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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF SAN BERNARDINO

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14 CHINO BASIN MUNICIPAL WATER  
15 DISTRICT,

15 Plaintiff,

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16 vs.

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17 CITY OF CHINO, ET AL.,

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18 Defendants.

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Case No: RCVRS 51010

*Assigned for All Purposes to:  
Honorable Gilbert G. Ochoa*

**SUPPLEMENTAL DECLARATION OF  
COURTNEY JONES IN SUPPORT OF  
MOTION CHALLENGING  
WATERMASTER'S BUDGET ACTION  
TO FUND UNAUTHORIZED CEQA  
REVIEW**

[Concurrently Filed With Reply Brief]

Date: October 14, 2022

Time: 9:00 a.m.

Department: S24

SUPPLEMENTAL DECLARATION OF COURTNEY JONES ISO MOTION CHALLENGING  
WATERMASTER'S BUDGET ACTION TO FUND UNAUTHORIZED CEQA REVIEW

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**SUPPLEMENTAL DECLARATION OF COURTNEY JONES**

I, Courtney Jones, declare:

1. I am the Water Resources and Regulatory Affairs Director for the City of Ontario (“Ontario”), a party in the above-captioned case. I have held this position with Ontario for a year and a half and worked for Ontario for four years. I am a licensed Civil Engineer in California. As the Water Resources and Regulatory Affairs Director, I am responsible for Ontario’s water resources, production, and water quality. In connection with my management role for Ontario, I closely follow and regularly participate in matters involving the Chino Basin Watermaster (“Watermaster”). I regularly attend Watermaster meetings, including meetings of the Watermaster Board of Directors and the Advisory Committee. I am well-familiar with matters involving the Watermaster, including Watermaster proceedings pertaining to the Optimum Basin Management Program Update (“OBMPU”) and Watermaster’s annual budget process and assessment packages. I personally review Watermaster budgets. I have personal knowledge of the matters set forth herein, unless stated upon information and belief, and if called as a witness, I could and would competently testify to the facts stated herein. As to any matters stated upon information and belief I am informed and believe they are true.

2. I participated in meetings facilitated by Watermaster to start the process of developing an OBMPU Implementation Plan through an amendment to the Peace Agreement, including an orientation meeting and an Implementation Plan drafting session conducted in March 2020. After these two initial meetings, the process was put on hold and has yet to resume.

3. I participated in Ontario’s submission of its alternative advanced water treatment proposal to Watermaster for consideration for inclusion in a proposed project description of the OBMPU. Regional water supply is another project description that Ontario submitted to Watermaster for the OBMPU process.

4. Watermaster initially took the position that the OBMPU’s corresponding Implementation Plan and Peace Agreement amendment would move forward in parallel with the OBMPU, but later changed that position after Monte Vista Water District requested a brief 30-day

1 pause in the process related to the COVID-19 public health emergency. After the pause,  
2 Watermaster stopped conducting meetings to facilitate this process of developing agreements  
3 while continuing to pursue CEQA review of the 2020 OBMPU Report.

4 5. Attached hereto as **Exhibit "A"** are pages excerpted from a true and correct copy  
5 of Watermaster's Summary of Engineering Services and Costs for the Fiscal Year 2022/23  
6 Budget, which reflects Watermaster's formerly held position that

7 " . . . to implement the 2020 OBMP Update, the parties must update the  
8 2000 OBMP Implementation Plan and amend the Peace Agreement."

9 6. In light of my familiarity with Watermaster's annual budget process and regular  
10 attendance at budget-related meetings, I am informed and believe that in connection with  
11 Watermaster's 2017 and 2019 (certified in 2021) addenda to the Programmatic Environmental  
12 Impact Report ("PEIR") for the Local Storage Limitation Solution ("LSLS"), approval and  
13 funding of CEQA environmental consultants, Tom Dodson & Associates, went through the  
14 Watermaster budget approval process in and had unanimous consent of public agency parties to  
15 the Judgment and Peace Agreement. I personally participated in this Watermaster budget  
16 approval process for the Tom Dodson & Associates environmental consulting contract in  
17 December 2019. Ontario supported approval of the Dodson contract, along with other public  
18 agency parties, but only in reliance on an understanding that CEQA environmental review would  
19 be performed on the OBMP Implementation Plan and Peace Agreement update--not the 2020  
20 OBMPU Report.

21 7. Attached hereto as **Exhibit "B"** is a true and correct copy of a Watermaster Staff  
22 Report dated December 12, 2019, which reflects Watermaster's formerly held position that  
23 environmental review would be conducted on the OBMP Implementation Plan--not the 2020  
24 OBMPU Report.

25 8. Unlike the OBMPU process, which is expected to include amendments to the  
26 OBMP Implementation Plan and amend the Peace Agreement (see, e.g., Exhibit A hereto), the  
27 PEIR for the LSLS did not involve any update to the OBMP Implementation Plan and the Peace  
28 Agreement.

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

Executed this 7th day of October, 2022, at Ontario, California.

*Courtney Jones*

Courtney Jones

# **EXHIBIT A**

# CHINO BASIN WATERMASTER

## Summary of Proposed Engineering Services and Cost Estimates *Fiscal Year 2022/23*

DRAFT



## Executive Summary

This document summarizes the Chino Basin Watermaster’s proposed engineering scope-of-work and cost estimate for fiscal year (FY) 2022/23. For each engineering task, the following information is provided:

**Cost Estimate.** This is the estimated cost to complete the task in FY 2022/23, which includes all costs for Watermaster Engineer labor, equipment rentals, laboratory analyses, travel, other subcontractors, etc. The cost estimates in this summary are derived from the detailed line-item cost estimates shown in the attached Table 1.

**Rationale.** This is a description of why the task is being proposed for FY 2022/23, including references to associated regulatory requirements, Court Orders, CEQA requirements, or agreements.

**Scope.** This is a summary description of the scope of work required to complete the task.

**Deliverables.** This is a summary of the task deliverables.

Many tasks in the Watermaster’s engineering scope-of-work are continuous or span multiple years. Annual budgets for these tasks typically increase or decrease depending on the required level of effort. Table 2 is a comparison between the estimated engineering costs for FY 2022/23 and 2021/22. Table 3 describes the reasons for the changes in cost for the tasks with large variances.

There are two new tasks that are proposed to start in FY 2022/23 that have not been performed in past years. The new tasks are:

- Support Development of 2020 OBMP CEQA Documentation, Implementation Plan, and Peace Agreement Amendment
- 2022 State of the Basin Report
- Support for the Development of a Grant-funded Chino Basin PFAS Study

The total proposed cost estimate for engineering services in FY 2022/23 is about \$3,717,800. Cost sharing contributions by IEUA (~\$214,400) reduces the estimated costs for Watermaster engineering services to about \$3,503,400, which is about \$519,800 greater than the Watermaster’s engineering costs for FY 2021/22.

The cost estimates stated in this summary are *total* cost estimates for Watermaster engineering services, including costs that will be covered by cost-sharing partners (e.g., IEUA) and/or carryover budget from the prior fiscal year. Hence, the cost to the Watermaster Parties in 2022/23 will be less than the cost estimates stated herein.





6906.26 – OBMP/Judgment Admin General Engineering

Support Development of 2020 OBMP CEQA Documentation, Implementation Plan, and Peace Agreement Amendment

	<b>Cost Estimate</b>
Consultant Labor	\$276,399
Other Direct Costs	\$400
<b>Total</b>	<b>\$276,799</b>

**Rationale**

The 2000 OBMP and the 2000 OBMP Implementation Plan were developed during the period 1998 to 1999. The Peace Agreement was developed in 2000 to implement the OBMP and it incorporates the OBMP implementation Plan. From January 2019 to September 2020, Watermaster staff facilitated a stakeholder-driven process with the Chino Basin parties to prepare the 2020 OBMP Update. The deliverables from this process included the *2020 OBMP Update Scoping Report* and the *2020 OBMP Update Report*. The *2020 OBMP Update Report* defines the basin management plan categorized into nine program elements (PEs) for the next 20 years that is inclusive of ongoing implementation actions from the 2000 OBMP and new implementation actions defined by the parties during the 2020 OBMP Update process.

Starting in 2020, IEUA began the process of preparing CEQA documentation for the 2020 OBMP Update. The groundwater modeling that was included in the draft Subsequent Environmental Impact Report (SEIR) was based on the results of the 2018 Storage Framework Investigation (SFI) in the Chino Basin, which was based on a version of Watermaster’s groundwater model that was calibrated in 2011. The SFI was used in the development of the 2020 Storage Management Plan. During the period of 2018 through May 2020, Watermaster updated its groundwater model and prepared an updated estimate of Safe Yield for the period 2021 through 2030. The Court subsequently accepted this recommendation and ordered the Safe Yield changed. The 2020 Watermaster model, called the 2020 Chino Valley Model (2020 CVM), supersedes the model used in the development of the 2018 SFI. Watermaster and IEUA have requested that the modeling to support the CEQA documentation be updated and use the 2020 CVM.

Furthermore, to implement the 2020 OBMP Update, the parties must update the 2000 OBMP Implementation Plan and amend the Peace Agreement(s). In FY 2020/21, the parties deferred the update to the OBMP Implementation Plan and Peace Agreement amendment until further notice. In FY 2022/23, it is anticipated that Watermaster will support the Parties to update the OBMP Implementation Plan and Peace Agreement amendment for PE8 - Develop and Implement a Storage Management Plan and PE9 – Develop and Implement Storage and Recovery Programs.

**Scope of Work**

The consultant shall perform the following tasks:

- **Task 1 – Update the SFI with the 2020 CVM.** This consultant will use the 2020 CVM to simulate the five Storage and Recovery scenarios that are described in the *2018 Storage Framework Investigation Report* (WEI, 2019). The modeling work will include developing model input files, running the simulations, and post-processing the output data for each model scenario. Each scenario will be evaluated upon the same criteria that were documented in the SFI report. Following the completion of the simulations, the consultant will prepare for and conduct a meeting with IEUA and Watermaster staff to review the results of the modeling. The consultant will then prepare a draft and final report to document the results, similar to the 2018 SFI report.
- **Task 2 – As-Needed Assistance to Watermaster and IEUA Staff for CEQA Documentation.** The work required for this task will include translating the results and interpretations of the modeling work to an updated draft SEIR, coordinating with the other members of the CEQA support team, preparing for and



attending a public hearing on the draft SEIR, responding to comments on the draft SEIR, and other as-needed support.

- **Task 3 – As-Needed Assistance to Watermaster Staff for Development of the OBMP Update Implementation Plan and Peace Agreement Amendment.** The scope of work for Task 3 may include as-needed support tasks requested by Watermaster staff and legal counsel. The scope and schedule of any as-needed support tasks will be clearly defined and agreed upon by the consultant, Watermaster staff, and legal counsel.

## Deliverables

The deliverables for Task 1 include draft and final reports documenting the results and interpretations of the modeling work and charts and exhibits that the consultant will prepare for a presentation to Watermaster and IEUA staff to review the modeling results.

The deliverables for Task 2 include text, tables, and exhibits to be included in the updated draft SEIR, as well as any other as-needed deliverables to support the CEQA documentation process.

The deliverables for Task 3 will be defined by Watermaster staff on an as-requested basis.

# **EXHIBIT B**



# CHINO BASIN WATERMASTER

9641 San Bernardino Road, Rancho Cucamonga, CA 91730  
Tel: 909.484.3888 Fax: 909.484.3890 www.cbwm.org

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PETER KAVOUNAS, P.E.  
General Manager

## STAFF REPORT

DATE: December 12, 2019  
TO: AP/ONAP/OAP Members  
SUBJECT: 2020 Optimum Basin Management Program Implementation Plan Update Environmental Review Services – Contract Between Chino Basin Watermaster and Tom Dodson & Associates (Business Item II.B.)

### SUMMARY:

Issue: A contract between Watermaster and Tom Dodson & Associates is required to prepare the Environmental Review documentation of the 2020 OBMP IP Update.

Recommendation: Offer advice and assistance to the Watermaster Board.

Financial Impact: The amount of the contract is \$225,500 and the item was not budgeted. A budget amendment has been presented as a separate item on this agenda.

### Future Consideration

Appropriative Pool – December 12, 2019: Advice and Assistance  
Non-Agricultural Pool – December 12, 2019: Advice and Assistance  
Agricultural Pool – December 12, 2019: Advice and Assistance  
Advisory Committee – December 19, 2019: Advice and Assistance  
Watermaster Board – December 19, 2019: Approve and give GM authority to execute [Normal Course of Business]

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### ACTIONS:

Appropriative Pool – December 12, 2019:  
Non-Agricultural Pool – December 12, 2019:  
Agricultural Pool – December 12, 2019:  
Advisory Committee – December 19, 2019:  
Watermaster Board – December 19, 2019:

*Watermaster's function is to administer and enforce provisions of the Judgment and subsequent orders of the Court, and to develop and implement an Optimum Basin Management Program*

## BACKGROUND

The 2020 OBMP Update is a multi-stakeholder collaborative process to bring the 20-year old document up to date, acknowledging the new challenges and opportunities that the region faces and providing solutions through collective collaboration in adopting and implementing the updated Program.

The Watermaster stakeholders along with staff and consultants started the process to update the OBMP on January 2019. The collaborative process included a series of Listening Sessions where stakeholders expressed their issues, needs and wants related to groundwater management for the coming decades.

The process has resulted in a series of documents that will serve as the basis to update the OBMP Implementation Plan. With the actions identified throughout the process, the OBMP Implementation Plan update will require environmental review.

## DISCUSSION

Tom Dodson & Associates has extensive experience in the Chino Basin, including the preparation of the PEIR for the 2000 OBMP Implementation Plan, and the Subsequent EIR for the 2007 amendments. The experience qualifies Dodson & Associates to prepare the environmental review for the OBMP Implementation Plan Update.

The proposed scope of work and contract are attached to this staff report as Attachments 1 and 2 respectively.

The environmental review work was not budgeted during the development of the FY 2019/20 budget, as at the time, it was believed that the work would be performed under an existing contract between IEUA and Dodson & Associates and paid for by IEUA. Based on recent meetings held by Watermaster and IEUA, it has been concluded that the benefit accrues to all parties to the Judgment and not only those that are IEUA Member Agencies; as such it is believed to be more appropriate that the expense for the environmental review should be paid through Watermaster. The scope of work includes Hydrology/Water Quality technical analyses that are to be performed by WEI; these have been budgeted and are included in Watermaster's FY 2019/20 budget.

## ATTACHMENTS

1. Scope of Work and Proposal by Tom Dodson & Associates for Environmental Review of the 2020 OBMP Update.
2. Professional Services Agreement between Tom Dodson & Associates and Chino Basin Watermaster for Environmental Review Services for the 2020 OBMP Update.

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 October 7, 2022 I served the following:

1. SUPPLEMENTAL DECLARATION OF COURTNEY JONES IN SUPPORT OF MOTION CHALLENGING WATERMASTER'S BUDGET ACTION TO FUND UNAUTHORIZED CEQA REVIEW

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:** Master Email Distribution List

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.

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 October 7, 2022 in Rancho Cucamonga, California.

  
\_\_\_\_\_  
By: Ruby Favela Quintero  
Chino Basin Watermaster

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