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8	SUPERIOR COURT OF THE STATE OF CALIFORNIA				
9	FOR THE COUNTY OF SAN BERNARDINO				
10					
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.	DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF CHINO			
15	CITY OF CHINO, ET AL.,	BASIN WATERMASTER'S MOTION REGARDING IMPLEMENTATION OF			
16	Defendants.	THE LOCAL STORAGE LIMITATION SOLUTION			
17		Date: June 25, 2021			
18		Time: 1:30 p.m. Dept.: S35			
19		[Filed concurrently herewith: Chino Basin			
20		Watermaster Motion Regarding Implementation of the Local Storage Limitation Solution;			
21		[Proposed] Order]			
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DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF CHINO BASIN WATERMASTER'S MOTION REGARDING IMPLEMENTATION OF THE LOCAL STORAGE LIMITATION SOLUTION

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

- I am an attorney duly admitted to practice before all of the courts of this State, and 1. am a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for Chino Basin Watermaster ("Watermaster"). I have personal knowledge of the facts stated in this declaration, except where stated on information and belief, and, if called as a witness, I could and would competently testify to them under oath. I make this declaration in support of the abovereferenced request.
- 2. As legal counsel for Watermaster, I am familiar with Watermaster's practices and procedures, as well as actions taken by the Pool Committees, Advisory Committee and Watermaster Board.
- 3. I am aware of and have been involved with the development of the Local Storage Limitation Solution ("LSLS").
- 4. As of May 28, 2021 the Parties to the Peace Agreement have proposed amendments to the Peace Agreement, but have been unable to reach a unanimous proposal that would guide the management of storage in amount in excess of 500,000 AF via implementation of the LSLS.
- 5. Watermaster is aware that the current local storage solution, described in Addendum No. 1 to the Optimum Basin Management Program Project PEIR, expires on June 30, 2021.
- 6. In accordance with its authority under the Restated Judgment and to protect and preserve existing and presently projected additional quantities of water characterized as "local storage" before the June 30, 2021 deadline, Watermaster staff with the assistance of counsel prepared Resolution No. 2021-03.
- Resolution No. 2021-03 proposes a mechanism that would allow the currently 7. stored water in excess of 500,00 acre-feet (AF) to remain in storage, with no prejudice to the rights of the Parties to reach agreement on the amendment of Program Elements 8 and 9 of the Optimum Basin Management Program Implementation Plan.
  - The Draft Resolution No. 2021-03 was presented to the Pool Committees during 8.

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their regular meetings on May 13, 2021.

- 9. At its May 13, 2021 meeting, the Appropriative Pool Committee took action following Confidential Session to not oppose the proposed resolution and requested to see all related documents prior to the Advisory Committee meeting.
- 10. At its May 13, 2021 meeting, the Overlying (Non- Agricultural) Pool Committee did not take a position on the proposed resolution and offered advice for Watermaster to proceed with consideration of "evergreen" local storage agreements to gain administrative efficiency.
- 11. At its May 13, 2021 meeting, the Overlying (Agricultural) Pool Committee offered no advice on the proposed Board Resolution. One of its members suggested that the Watermaster's Engineer audit all water held in stored water accounts to verify that the water accounting was accurate.
- 12. Draft Resolution No. 2021-03 and a draft proposed order were presented to the Advisory Committee members in advance of its May 20, 2021 meeting. At its May 20, 2021 meeting, the Advisory Committee offered no advice to the Watermaster Board on the matter.
- 13. The Watermaster Board considered Resolution No. 2021-03 at its May 27, 2021 regular meeting. Following public comment raising questions on the quantities of water in storage and regulation of extractions of stored water in the future, the Board directed staff to prepare responsive report on these items to the Board at a future meeting. Thereafter, the Watermaster Board unanimously adopted Resolution No. 2021-03 and directed counsel to file this Motion with the Court. A true and accurate copy of Resolution No. 2021-03 is attached as Exhibit A to this declaration. Watermaster is not aware that any Party objects to the implementation of the LSLS in this manner.
- 14. Notice of the motion to which this declaration is attached was provided on May 27, 2021 to the Parties.

# Exhibit A

## RESOLUTION 2021-03 OF THE CHINO BASIN WATERMASTER

#### REGARDING

### IMPLEMENTATION OF THE LOCAL STORAGE LIMITATION SOLUTION

- 1. WHEREAS, the Chino Basin Watermaster ("Watermaster") was appointed pursuant to the Judgment in Chino Basin Municipal Water District v. City of Chino (San Bernardino Superior Court Case No. RCV RS51010) to administer and enforce the provisions of the Judgment and any subsequent instructions and orders of the Court;
- 2. WHEREAS, there are approximately 585,000 acre-feet ("AF") of water presently held in storage within the Basin that is subject to potential reduction in the absence of a further order of the Court authorizing the continued storage of groundwater under defined rules as it will exceed the quantities previously provided for under the Peace Agreement and previously cleared through environmental review;
- 3. WHEREAS, the Inland Empire Utilities Agency's completion of environmental review of the Local Storage Limitation Solution ("LSLS") and adoption of an Addendum on March 17, 2021 to the Programmatic Environmental Impact Report for the Optimum Basin Management Plan concluded there were no significant unavoidable adverse impacts attributable to the LSLS;
- **4. WHEREAS**, All signatories to the Peace Agreement have not unanimously consented to any specific set of amendments to the Peace Agreement that would implement the LSLS; and
- 5. WHEREAS, Watermaster's obligation to optimally manage the Basin in accordance with Restated Judgment Paragraph 41, establish uniform rules and processes that fulfill the requirements of Restated Judgment Paragraphs 11, 12 and 14 could be satisfied by the Court drawing upon its authority to review and act upon a recommendation by Watermaster under its continuing jurisdiction set forth in Restated Judgment Paragraph 15.

### **NOW THEREFORE LET IT BE RESOLVED,** by THE CHINO BASIN WATERMASTER, that is recommended that the Court order that:

- Watermaster manage all quantities of water held in storage in amounts from 500,001 AF up to a
  maximum of 700,000 AF until June 30, 2030 and thereafter a maximum of 620,000 until June 30,
  2035, consistent with all provisions of the Peace Agreement and the Peace II Agreement
  applicable to the Local Storage of water within the Basin, without limitation, subject to further
  order of this Court;
- 2. Watermaster conform the Watermaster Rules and Regulations consistent with such order, subject to Court approval;
- 3. Watermaster implement the OBMP in conformance with such Order, the IEUA Addendum dated March 17, 2021 and the Court's April 28, 2017, March 15, 2019, and July 31, 2020 orders establishing a Safe Yield Reset process;
- 4. All of the parties' rights and remedies, whatever they may be, are expressly reserved, preserved and protected and made applicable to the quantities of stored water greater than 500,001 AF; and
- 5. The Court reserves jurisdiction to consider future proposals of Watermaster or the parties with regard to storage management.

APPRO	VED:
	Board Chair Chino Basin Watermaster
ATTES	7:
	Board Secretary/Treasurer Chino Basin Watermaster

**ADOPTED** by the Watermaster Board on this 27<sup>th</sup> day of May 2021.

STATE OF C	CALIFORNIA	)
COUNTY OF	SAN BERNARDINO	) ss )
HEREBY CE		, Secretary/Treasurer of the Chino Basin Watermaster, DOing Resolution being No. 2021-03, was adopted at a regular meeting of don May 27, 2021 by the following vote:
AYES:	9	
NOES:	0	
ABSENT:	0	
ABSTAIN:	0	
		CHINO BASIN WATERMASTER
		Watermaster Board Secretary/Treasurer
Date:	May 27, 2021	

## 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 May 27, 2021 I served the following:

	1.	DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF WATERMASTER'S MOTION REGARDING IMPLEMENTATION OF THE LOCAL STORAGE LIMITATION SOLUTION
/ <u>X</u> _/	pı ad	Y MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully repaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, ddresses as follows:  ee attached service list: Mailing List 1
/	В	Y PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.
''	nı	Y FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax umber(s) indicated. The transmission was reported as complete on the transmission report, hich was properly issued by the transmitting fax machine.
<u>/ X</u> /	tra	Y ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic ansmission to the email address indicated. The transmission was reported as complete on the ansmission report, which was properly issued by the transmitting electronic mail device.
decla correc		under penalty of perjury under the laws of the State of California that the above is true and

Executed on May 27, 2021 in Rancho Cucamonga, California.

By: Janine Wilson

Chino Basin Watermaster

PAUL HOFER CBWM BOARD MEMBER 11248 S TURNER AVE ONTARIO, CA 91761

JEFF PIERSON 2 HEXAM IRVINE, CA 92603

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Andy Campbell
Andy Malone
Angelica Todd
Angelo Simoes
Anna Nelson
April Robitaille
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Art Bennett Arthur Kidman Ashok Dhingra Ben Lewis Ben Peralta

Benjamin M. Weink Betty Anderson Betty Folsom Bill Schwartz Bob Bowcock Bob DiPrimio

Bob Feenstra
Bob Kuhn
Bob Kuhn

Bob Page Brad Herrema Braden Yu Braden Yu

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