, the Chino Basin region has experienced rapid economic and population growth;
- 12. WHEREAS, the scientific understanding and technical advances have improved the ability to understand and manage the Basin;
- 13. WHEREAS, increased scarcity driven by regulation and climate change have reduced the reliability of imported water supplies and there is uncertainty over the timing, cost and feasibility over Delta Conveyance facilities, which may serve to further curtail deliveries of imported water;
- **14. WHEREAS**, new emerging constituents that degrade groundwater quality may adversely impact the parties' ability to extract groundwater in historical quantities without additional treatment;
- **15. WHEREAS**, the region now faces new challenges and, while the goals of the OBMP remain the same, there is a need to reconsider the implementation activities in light of current and projected conditions;
- **16. WHEREAS,** Watermaster conducted a process to gather stakeholder input that was comprised of eight Listening Sessions, multiple Storage Management Workshops, multiple rounds of comments and responses to the written materials produced throughout the process;
- 17. WHEREAS, the 2020 OBMP will be the planning document that the parties will rely on to develop an Implementation Plan;
- 18. WHEREAS, the 2020 OBMP is the planning document that will guide the management of the Chino Basin through the challenges facing the region for the next 20 years, with the reaffirmed goals of [1] enhance Basin water supplies; [2] protect and enhance water quality; [3] enhance management of the Basin; and [4] equitably finance the OBMP without pre-committing Watermaster or any party to a specific action;
- 19. WHEREAS, the 2020 OBMP Implementation Plan, coupled with a Court Order approving it and ordering Watermaster's performance, along with whatever legal instruments may be required and agreed by the parties to the Judgment to be implemented, will be the operative approval required prior to moving forward.

NOW, THEREFORE, LET IT BE RESOLVED THAT THE BOARD OF DIRECTORS OF THE CHINO BASIN WATERMASTER adopts the 2020 Optimum Basin Management Program Report in its entirety.

LET IT BE FURTHER RESOLVED THAT THE CHINO BASIN WATERMASTER BOARD encourages the parties to timely develop an Implementation Plan and an Implementation Agreement and support the necessary environmental review to start implementing the proposed activities on the 2020 OBMP.

ADOPTED by the Watermaster Board on this 22nd day of October 2020.

By:

D

ATTEST:

Board Secretary, Chino Basin Watermaster

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)

I, Bob Kuhn, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Resolution being No. 2020-06, was adopted at the regular meeting of the Chino Basin Watermaster Board on October 22, 2020 by the following vote:

AYES:

9

NOES:

0

ABSENT:

0

ABSTAIN:

0

CHINO BASIN WATERMASTER

Board Secretary

Date

CHINO BASIN WATERMASTER

Case No. RCVRS 51010

Chino Basin Municipal Water District v. City of Chino, et al.

PROOF OF SERVICE

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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 December 9, 2020 I served the following:

	1.	DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF FOURTH SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT ON THE UPDATE TO THE OPTIMUM BASIN MANAGEMENT PROGRAM			
<u>'X</u> /	l	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.			
/ <u></u> /		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.			
I declare under penalty of perjury under the laws of the State of California that the above is true and correct.					
		Executed on December 9, 2020 in Rancho Cucamonga, California.			

By: Janine Wilson Chino Basin Watermaster

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Daniel Bobadilla Dave Argo Dave Crosley David Aladjem David De Jesus

David De Jesus David Doublet David Huynh David Penrice Dawn Martin Denise Garzaro Dennis Dooley Dennis Mejia

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