

FEE EXEMPT

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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 Plaintiff,

19 v.

20 CITY OF CHINO, et al.,

21 Defendant.

Case No. RCV RS 51010

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

**DECLARATION OF BRADLEY J.
HERREMA IN SUPPORT OF FIFTH
SUPPLEMENT TO CHINO BASIN
WATERMASTER STATUS REPORT ON
THE UPDATE TO THE OPTIMUM BASIN
MANAGEMENT PROGRAM**

Date: March 26, 2021
Time: 1:30 p.m.
Dept.: S35

[Filed concurrently herewith: *Fifth Supplement
to Chino Basin Watermaster Status Report on the
Update to the Optimum Basin Management
Program*]

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

23
24 1. I am an attorney duly admitted to practice before all of the courts of this State, and
25 am a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for
26 Chino Basin Watermaster (“Watermaster”). I have personal knowledge of the facts stated in this
27 declaration, except where stated on information and belief, and, if called as a witness, I could and
28

DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF FIFTH SUPPLEMENT TO CHINO BASIN
WATERMASTER STATUS REPORT ON THE UPDATE TO THE OPTIMUM BASIN MANAGEMENT
PROGRAM

1 would competently testify to them under oath. I make this declaration in support of the above-
2 referenced request.

3 2. As legal counsel for Watermaster, I am familiar with Watermaster’s practices and
4 procedures, as well as actions taken by the Pool Committees, Advisory Committee and
5 Watermaster Board.

6 3. I am aware of and involved with the update to the Optimum Basin Management
7 Program for the Chino Basin (“2020 OBMP Update”).

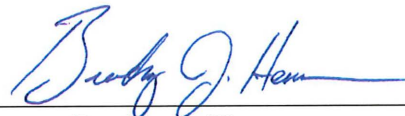
8 4. On February 18, 2021, as presentation was made during the Advisory Committee
9 meeting regarding the technical analyses supporting the Local Storage Limitation Solution
10 (“LSLS”) and a report of the anticipated environmental impacts of the same. A true and accurate
11 copy of this presentation is attached hereto as **Exhibit A**.

12 5. It is presently planned that the LSLS addendum will be considered by the Inland
13 Empire Utilities Agency (“IEUA”) during its March 10, 2021 Committee meeting and March 17,
14 2021 Board meeting.

15 6. The Appropriative Pool parties have proposed amendments to Peace Agreement
16 necessary to implement the LSLS to other signatories. I am aware that there have been
17 preliminary discussions among the Peace Agreement parties, including the exchange of draft
18 proposals.

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

21 Dated this 24th day of February, 2021, at Redondo Beach, California.

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23 

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Bradley J. Herrema

Exhibit A

CHINO BASIN WATERMASTER ADDENDUM NO. 2 TO THE OPTIMUM BASIN MANAGEMENT PROGRAM

ADVISORY COMMITTEE MEETING, FEBRUARY 18, 2021





Background

- 2000 PEIR Safe Storage Capacity (SSC): 500k AF
- December 2016: First Storage Workshop, storage accounts approaching SSC of 500kAF
- In 2017 IEUA approves PEIR Addendum evaluating temporary increase of SSC to 600k AF until June 2021
- In 2018 Watermaster conducts the Storage Framework Investigation
- In 2019 the parties and Watermaster start the 2020 OBMP Update (incl. SMP)
- In 2020 the 2020 OBMP Update Environmental Review consideration by IEUA is postponed
- In late 2020, at the request of the parties, Watermaster starts the work on the Local Storage Limitation Solution (LSLS; “Skinny Storage”) to allow for continued use of Local Storage

	2018 SFI	2019 SMP	2020 Safe Yield Recalculation	2021 Local Storage Addendum
Objective	Study of basin behavior	Part of the OBMP, relied on SFI	To recalculate the SY of the Basin	To address PE8 only, at parties' request
Local Storage	As projected by parties' operations	updated parties' projections	Same as SMP	Same as SMP
S&R Storage	100kaf bands; put, hold, take cycles	Same as SFI	None	Assumed DYY is topped off for one cycle
Existing facilities/in lieu capacity	Data provided by parties	Same as SFI	Same as SFI	Same as SFI
New facilities for S&R	Assumed as needed to enable put/takes	Same as SFI	None	None
Model version used for analysis	2013 model with latest hydrology	N/A - referenced SFI modeling	2018 CVM with latest hydrology	Same
Model results	Bands of storage for S&R above Local Storage	N/A - referenced SFI modeling	No projected adverse impacts or MPI due to changing SY to 131,000 afy	No projected adverse impacts or MPI due to LSLS project
Storage graphic:	Stegosaurus chart	Table showing projected local storage balances (Appendix C)	Table showing projected local storage balances	Chart showing Local storage + DYY top off
Impact description	Table in the report	SEIR; IEUA continued certification hearing	Described in Section 7 of SYR report	TDA Addendum

2018 SFI

2021 LSLs

Figure 6-1
Planned End-of-Year Volume in Managed Storage for Scenarios 1A and 2C and
Average End-of-Year Volume for Scenarios 3A and 3B and 4A and 4B

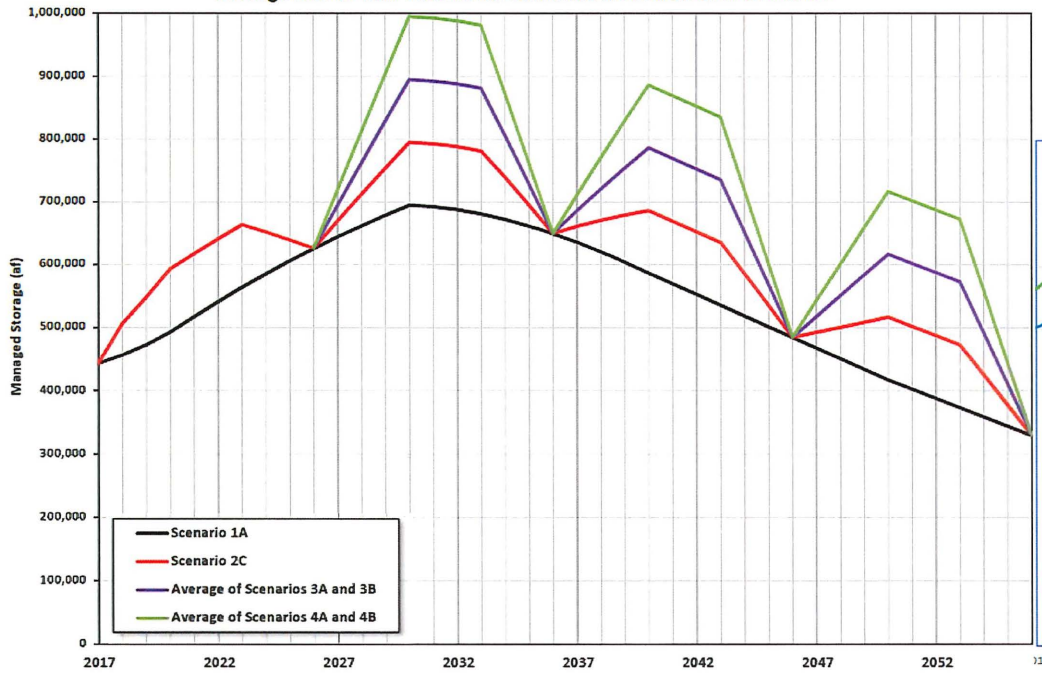
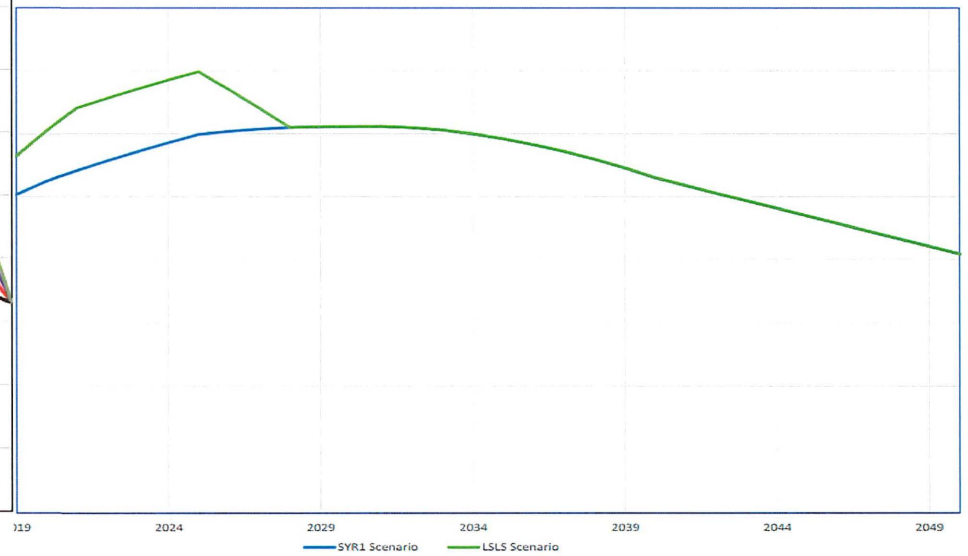


Figure 2-2. Planned End-of-Year Volume in Managed Storage for the SYR1 and LSLs Scenarios





What is the LSLS Addendum?

- Environmental Review coverage for Local Storage activities
- Technical analysis based on stakeholders' projections and known commitments
- LSLS contemplates that stakeholders will need 700kAF until 2030 and 620kAF until 2035



Technical Analysis Results



LSLS Scenario

DYYP balance as of June 30, 2018: 41,380 af

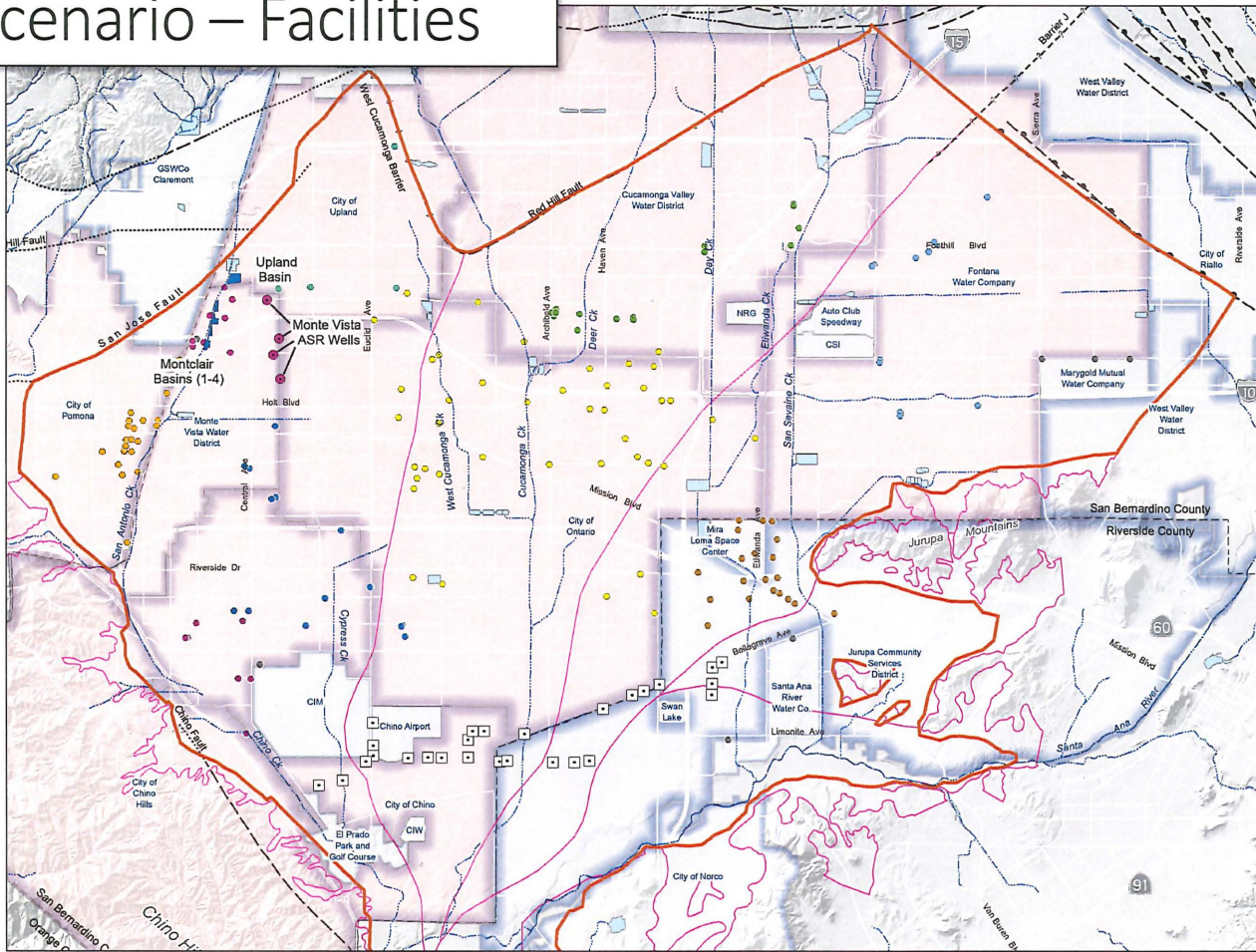
Puts assumed to be conducted via half in-lieu recharge, half wet-water recharge

Takes allocated by AP party according to DYYP

Table 2-1. Summary of the LSLS Scenario Operating Cycle

Category	Amount
Operating Cycle	
Storage space used above the parties' planned use of storage (af)	100,000
Balance in DYYP storage accounts through FY2018 (af)	41,380
Operating Cycle Length (yr)	10
Number of Put Years in Operating Cycle (beginning in FY2019)	3
Number of Hold Years in Operating Cycle	4
Number of Take Years in Operating Cycle	3
Puts (afy)	
Existing In-Lieu Capacity Used	9,770
Existing Spreading Basin Recharge Capacity Used	7,030
Existing Aquifer Storage and Recovery (ASR) Capacity Used	2,740
Total Existing Put Capacity Used	19,540
Takes (afy)	
Takes Through Existing Facilities	33,333

LSLS Scenario – Facilities



Facilities for Conducting Wet-Water Recharge Puts in the LSLS Scenario

- Monte Vista Water District ASR Wells
- Flood Control & Conservation Basins used for Puts

- Appropriate Pool Pumping Wells**
- City of Chino
- City of Chino Hills
- City of Ontario
- City of Pomona
- City of Upland
- Cucamonga Valley Water District
- Fontana Water Company
- Jurupa Community Services District
- Monte Vista Water District
- Other Appropriators

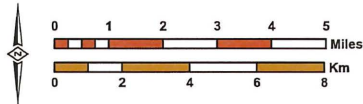
- Chino Desalter Wells
- Streams & Flood Control Channels
- Chino Basin Part of the Active CVM MODFLOW Domain
- OBMP Management Zones
- WSA of Appropriate Pool Parties Assumed to Participate in the Puts and/or Takes in the LSLS Scenario
- Other Water Service Areas
- Flood Control & Conservation Basins not used in Puts



Prepared by:



Author: TA
Date: 2/3/2021
File: Figure 2-1 Chino Basin Map.mxd



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Evaluation of the Local Storage Limitation Solution

Prepared for:



Chino Basin and Facilities used in the LSLS Scenario

Figure 2-1



LSLS Scenario

2019-2021: Three years of 19,540 af puts

2022-2025: hold

2026-2028: Three years of 33,333 af takes

Maximum managed storage = 700,000 af

Figure 2-2. Planned End-of-Year Volume in Managed Storage for the SYR1 and LSLS Scenarios



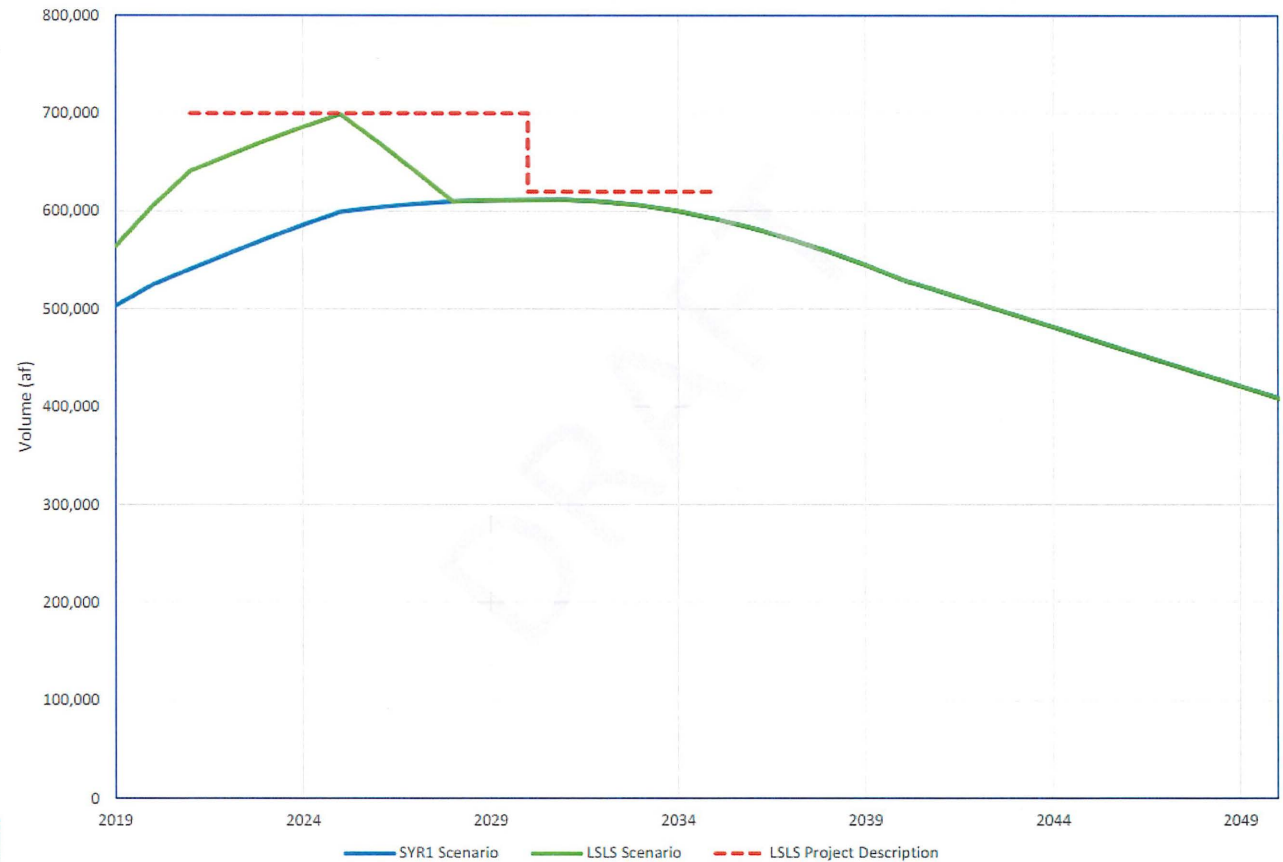


LSLS Project Description

Use of storage space up to **700,000 af** through FY2030

Use of storage space decreases to **620,000 af** from FY2031 through FY2035.

Planned End-of-Year Volume in Managed Storage for the SYR1 and LSLS Scenarios and LSLS Project Description



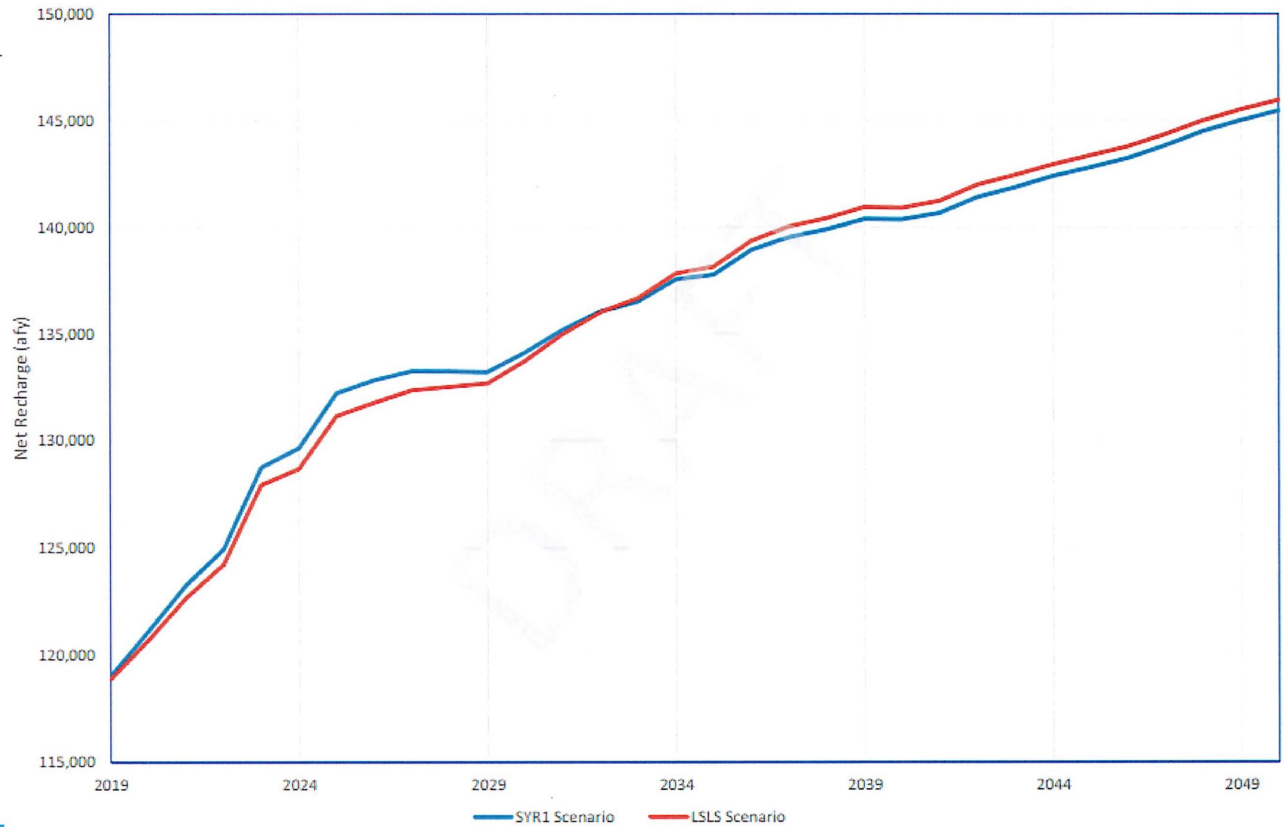


Results – Net Recharge

Temporary loss in net recharge

600 afy average loss from 2019-2032
2032 Net recharge increases after
2032, completely offset by 2050

Figure 3-1. Projected Net Recharge for the SYR1 and LSLS Scenarios



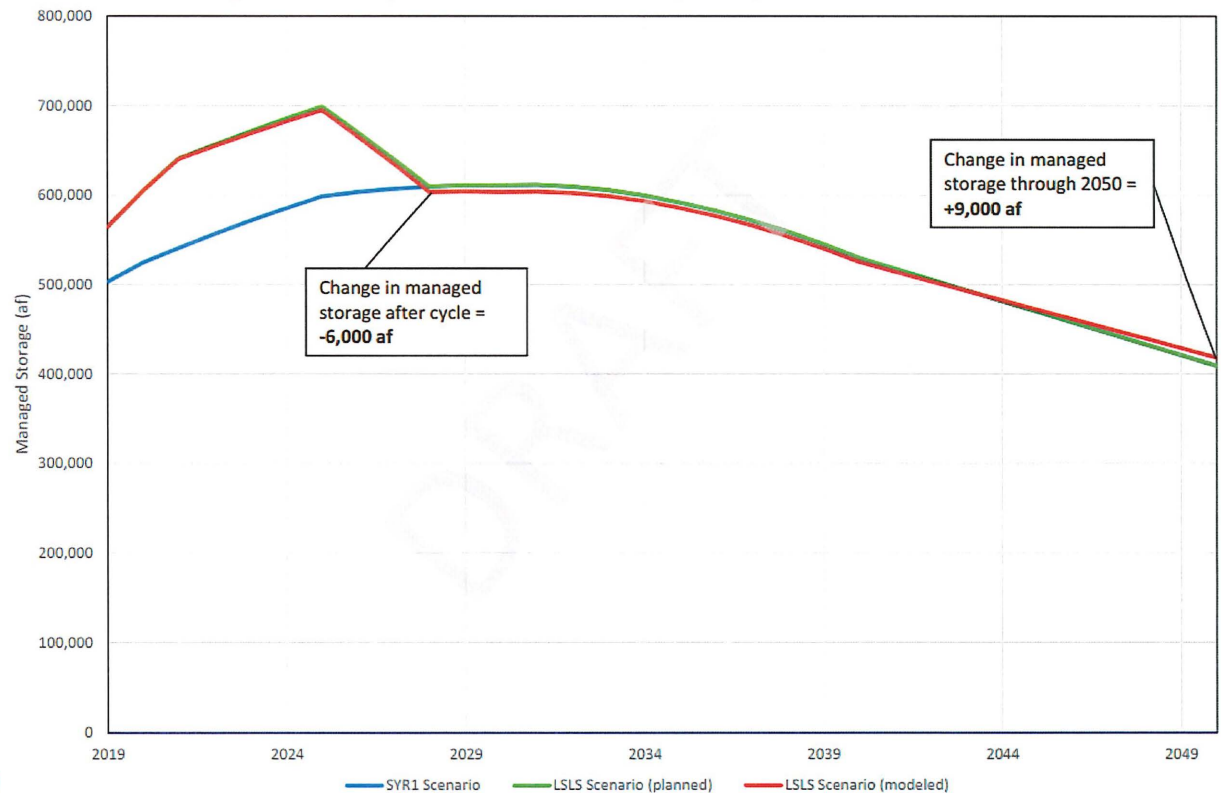


Results – Managed Storage

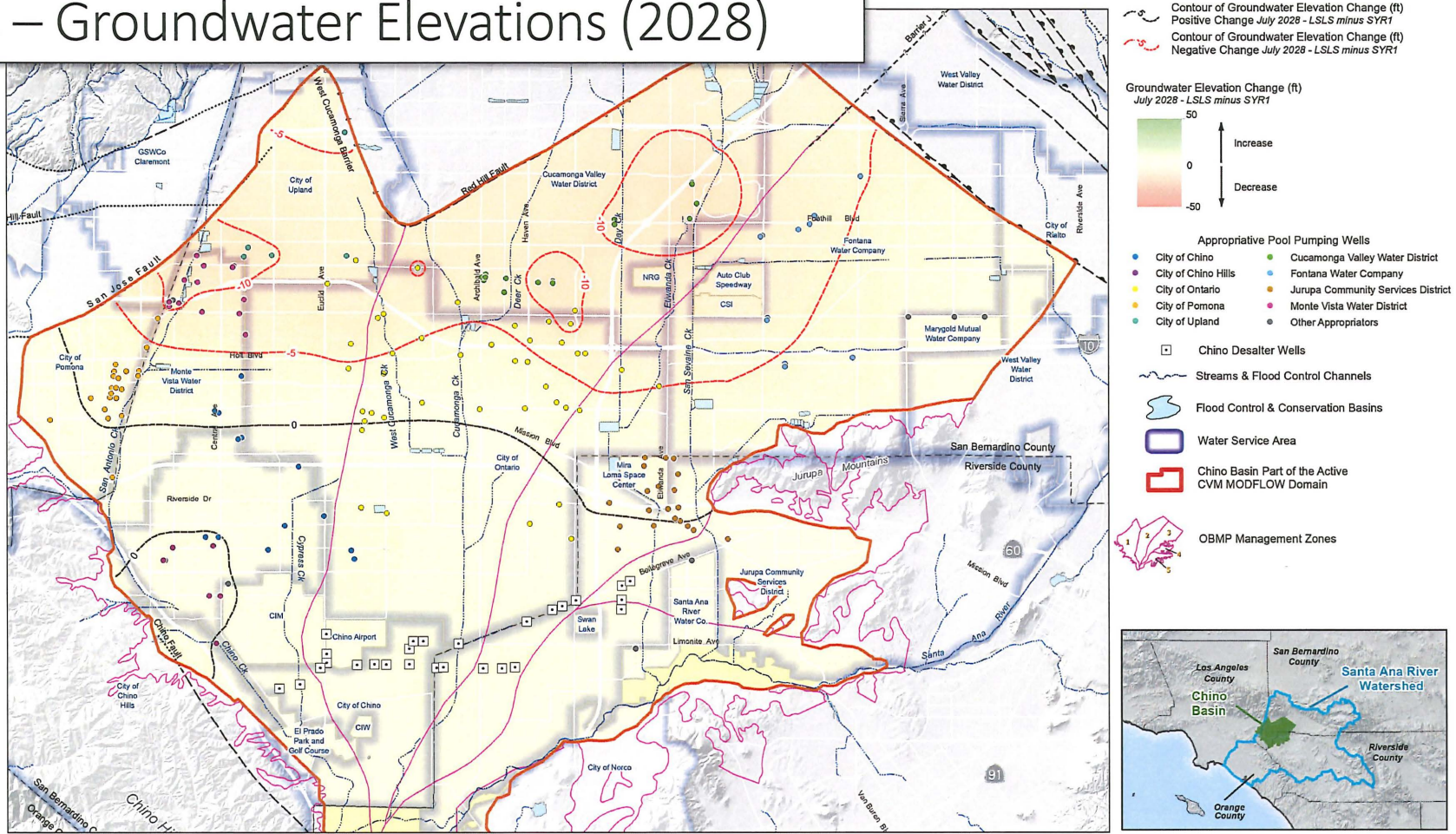
6,000 af loss in managed storage through 2028 compared to SYR1

9,000 af gain in managed storage through 2050

Figure 3-2. Model-Projected End-of-Year Volume in Managed Storage for the SYR1 and LSLS Scenarios

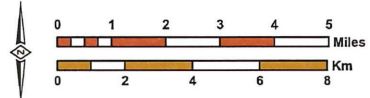


Results – Groundwater Elevations (2028)



Prepared by:
WEST YOST

Author: TA
 Date: 2/4/2021
 File: Figure 3-3 GWE Change 2028.mxd



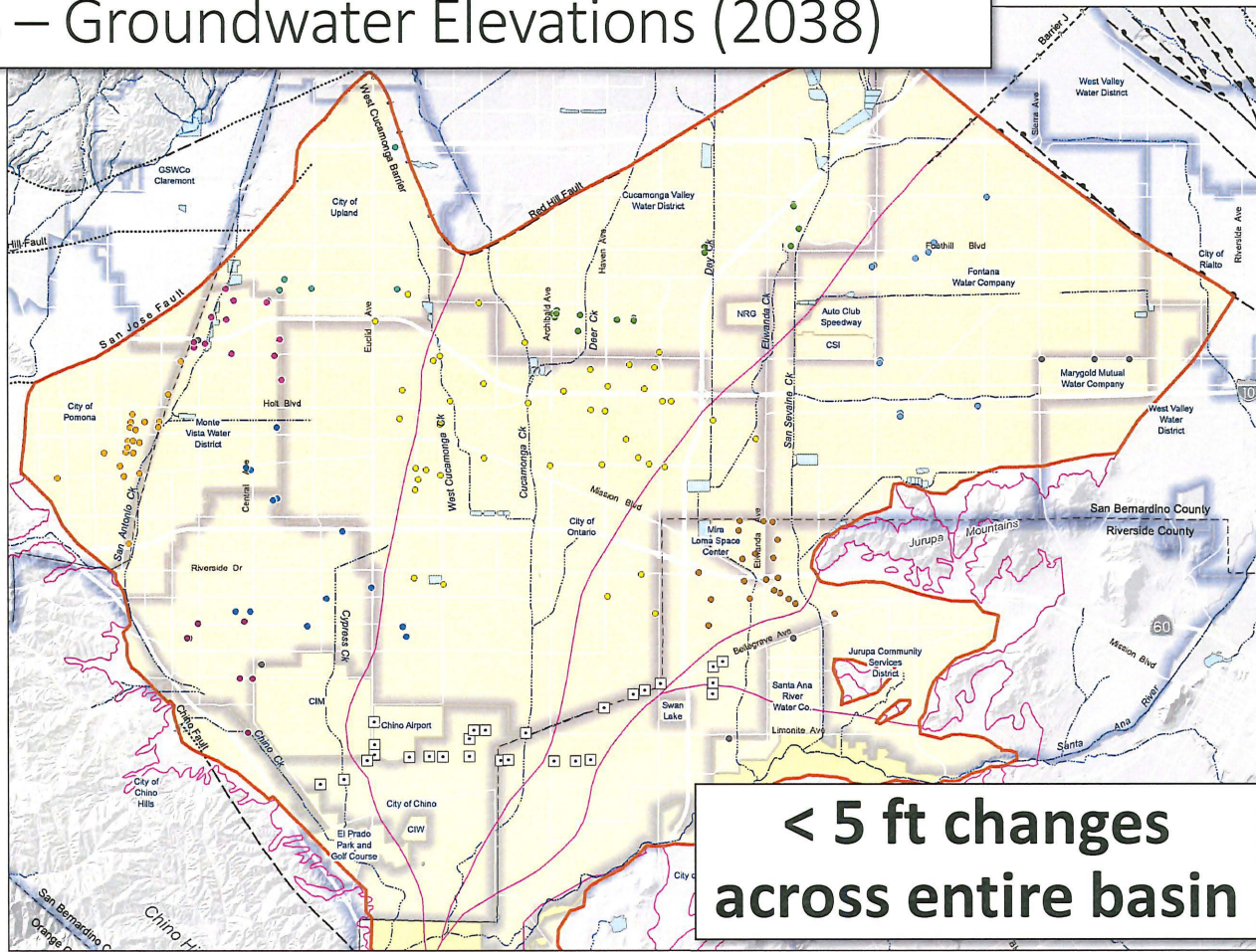
DRAFT
 Evaluation of the Local Storage
 Limitation Solution



Projected Groundwater Elevation Change
 Layer 1
 July 2028 - LSLs minus SYR1

Figure 3-3

Results – Groundwater Elevations (2038)



**< 5 ft changes
across entire basin**

— Contour of Groundwater Elevation Change (ft)
— Positive Change July 2038 - LSLs minus SYR1
— Contour of Groundwater Elevation Change (ft)
— Negative Change July 2038 - LSLs minus SYR1

Groundwater Elevation Change (ft)
 July 2038 - LSLs minus SYR1

50
 ↑ Increase
 0
 ↓ Decrease
 -50

Appropriative Pool Pumping Wells

- City of Chino
- City of Chino Hills
- City of Ontario
- City of Pomona
- City of Upland
- Cucamonga Valley Water District
- Fontana Water Company
- Jurupa Community Services District
- Monte Vista Water District
- Other Appropriators

□ Chino Desalter Wells

~ Streams & Flood Control Channels

□ Flood Control & Conservation Basins

□ Water Service Area

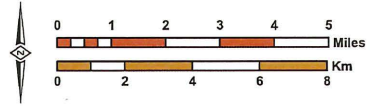
□ Chino Basin Part of the Active CVM MODFLOW Domain

1 2 3 4 OBMP Management Zones



Prepared by:

Author: TA
 Date: 2/4/2021
 File: Figure 3-4 GWE Change 2038.mxd



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Evaluation of the Local Storage Limitation Solution



Projected Groundwater Elevation Change
 Layer 1
 July 2038 - LSLs minus SYR1

Figure 3-4

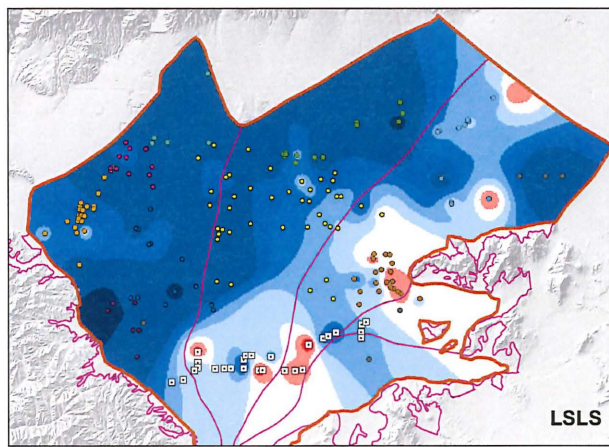
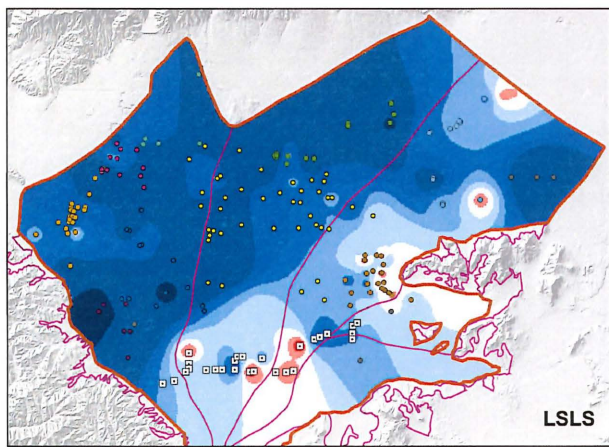
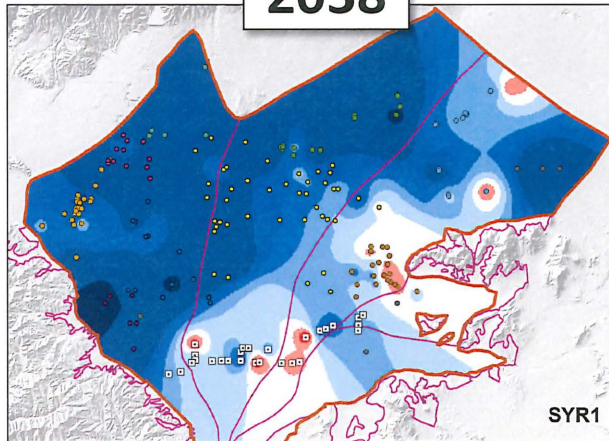
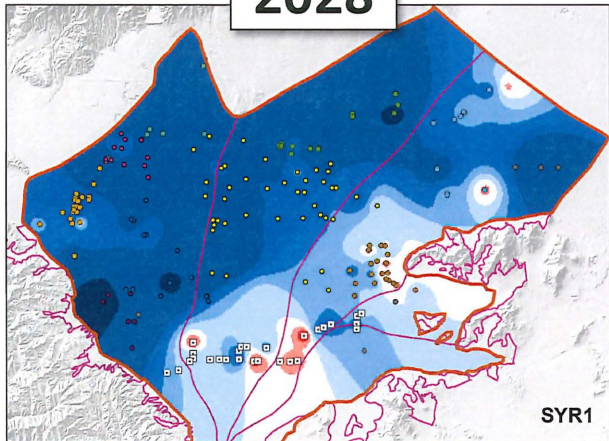


2028

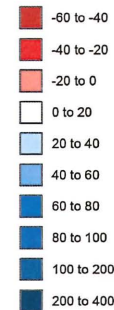
2038

SYR1

LSLS



Projected Groundwater Level Minus Sustainability Metric (ft)



Appropriate Pool Pumping Wells

- City of Chino
- City of Chino Hills
- City of Ontario
- City of Pomona
- City of Upland
- Cucamonga Valley Water District
- Fontana Water Company
- Jurupa Community Services District
- Monte Vista Water District
- Other Appropriators

□ Chino Desalter Wells



Chino Basin Part of the Active CVM MODFLOW Domain



Prepared by:

Results – Pumping Sustainability

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Evaluation of the Local Storage Limitation Solution

Prepared for:



Projected Groundwater Elevation in Chino Basin Compared to Pumping Sustainability Metric SYR1 and LSLS Scenarios

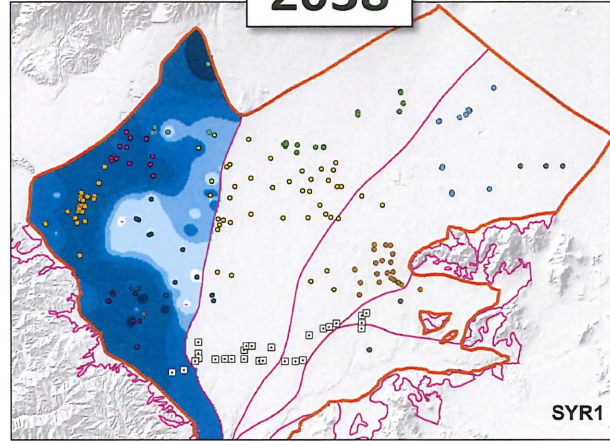
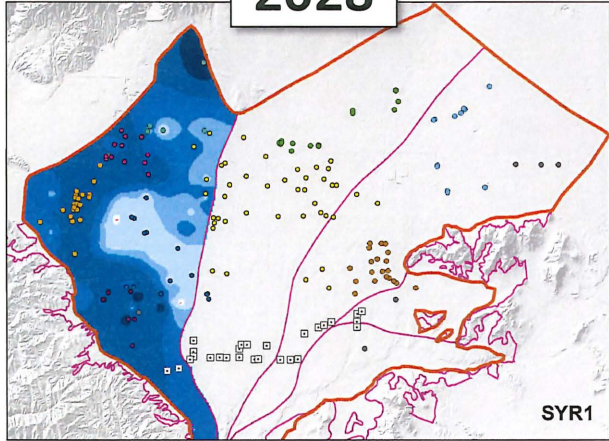
Figure 3-5



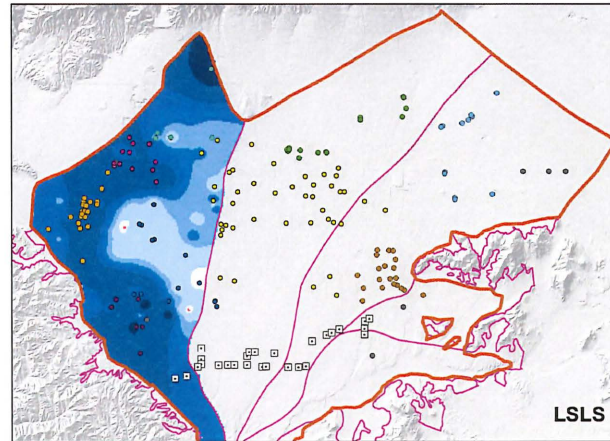
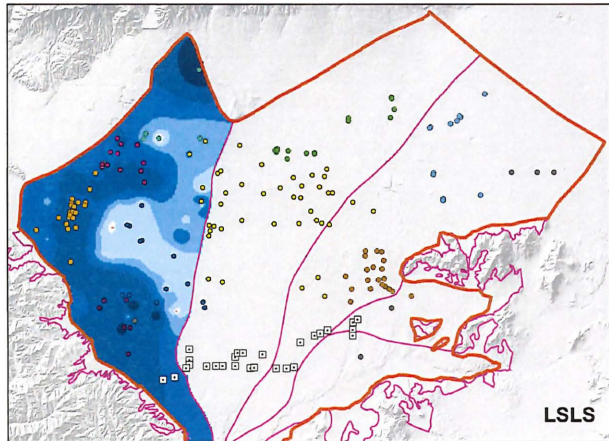
2028

2038

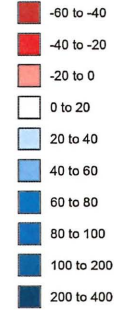
SYR1



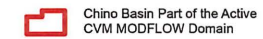
LSLS



Projected Groundwater Level Minus Subsidence Metric (ft)



Appropriative Pool Pumping Wells



Prepared by:

Results – New Land Subsidence

DRAFT
 Prepared for:
 Evaluation of the Local Storage
 Limitation Solution



Projected Groundwater Elevation in MZ1
 Compared to Subsidence Metric
 SYR1 and LSLS Scenarios

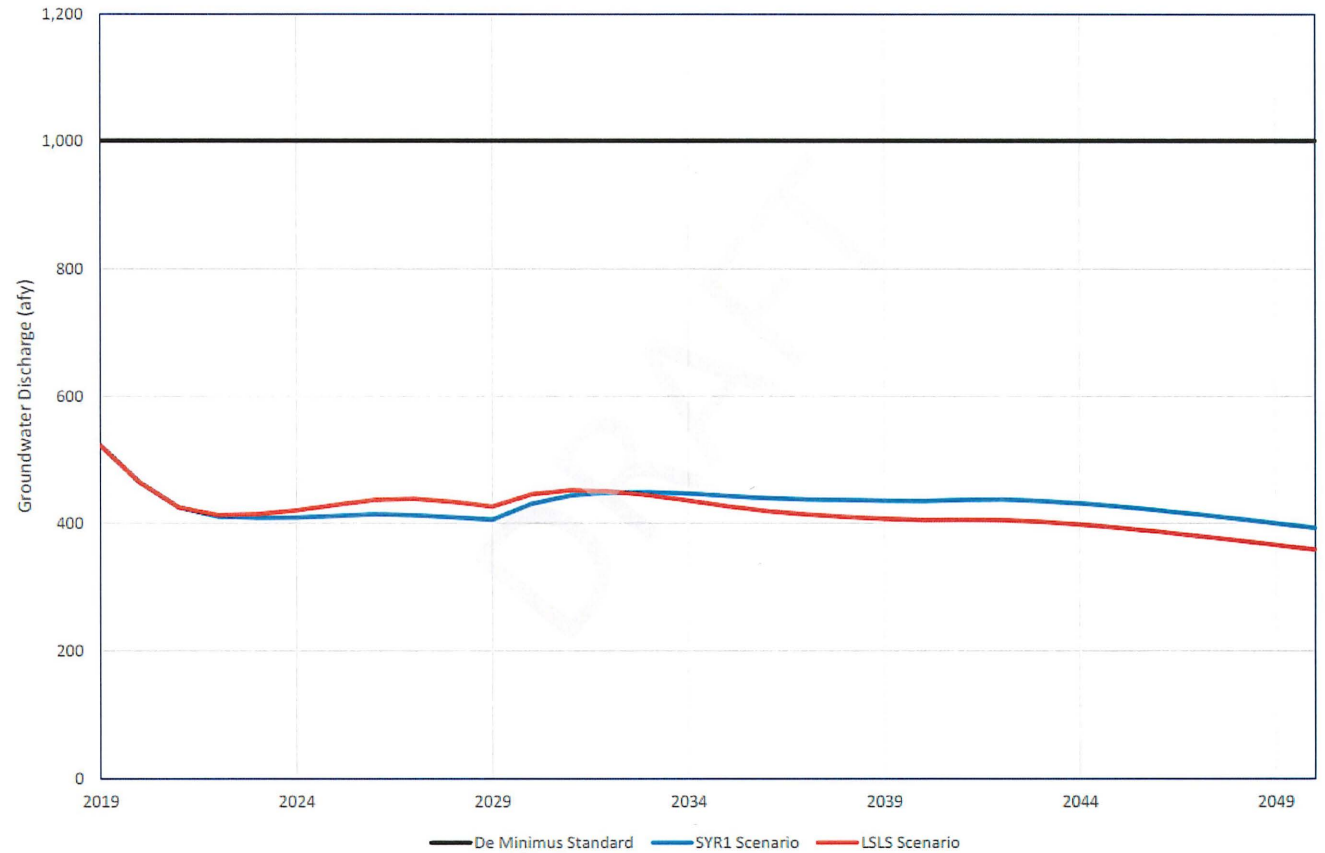
Figure 3-6



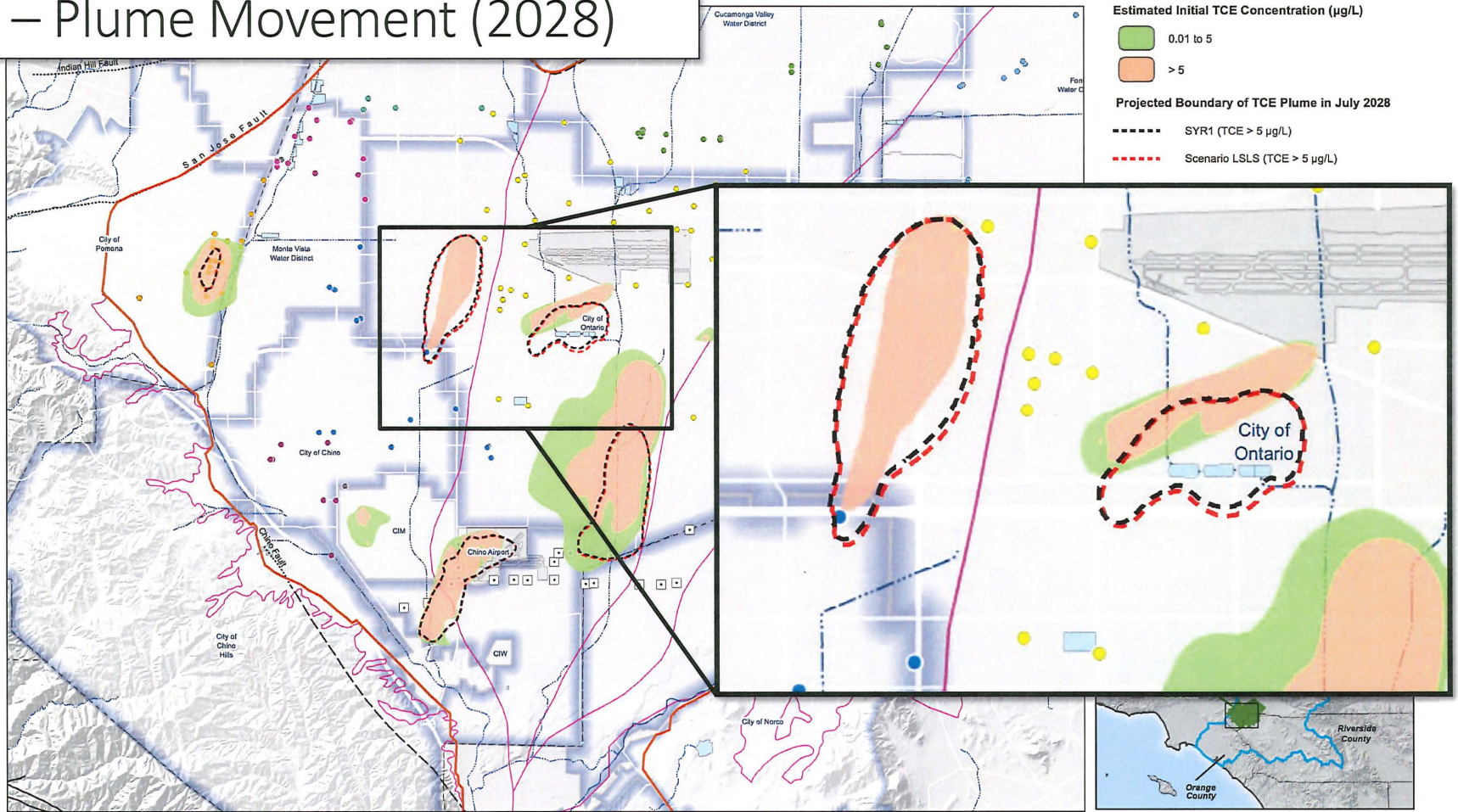
Results – Hydraulic Control

Figure 3-7. Projected Groundwater Discharge from Chino North Management Zone through the Chino Creek Well Field for the SYR1 and LSL5 Scenarios

No adverse impacts to Hydraulic Control



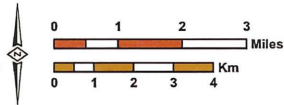
Results – Plume Movement (2028)



Prepared by:



Author: LS
 Date: 2/12/2021
 File: Figure 3-8_3-9 WO_Anomalies_2028_2038.mxd



DRAFT

Evaluation of the Local Storage Limitation Solution

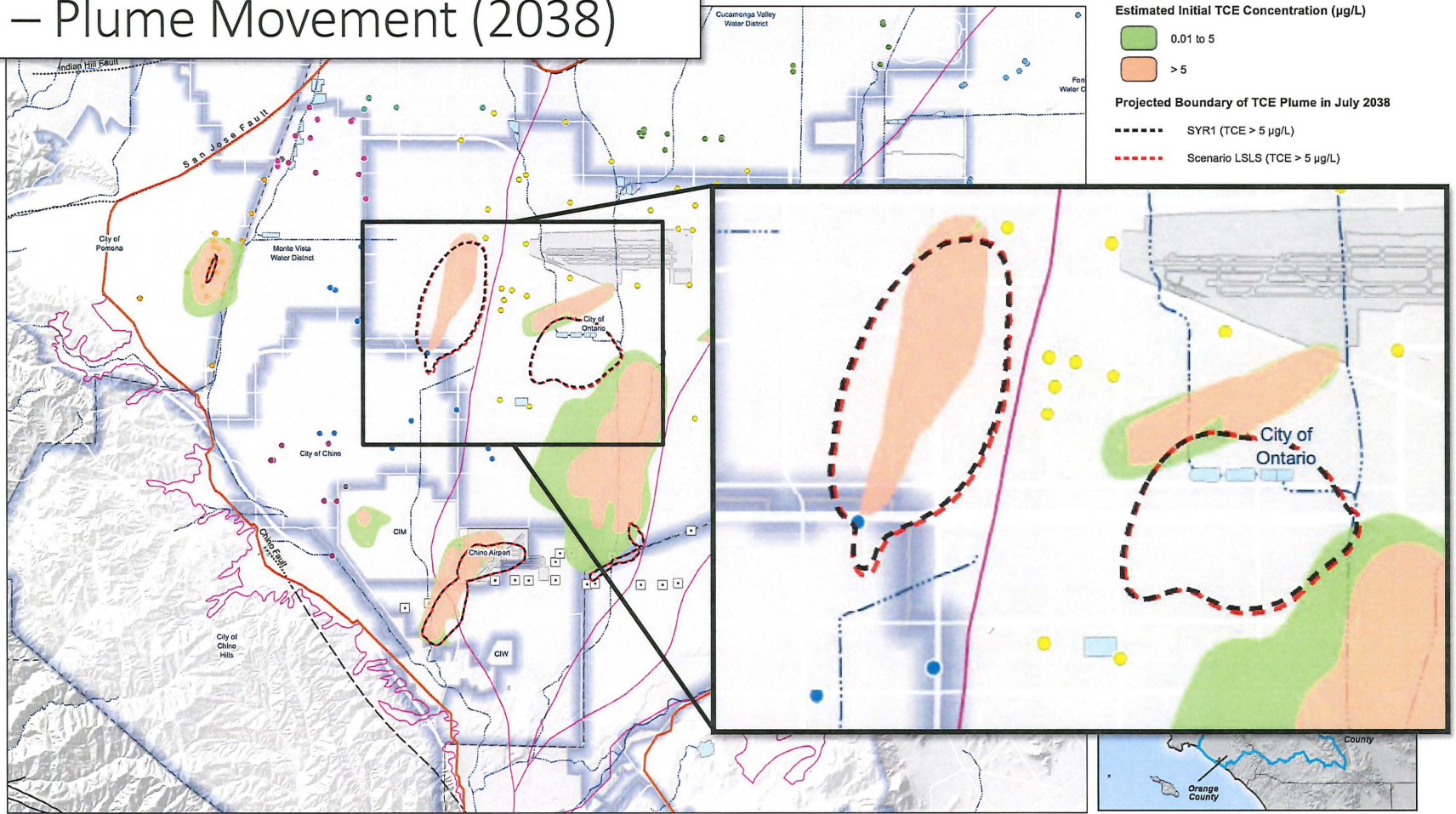
Prepared for:



Estimated Location of Water Quality Anomalies, SYR1 and LSLs Scenarios July 2028

Figure 3-8

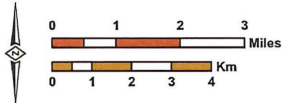
Results – Plume Movement (2038)



Prepared by:



Author: LS
 Date: 2/4/2021
 File: Figure 3-8_3-9 WO_Anomalies_2028_2038.mxd



DRAFT

Evaluation of the Local Storage Limitation Solution

Prepared for:



Estimated Location of Water Quality Anomalies, SYR1 and LSLs Scenarios July 2038

Figure 3-9

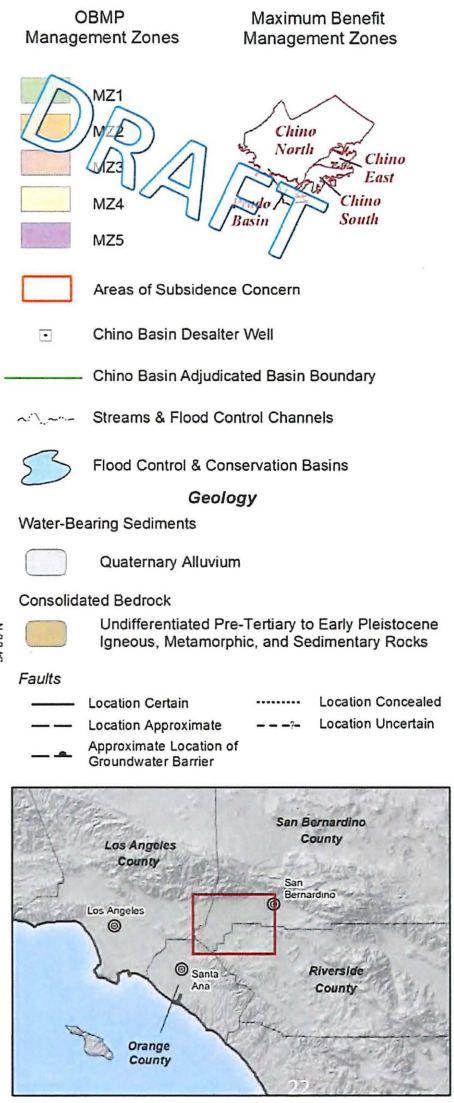
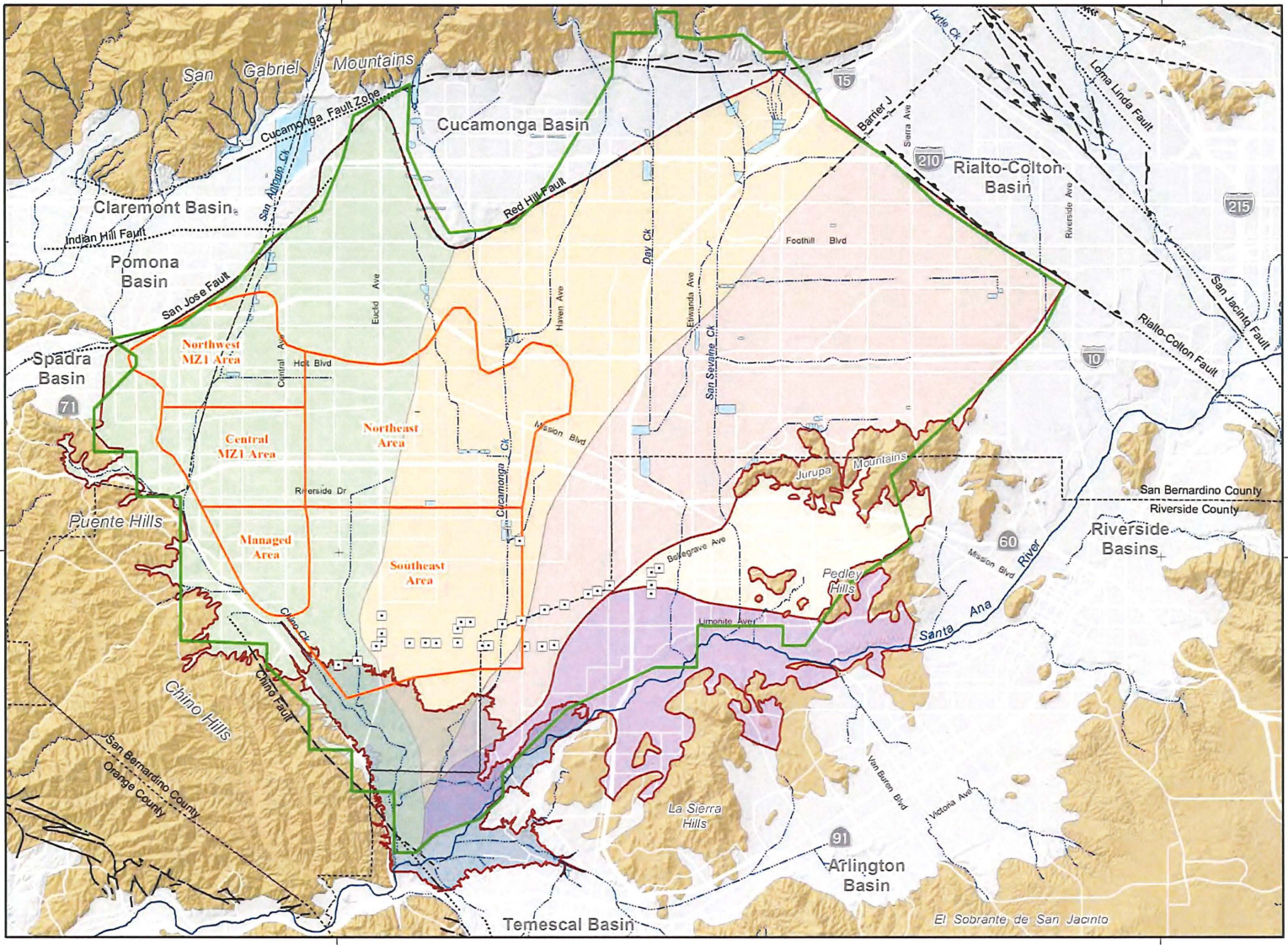


Table 3-2. Summary of Potential MPI and Adverse Impacts

Potential Adverse Impact/MPI Category	Adverse Impacts? ^(a)	Comment
Net recharge and Safe Yield	<p>No:</p> <ul style="list-style-type: none"> This is a minor economic impact to the Parties. This economic impact is offset by the OBMP's prospective calculation of the Safe Yield on a going-forward basis 	The LSLS scenario will temporarily reduce net recharge of 600 afy from 2019 through 2032. This is not an environmental impact, but rather an adverse economic impact to the Parties that can be mitigated by the prospective calculation of the Safe Yield under the OBMP. The reduction in net recharge through implementation of the LSLS scenario will diminish over time and is projected to be completely offset by 2050. By 2050, the net recharge in the LSLS scenario increases when compared to the baseline scenario by about 500 afy.
Pumping sustainability	No	No new pumping sustainability challenges are projected to occur
New land subsidence	No	No new land subsidence is projected to occur.
State of Hydraulic Control	No	Hydraulic Control is projected to be maintained through 2035.
Direction and speed of known plumes	No	The LSLS scenario results in a negligible impact on the direction and speed of known plumes.
(a) Will potential adverse impacts or MPI in the LSLS scenario occur through 2035 such that a significant environmental impact would occur?		



CEQA Analysis



117°40'0"W

117°20'0"W



LOCAL STORAGE LIMITATION SOLUTION (LSLS) PROJECT DESCRIPTION

DRAFT

Watermaster proposes a change in the Safe Storage Capacity to 700,000 AF through June 30, 2030, and to 620,000 AF from July 1, 2030 through June 30, 2035. After June 30, 2035, Safe Storage Capacity will revert to 500,000 AF unless the OBMP is amended again pursuant to a subsequent CEQA analysis.



LSLS CEQA PROCESS

DRAFT

The Project Description was finalized in early 2021, based on parties' projections, and was used as a framework from which to begin the CEQA process. An Addendum was selected as the appropriate CEQA documentation because the LSLS would not result in adverse impacts or MPI to the Basin and does not require mitigation measures beyond those identified in the 2000 OBMP.



LSLS CEQA PROCESS

DRAFT

The Addendum Analyzed each of the CEQA Appendix G Topics, including the following issues that were not analyzed in the 2000 OBMP PEIR:

- ❖ Agriculture and Forestry Resources
- ❖ Greenhouse Gas
- ❖ Mineral Resources
- ❖ Recreation
- ❖ Tribal Cultural Resources
- ❖ Wildfire

LSLS HYDROLOGY AND WATER QUALITY

DRAFT

Potential Adverse Impact/MPI Category	Will potential adverse impacts or MPI in the LSLS scenario occur through 2035 such that a significant environmental impact would occur?	Comment
Net recharge and Safe Yield	No. (A) This is a minor economic impact to the Parties; (B) This economic impact is offset by the OBMP's prospective recalculation of the Safe Yield on a going forward basis.	The LSLS scenario will temporary reduce net recharge of 600 AFY from 2019 through 2032. This is not an environmental impact, but constitutes an adverse economic impact to the Parties that can be mitigated by the prospective recalculation of the Safe Yield under the OBMP. The reduction in net recharge through implementation of the LSLS scenario will diminish over time and is projected to be completely offset by 2050. By 2050, the net recharge in the LSLS scenario increases when compared to the baseline scenario by about 500 AFY.
Pumping sustainability	No	No new pumping sustainability challenges are projected to occur
New land subsidence	No	No new land subsidence is projected to occur.
State of Hydraulic Control	No	Hydraulic Control is projected to be maintained through 2035.
Direction and speed of known plumes	No	The LSLS scenario results in a negligible impact on the direction and speed of known plumes.



LSLS CEQA PROCESS

DRAFT

The conclusion for each of the topics analyzed in Addendum No. 2 was that:

- ❖ None of the changes or additions proposed as part of the LSLS would result in new significant impacts or a substantial increase in impacts for any topic such that a significant adverse impact would occur.
- ❖ Therefore, the modified project does not meet the standards requiring a subsequent or supplemental EIR pursuant to the CEQA Guidelines, Section 15162.



Discussion

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 February 24, 2021 I served the following:

1. DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF FIFTH 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 February 24, 2021 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

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CBWM BOARD MEMBER
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ONTARIO, CA 91761

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2 HEXAM
IRVINE, CA 92603

ALLEN HUBSCH
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