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**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]

**FOURTH SUPPLEMENT TO CHINO  
BASIN WATERMASTER STATUS  
REPORT ON THE UPDATE TO THE  
OPTIMUM BASIN MANAGEMENT  
PROGRAM**

Date: January 8, 2021  
Time: 1:30 p.m.  
Dept: S35

*[Filed concurrently herewith: 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]*

1 On August 6, 2019, the Chino Basin Watermaster (“Watermaster”) filed its Status Report  
2 Regarding Update to the Optimum Basin Management Program (“Status Report”) providing the  
3 Court with the background of the OBMP development, and the need for an update that would take  
4 into account changes in circumstances since its initial adoption in 2000 that are largely influenced  
5 by changes in law, the increased importance of Chino Basin management to the region, external  
6 funding opportunities, and improved science and technology. Consideration of these changes led  
7 to the proposed refinement of the Basin management goals (“2020 OBMP Update”). On  
8 December 6, 2019, Watermaster filed its supplement to Chino Basin Watermaster Status Report  
9 Regarding an Update to the Optimum Basin Management Program (“Supplemental Report”)  
10 providing the Court with the status of listening sessions one through seven, details of the  
11 forthcoming 2020 OBMP Update Status Report, and explaining the inclusion of the Storage  
12 Management Plan. On March 13, 2020, Watermaster further supplemented the Status Report  
13 (“Second Supplemental Report”) detailing the progress of reports supporting the OBMP Update.  
14 On August 26, 2020, Watermaster filed Third Supplement to Chino Basin Watermaster Status  
15 Report Regarding Update to the Optimum Basin Management Program (“Third Supplemental  
16 Report”) explaining the progress of the Safe Yield Reset and 2020 Safe Storage Management  
17 Plan, which are integral features of the OBMP Update, as well as summarizing the scope of  
18 environmental review conducted pursuant to the California Environmental Quality Act.

19 The OBMP Update is a planning document that contemplates prospective activities that  
20 might be undertaken by Watermaster or by the Parties as administered by Watermaster and the  
21 Court under its continuing jurisdiction. No specific actions are authorized or compelled by the  
22 OBMP Update. Implementing actions, to the extent they are different from the OBMP  
23 Implementation Plan, will require amendments to the Peace Agreement and the OBMP  
24 Implementation Plan. These amendments cannot be accomplished – other than in compliance  
25 with the Peace Agreement requirements to approve amendments and further order of this Court.  
26 In anticipation of the January 8, 2021 hearing, Watermaster files this fourth supplemental report  
27 to update the Court as to the progress of the 2020 OBMP Update since August 2020.  
28

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

2 **A. Adoption of the 2020 OBMP**

3 The 2020 OBMP Update was developed through a collaborative stakeholder process, the  
4 same way as the 2000 OBMP. Through the listening session process, the Chino Basin  
5 stakeholders identified their needs, and desires, their collective goals for the 2020 OBMP Update,  
6 the impediments to achieving the goals and the management actions required to remove the  
7 impediments.

8 The collaborative process has resulted in the creation of two documents: The 2020  
9 OBMP Scoping Report captures input from stakeholders and outlines the estimated effort to  
10 implement the proposed activities. (Declaration of Bradley J. Herrema (“Herrema Declaration”),  
11 at ¶ 4, Exhibit A.) The 2020 OBMP Update Report is the comprehensive document that includes  
12 the history of the OBMP, describes the collaborative process and provides a springboard for the  
13 development of the 2020 OBMP Implementation Plan Update. (*Id.*)

14 The final 2020 OBMP Update Report was published on January 24, 2020. The report  
15 describes the 2020 OBMP Update process (Section 1); the OBMP goals and new activities for the  
16 2020 OBMP Update (Section 2); the status of the OBMP Program Elements and ongoing  
17 activities within them (Section 3), including the new 2020 Storage Management Plan; and the  
18 recommended 2020 OBMP management plan – inclusive of ongoing and new activities (Section  
19 4). The management plan in Section 4 forms the foundation for the Parties to develop a final  
20 implementation plan (2020 OBMP Implementation Plan) and the agreements necessary to  
21 implement it (e.g. amendments to the Peace Agreements).

22 The management plan described in Section 4 of the 2020 OBMP Update Report retains  
23 the nine Program Elements defined in the 2000 OBMP Update Report and is based on the  
24 ongoing 2000 OBMP Update Report implementation actions and includes the new  
25 implementation actions defined in the 2020 OBMP Update process. Implementation of the  
26 management plan described in Section 4 may or may not result in the construction of new  
27 facilities, and nothing in this document obligates Watermaster or the Parties to implement the  
28 optimization recommendations.

1 The 2020 OBMP Update Report was presented to the Pool Committees and Advisory  
2 Committee in August 2020 for their advice and assistance. (Herrema Declaration at ¶ 5.) It was  
3 presented to the three Pool Committees during the September 2020 meetings and further advice  
4 and assistance was provided. (Herrema Declaration at ¶ 6.) The 2020 OBMP Update Report was  
5 again presented to the Pool Committees and Advisory Committee at their October meetings.  
6 (Herrema Declaration at ¶ 9.)

7 Watermaster conducted a meeting on October 13, 2020 to inform the parties about the  
8 response to comments received in September, 2020. Changes to the 2020 OBMP Scoping Report  
9 (TM1) and to the 2020 OBMP Update Report (TM2) were presented and discussed with to the  
10 parties. Watermaster's consultant explained each of the comments and the responses, including  
11 how the document was modified or if no modification was necessary. Additional correspondence  
12 was received from Parties to the Judgment and responses to their comments were included in the  
13 final 2020 OBMP Update Report. The Watermaster Board adopted the 2020 OBMP Update  
14 Report on October 22, 2020. (Herrema Declaration at ¶ 10.)

15 The OBMP Implementation Plan is an Exhibit to the Peace Agreement and incorporated  
16 therein. The Court has ordered Watermaster to administer and act in conforming with the Peace  
17 Agreement. Consequently, there can be no amendment to the OBMP Implementation Plan  
18 without satisfying the requirements for modifying the Peace Agreement and further order of this  
19 Court.

20 The anticipated next steps are the preparation of an amendment to the OBMP  
21 Implementation Agreement and an agreement among themselves to approve such amendments  
22 (satisfying the consent requirements of the Peace Agreement), demonstrated compliance with the  
23 California Environmental Quality Act and this Court's approval.

24 **B. 2020 Storage Management Plan**

25 As described in its August 26, 2020 Third Supplement to Chino Basin Watermaster Status  
26 Report Regarding Update to the Optimum Basin Management Program, in May 2020, the  
27 Watermaster Board approved the 2020 Storage Management Final Report Sections 2.1-2.6 as the  
28 Storage Management Plan, providing direction as an incremental step towards the preparation of

1 the required documentation for storage management in a manner that is consistent with  
2 Watermaster's responsibilities under the Judgment. (Third Supplemental Report at 3.) The  
3 Watermaster Board additionally directed staff and counsel to support the parties' efforts to  
4 develop an update to the OBMP Implementation Plan and Peace Agreement Amendment for  
5 Program Elements 8 and 9 (Storage and Storage & Recovery Programs) in a manner that is  
6 consistent with Watermaster's responsibilities to manage storage under the Judgment; with the  
7 objective to complete the update effort by July 30, 2020 and report progress to the Board  
8 monthly. (*Id.*) The Watermaster Board directed staff to concurrently complete a plan, with advice  
9 and assistance of the Pool and Advisory Committees, to address the risk of potential quantities of  
10 stored water exceeding the cumulative amount authorized by the Peace Agreement and accounts  
11 for orderly use and distribution of excess quantities in a manner that comports with the directives  
12 of the Judgment.

13 During its August 2020 meeting, as part of a discussion of the CEQA review of the 2020  
14 OBMP, some members of the Advisory Committee expressed interest in exploring a less robust  
15 storage strategy focused principally on storage and recovery for use within the Basin. They  
16 requested that this "Local Storage Limitation Solution" (characterized by Watermaster Counsel as  
17 "Skinny Storage") be considered first before the entire 2020 OBMP and asked for Watermaster to  
18 present options for the same. (Herrema Declaration ¶ 5.) On September 1, 2020, Watermaster  
19 hosted a workshop to present Watermaster's preliminary analysis about the feasibility of a Local  
20 Storage Limitation Solution.

21 At their September 2020 regular meetings, all three Pool Committees unanimously  
22 recommended that Watermaster should proceed with the Local Storage Limitation Solution first.  
23 (Herrema Declaration ¶ 6.) At its September meeting, the Advisory Committee unanimously  
24 recommended that the Watermaster Board amend the contracts with its consultants to perform the  
25 necessary work to implement a Local Storage Limitation Solution first. The Advisory Committee  
26 also unanimously approved a budget amendment to perform the necessary work to implement a  
27 Local Storage Limitation Solution. (Herrema Declaration ¶ 7.) At its September 24, 2020  
28 meeting, the Watermaster Board approved necessary contract amendments to expand its

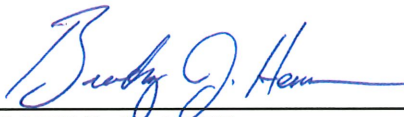
1 consultants' scopes of work to implement the Local Storage Limitation Solution first, and  
2 adopted the associated budget amendment. (Herrema Declaration ¶ 8.) The Inland Empire  
3 Utilities Agency is currently in the process of conducting environmental review to facilitate such  
4 a solution, with a goal toward completion of a plan, agreements to implement such a plan, and  
5 Court approval thereof, by June 30, 2021.

6 **II. CONCLUSION**

7 Perhaps no obligation of Watermaster is more important than implementation of the  
8 OBMP pursuant to the Judgment (See Judgment Paragraph 41.) Watermaster is well aware that  
9 the OBMP and the Program Elements administered by Watermaster are sometimes complex,  
10 customarily interwoven and the court filings summarizing activities continuous and often  
11 voluminous. Consequently, Watermaster respectfully requests the Court to take notice of the  
12 Status Report, as supplemented herein and welcomes further discussion with the Court at the  
13 January 8, 2021 hearing to ensure that management of the Basin remains open and transparent  
14 and that Court is fully apprised of progress and the pending deliverables. As always,  
15 Watermaster appreciates the Court's involvement and where necessary, any direction that the  
16 Court may wish to offer.

17  
18 Dated: December 9, 2020

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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 December 9, 2020 I served the following:

1. FOURTH SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT ON THE 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 December 9, 2020 in Rancho Cucamonga, California.



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