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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 Gilbert Ochoa]

**DECLARATION OF PETER KAVOUNAS
IN SUPPORT OF CHINO BASIN
WATERMASTER'S SURREPLY IN
RESPONSE TO MOTION CHALLENGING
WATERMASTER'S BUDGET ACTION TO
FUND UNAUTHORIZED CEQA REVIEW**

Date: October 14, 2022
Time: 9:00 a.m.
Dept: S24

[Filed concurrently herewith: Motion to File
Surreply and Surreply re Motion Challenging
Watermaster's Budget Action to Fund
Unauthorized CEQA Review; Motion to Strike
Supplemental Declaration of Courtney Jones and
Reply in Support of Motion Challenging
Watermaster's Budget Action to Fund
Unauthorized CEQA Review; [Proposed] Order
Granting Watermaster Motion to Strike;
Objections to Supplemental Declaration of
Courtney Jones]

DECLARATION OF PETER KAVOUNAS

I, Peter Kavounas, declare:

1. I currently serve as the General Manager of the Chino Basin Watermaster (“Watermaster”). I have served in this capacity since September 4, 2012. 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 Watermaster’s Opposition to Motion Challenging Watermaster’s Budget Action to Fund Unauthorized CEQA Review.

2. As the General Manager of Watermaster, I am intimately familiar with the actions taken by the Pool Committees, Advisory Committee, and the Watermaster Board, and the directives to staff from the Board. My role as General Manager includes attending all Pool Committee, Advisory Committee, and Watermaster Board meetings.

3. In developing the Storage Management Plan, approved by the Watermaster Board on May 28, 2020, it was identified that storage in the Chino Basin would exceed the Safe Storage Capacity originally evaluated in the 2000 PEIR and the 2017 addendum.

4. The process for Watermaster’s development of the 2020 Optimum Basin Management Program Update (“2020 OBMPU”), the California Environmental Quality Act (“CEQA”) review of the same, and the eventual Court approval of additional local storage in the basin (the Local Storage Limitation Solution), was described to this Court in a series of Status Reports that were intended to ensure the Court was familiar with the subject matter prior to any request for approval of the updated OBMP or amendments to the Peace Agreement and OBMP Implementation Plan. The OBMP Status Reports were filed with the Court and presented to the parties to the Judgment for their review and comment prior to filing. No party commented on or opposed any of the OBMP Status Reports.

5. A true and correct copy of the Third Supplement to Chino Basin Watermaster Status Report Regarding Update to the Optimum Basin Management Program, filed August 26, 2020 is attached hereto as **Exhibit A**.

6. A true and correct copy of the ₂ Update to Fifth Supplement to Chino Basin

1 Watermaster Status Report Regarding Update to the Optimum Basin Management Program, filed
2 March 22, 2021 is attached hereto as **Exhibit B**.

3 7. A true and correct copy of Chino Basin Watermaster Notice of Motion and Motion
4 Regarding Implementation of the Local Storage Limitation Solution, filed May 27, 2021 is attached
5 hereto as **Exhibit C**.

6 8. A true and correct copy of the Staff Report for Item II.A appearing on the December
7 19, 2019 Advisory Committee and Watermaster Board agenda is attached hereto as **Exhibit D**.

8 9. A true and correct copy of the complete Staff Report for Item II.B appearing on the
9 December 19, 2019 Advisory Committee and Watermaster Board agenda is attached hereto as
10 **Exhibit E**.

11 10. Both a services contract with Tom Dodson & Associates to complete environmental
12 review associated with the OBMP Update and an associated budget amendment were unanimously
13 approved by the Appropriative Pool Committee at its December 12, 2019 meeting and the Advisory
14 Committee and Watermaster Board at their respective December 19, 2019 meetings.

15 11. Environmental review work that the CEQA consultant, Tom Dodson & Associates,
16 is presently conducting in regard to the 2020 OBMP Update is being done pursuant the services
17 contract unanimously approved by the Watermaster Board at its December 19, 2019 meeting.
18 Budget for this work was approved by the budget amendment that was a part of the December 19,
19 2019 Watermaster Board meeting agenda (provided herein in **Exhibit D**), as such funding was not
20 all expended during the 2020 draft SEIR process.

21 12. The December 2019 budget action and contract approval specifically related to
22 OBMPU CEQA Review. The budget addendum and contract for the 2021 Addendum to the 2000
23 PEIR relating to the Local Storage Limitation Solution was approved during the September 2020
24 Committee and Board meetings.

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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.

Dated this 11th day of October, 2022, at Rancho Cucamonga, California.


PETER KAVOUNAS

24776240

Exhibit A

FEE EXEMPT

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9 **FOR THE COUNTY OF SAN BERNARDINO**

11 CHINO BASIN MUNICIPAL WATER
12 DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, ET AL.,

16 Defendants.

Case No. RCV RS 51010

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

**THIRD SUPPLEMENT TO CHINO BASIN
WATERMASTER STATUS REPORT
REGARDING UPDATE TO THE
OPTIMUM BASIN MANAGEMENT
PROGRAM**

Date: September 25, 2020

Time: 1:30 p.m.

Dept.: S35

[Filed concurrently herewith: Declaration of
Bradley J. Herrema]

22 On August 6, 2019, the Chino Basin Watermaster (“Watermaster”) filed its Status Report
23 Regarding Update to the Optimum Basin Management Program (“Status Report”) providing the
24 Court with the background of the Optimum Basin Management Program (“OBMP”)
25 development, and describing Watermaster’s planned comprehensive update to the OBMP that
26 will maintain Watermaster’s ability to competently administer the decree and implement the
27 Court’s orders over time. Watermaster has filed two supplements to the Status Report—one on
28

1 December 6, 2019 and one on March 13, 2020—which provided updates on Watermaster’s
2 progress on the 2020 OBMP Update. When before the Court on June 26, 2020 and again on July
3 10, 2020, Watermaster requested the opportunity to further brief the Court on ongoing efforts to
4 update the OBMP and specifically the management of storage. The Court set September 25, 2020
5 as the date for the Court, to among other things, receive a further status report from Watermaster.
6 In anticipation of this Court hearing, Watermaster further supplements the Status Report to update
7 the Court as to Watermaster’s progress on the 2020 OBMP Update since March 2020 as follows.

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

9 **A. The Process to Date**

10 1. *OBMP Update Implementation Plan Drafting Process*

11 As discussed in the Second Supplement to the Status Report (“Second Supplement”), the
12 2020 OBMP Update Report was finalized and circulated in January 2020. Thereafter,
13 Watermaster began the process to develop an OBMP Implementation Plan and associated
14 agreements, holding a Drafting Session Orientation on March 2, 2020 and the first OBMP
15 Implementation Plan Drafting Session on March 16, 2020. (See Declaration of Bradley J.
16 Herrema (“Herrema Decl.”), ¶ 4, Ex. A, OBMP Markers & Milestones March 2020.) In March
17 2020, at the request of the parties due to the then emerging COVID-19 pandemic crisis,
18 Watermaster decided to postpone further work on the OBMP Implementation Plan and associated
19 agreements for 30 days. Watermaster offered to re-convene the drafting process in mid-April,
20 however the Parties were not interested in resuming at that time. (*Id.* at ¶ 5, Ex. B., OBMP
21 Markers & Milestones April & May 2020.)

22 The Appropriative Pool submitted draft Implementation Plan language focused on
23 Program Elements 8 and 9 (Develop and Implement Groundwater Storage Management Program,
24 Develop and Implement Storage and Recovery Programs) to Watermaster and other Parties
25 on May 27, 2020 with a request for input and engagement. (Herrema Decl., ¶ 6.) At this time,
26 two of the three Pool Committees—the Appropriative Pool and Overlying (Non-Agricultural)
27 Pool Committees—have requested that Watermaster reconvene this process. (Herrema Decl., ¶

1 7.) Watermaster is awaiting communication from the Overlying (Agricultural) Pool Committee as
2 to its desires in this regard. (*Id.*)

3 2. *2020 Storage Management Plan*

4 At its May 28, 2020 regular meeting, the Watermaster Board approved the 2020 Storage
5 Management Final Report Sections 2.1-2.6 as the Storage Management Plan, providing direction
6 as an incremental step towards the preparation of the required documentation for storage
7 management in a manner that is consistent with Watermaster’s responsibilities under the
8 Judgment. (Herrema Decl., 8.) The Watermaster Board additionally directed staff and counsel to
9 support the parties’ efforts to develop an update to the OBMP Implementation Plan and Peace
10 Agreement Amendment for Program Elements 8 and 9 (Storage and Storage & Recovery
11 Programs) in a manner that is consistent with Watermaster’s responsibilities to manage storage
12 under the Judgment; with the objective to complete the update effort by July 30, 2020 and report
13 progress to the Board monthly. (*Id.*) The Watermaster Board directed staff to concurrently
14 complete a plan, with advice and assistance of the Pool and Advisory Committees, to address the
15 risk of potential quantities of stored water exceeding the cumulative amount authorized by the
16 Peace Agreement and accounts for orderly use and distribution of excess quantities in a manner
17 that comports with the directives of the Judgment. (*Id.*) The Appropriate Pool and Overlying
18 (Non-Agricultural) Pools have communicated with Watermaster regarding concepts for this plan.
19 (*Id.*)

20 Finally, the Watermaster Board directed staff to bring the entire 2020 OBMP Update for
21 Board approval in September, after seeking advice and assistance from the Pool and Advisory
22 Committees. (*Id.*)

23 3. *OBMP Update Subsequent Environmental Impact Report*

24 On February 10, 2020, the Inland Empire Utilities Agency (“IEUA”) issued the Initial
25 Study/Notice of Preparation for the 2020 OBMP Update, notifying interested parties that an
26 Environmental Impact Report (“EIR”) would be prepared to analyze the potentially significant
27 impacts associated with implementation of the projects identified in the 2020 OBMP Update. On
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1 March 27, 2020, IEUA circulated the Draft Subsequent Environmental Impact Report for the
2 Chino Basin Watermaster Optimum Basin Management Program Update (“Draft EIR”) for public
3 review and comment. (Herrema Decl., ¶ 4, Ex. A.) The public review and comment period for
4 the Draft EIR ended on May 11, 2020 and, on July 2, 2020, IEUA posted the Final Subsequent
5 Environmental Impact Report for the Chino Basin Watermaster Optimum Basin Management
6 Program Update (“Final EIR”) with responses to the comments received during the public review
7 and comment period for the Draft EIR. (*Id.* at ¶ 5, Ex. B.) At its regular July 15, 2020 meeting,
8 the IEUA Board opened a public hearing on the Final EIR and adjourned that hearing to a
9 subsequent meeting in order to allow response to comments submitted that day. (Herrema Decl.,
10 9.)

11 4. *2020 Safe Yield Reset*

12 Finally, on July 10, 2020, this Court granted Watermaster’s Motion Regarding 2020 Safe
13 Yield Reset, Amendment of Restated Judgment, Paragraph 6, and reset the Safe Yield of the
14 Chino Basin from 135,000 acre-feet per year to 131,000 acre-feet per year for the period
15 commencing July 1, 2020 and ending on June 30, 2030.

16 **B. Deliverables and Schedule**

17 Watermaster has scheduled a September 1, 2020 workshop to discuss next steps in regard
18 to the OBMP Update, storage management and addressing limitations on volumes of stored water
19 in the Basin, necessary amendments to the OBMP Implementation Plan and the Peace
20 Agreement, and the necessary CEQA review to move forward with these processes. (Herrema
21 Decl., ¶ 10.) The members of the Appropriative Pool have indicated that they are working to
22 schedule a September 2, 2020 workshop as to the discussion of a draft OBMP Implementation
23 Plan amendment regarding Program Elements 8 and 9. (*Id.*)

24 The Pool Committees, Advisory Committee, and the Watermaster Board are scheduled to
25 review the 2020 OBMP Update Report at their regular September meetings. The Watermaster
26 Board will review the 2020 OBMP Update Report and determine whether to adopt the Report and
27 recommend its approval by the Court. (Herrema Decl., ¶ 11.) The Pool and Advisory
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1 Committees were given the opportunity to offer advice and assistance on the 2020 OBMP Update
2 Report during their August 2020 regular meetings. (*Id.*) Watermaster anticipates having a further
3 update on a timeline for the OBMP Implementation Plan by early December 2020. (*Id.* at ¶ 12.)

4 **C. Third Supplement to the Status Report**

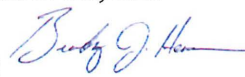
5 A draft of this pleading was presented to the Pool Committees and Advisory Committees
6 during their August 2020 regular meetings for their review and the provision of any advice and
7 assistance to Watermaster. (Herrema Decl., ¶ 13.) Though no Committee took action at its
8 meeting to provide advice as to the content of this Supplement, Watermaster counsel did receive
9 comments on behalf of members of the Appropriative Pool. (*Id.*) Watermaster counsel has
10 supplemented the draft pleading provided to the Committees in response to comments relevant to
11 the draft status report. (*Id.*) At its August 25, 2020 meeting, the Watermaster Board directed the
12 filing of this Supplement. (*Id.*)

13 **II. CONCLUSION**

14 Watermaster respectfully requests the Court take notice of this Third Supplement to the
15 Status Report. Watermaster seeks an open dialogue with the Court to address any questions the
16 Court may have and further direction that the Court may wish to offer at the September 25, 2020
17 hearing. Watermaster further requests the Court set a hearing in October or November 2020 to
18 consider approval of the 2020 OBMP Update Report.

19 Dated: August 26, 2020

20 BROWNSTEIN HYATT FARBER
21 SCHRECK, LLP

22 By: 

23 SCOTT S. SLATER
24 BRADLEY J. HERREMA
25 CHRISTOPHER R. GUILLEN
26 ATTORNEYS FOR
27 CHINO BASIN WATERMASTER

28 21464449

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 August 26, 2020 I served the following:

1. THIRD SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT
REGARDING UPDATE TO THE OPTIMUM BASIN MANAGEMENT PROGRAM

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.

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 August 26, 2020 in Rancho Cucamonga, California.


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Exhibit B

FEE EXEMPT

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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]

UPDATE TO 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: Declaration of Bradley J. Herrema in Support of Update to Fifth Supplement to Chino Basin Watermaster Status Report on the Update to the Optimum Basin Management Program]

BROWNSTEIN HYATT FARBER SCHRECK, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101-2711

1 The Chino Basin Watermaster (“Watermaster”) submits this Update to its February 24,
2 2021 Fifth Supplement to Chino Basin Watermaster on the Update to the Optimum Basin
3 Management Program in order to inform the Court of the developments since its February 24,
4 2021 filing. When Watermaster legal counsel were last before the Court on January 8, 2021, they
5 described with some specificity the short-term issues facing the parties to the Restated Judgment,
6 Watermaster, and this Court.

7 In implementing the Optimum Basin Management Program (“OBMP”) the parties have
8 successfully stored more water in the Chino Basin than was originally contemplated in 2000
9 when the OBMP was initially adopted. Twenty-one years later, there are now nearly 600,000
10 acre feet (“AF”) of stored water in the Chino Basin. This is approximately 100,000 AF more than
11 the designated Safe Storage Capacity of 500,000 AF¹. This excess quantity of stored water was
12 provisionally permitted until June 30, 2021 under an Addendum to the original programmatic
13 environmental impact report (“PEIR”) for the OBMP. Consequently, the parties to the Restated
14 Judgment, Watermaster, and the Court must now resolve how this excess 100,000 AF of stored
15 water will be managed.

16 As previously described to the Court, the parties proposed pausing the consideration of the
17 more robust OBMP Update Supplemental EIR which would have evaluated storage quantities as
18 high as 1M AF. The parties then collectively focused attention more narrowly on the Local
19 Storage Limitation Solution (“LSLS” or “skinny storage”). Toward that end, all three Pool
20 Committees and the Advisory Committee unanimously recommended that Watermaster should
21 proceed with the LSLS. (Fifth Supplemental Report at 3.)

22 The first milestone to be achieved was the adoption of a California Environmental Quality
23 Act (“CEQA”) compliant document as provided in paragraphs 2.1-2.4 of the Peace Agreement. A
24 public briefing on the supporting technical analysis for the proposed LSLS was publicly noticed
25 to all parties to the Restated Judgment and then held at the February 18, 2021 Advisory
26

27 _____
28 ¹ A single family of 4 uses approximately .45 AF of water per year for interior uses.

1 Committee meeting. The Inland Empire Utilities Agency (“IEUA”), as the lead agency,
2 recommended an addendum as the appropriate mechanism for fulfilling obligations under CEQA.
3 The LSLS Addendum was considered by the IEUA Board of Directors during its March 17, 2021
4 regular meeting, where it was unanimously approved with direction from the Board to file a
5 Notice of Determination. (Declaration of Bradley J. Herrema (“Herrema Decl.”) ¶ 4.)

6 Accordingly, the CEQA requirements of Peace Agreement paragraphs 2.1-2.4 have been
7 satisfied for the utilization of up to 700,000 AF of Local Storage until 2030. This is sufficient to
8 cover all groundwater currently held in storage along with room for an additional 100,000 AF of
9 storage to allow the parties to the Restated Judgment to rely upon existing facilities to the
10 maximum extent. As the parties to the Restated Judgment withdraw groundwater from storage
11 over time, the coverage would be gradually reduced to 620,000 AF until 2035.

12 As noted above, the Peace Agreement establishes processes, procedures, burdens of proof,
13 priorities and protections for managing storage quantities up to 500,000 AF. These provisions do
14 not apply to quantities in excess of 500,000 AF. While the LSLS Addendum was under
15 consideration, the parties to the Restated Judgment turned their attention to preparing proposed
16 instructions as to how water in storage in excess of 500,000 AF would be managed.

17 Consequently, new management directives will be required. These will either come by: (i) a
18 unanimously supported proposal of the parties to the Restated Judgment coupled with a
19 recommendation by Watermaster; (ii) a request to amend the Peace Agreement over the objection
20 of one or more parties, with Watermaster potentially supporting, or opposing the proposal; or (iii)
21 an independent Watermaster proposal, supported and/or opposed by respective parties.

22 In pursuit of unanimity, parties to the Peace Agreement have proposed offers and counter-
23 proposals for consideration and they are engaged in active discussions regarding potential
24 amendments to the Peace Agreement inclusive of instructions that would guide the future
25 management of storage in amounts in excess of 500,000 AF. (Herrema Decl., ¶ 5.) While no
26 specific party positions are ripe for sharing at this time, the Court is acutely aware of the
27 importance of this subject matter, the need for the timely resolution and itself has substantial
28 experience in gauging the speed at which a resolution may be accomplished. In the present

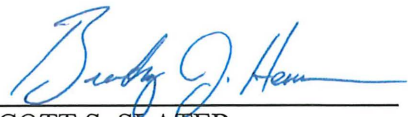
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situation, the Court's active involvement in spurring resolution in the form of further status reports may be welcome or if not welcome then necessary to ensure timely completion.

Watermaster respectfully requests the Court to take notice of this Update to the Fifth Supplemental Status Report. As always, Watermaster seeks an open dialogue with the Court to address any questions it may have and further direction that the Court may wish to offer at the March 26, 2021 hearing.

Dated: March 22, 2021

BROWNSTEIN HYATT FARBER
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By: 
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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 March 22, 2021 I served the following:

1. UPDATE TO FIFTH SUPPLEMENT TO CHINO BASIN WATERMASTER STATUS REPORT ON THE UPDATE TO THE OPTIMUM BASIN MANAGEMENT PROGRAM

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.

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 March 22, 2021 in Rancho Cucamonga, California.


By: Vanessa Aldaz
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Exhibit C

FEE EXEMPT

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Attorneys for
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, Dept. S35]

CHINO BASIN WATERMASTER NOTICE OF MOTION AND MOTION REGARDING IMPLEMENTATION OF THE LOCAL STORAGE LIMITATION SOLUTION

Date: June 25, 2021
Time: 1:30 p.m.
Dept: S35

[Filed concurrently herewith: Declaration of Bradley J. Herrema; [Proposed] Order]

BROWNSTEIN HYATT FARBER SCHRECK, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101-2711

1 **TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE THAT, on June 25, 2021 at 1:30 p.m. in Department S35 of the
3 above-entitled court located at 247 West Third Street, San Bernardino, California 92415-0210,
4 the Chino Basin Watermaster (“Watermaster”) will move this Court under its continuing
5 jurisdiction to: (i) establish the terms and conditions applicable to the storage of water in the
6 Basin not previously addressed by the Peace Agreement and the Peace II Agreement (together the
7 “Peace Agreements” in excess of 500,000 AF and (ii) more specifically to order that Watermaster
8 implement the Local Storage Limitation Solution (“LSLS”) by managing all quantities of water
9 held in storage in amounts from 500,001 AF up to a maximum of 700,000 AF until June 30,
10 2030, and thereafter a maximum of 620,000 AF until June 30, 2035, consistent with all provisions
11 of the Peace Agreements applicable to the Local Storage of water within the Basin, without
12 limitation.

13 Watermaster will also ask that the Court order Watermaster to (1) conform the
14 Watermaster Rules and Regulations consistent with the implementation of the LSLS, subject to
15 Court approval, and (2) to implement the Optimum Basin Management Program (“OBMP”) in
16 conformance with the LSLS implementation, the IEUA Addendum dated March 17, 2021, and
17 the Court’s orders dated April 28, 2017, March 15, 2019, and July 31, 2020 establishing the Safe
18 Yield Reset process.

19 These requests are made with the understanding that all of the Parties’ rights and
20 remedies, whatever they may be, are expressly reserved, preserved and protected and made
21 applicable to the quantities of stored water greater than 500,001 AF, and that the Court will
22 reserve jurisdiction to consider future proposals of Watermaster or the Parties with respect to
23 local storage management.

24 This motion is made pursuant to Watermaster’s obligations to optimally manage the
25 Chino Groundwater Basin (“Basin”), in accordance with Restated Judgment Paragraph 41, to
26 establish uniform rules and processes in furtherance of Restated Judgment Paragraphs 11, 12 and
27 14, and pursuant to the Court’s continuing jurisdiction under Restated Judgment Paragraph 15 to
28 review and act upon a recommendation by Watermaster.

1 This Motion is based upon this Notice, the attached Memorandum of Points and
2 Authorities, the Declaration of Bradley J. Herrema, concurrently filed herewith, all documents on
3 file herein, and such oral and documentary evidence as may be presented at the time of the
4 hearing on this matter.

5 Consistent with this Court's April 20, 2021 order, Watermaster has served Notice of this
6 Motion on the Parties to this action on May 27, 2021 (Declaration of Bradley J. Herrema at ¶ 14),
7 29 days prior to the June 25, 2021 hearing date, and will file this Motion with the Court by May
8 28, 2021.

9
10 Dated: May 27, 2021

BROWNSTEIN HYATT FARBER SCHRECK, LLP

11
12 By: 

13 SCOTT S. SLATER
14 BRADLEY J. HERREMA
15 KIMBERLY E. LEEFATT
16 Attorneys for
17 CHINO BASIN WATERMASTER
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Consistent with its role in the management of the storage space within the Chino Basin,
4 the Chino Basin Watermaster (“Watermaster”) hereby requests that this Court order Watermaster
5 to implement the Local Storage Limitation Solution (“LSLS”) for the purpose of establishing
6 clear rules under which the storage capacity of Basin may be used to store quantities of water in
7 excess of 500,000 AF. The Peace Agreements and the OBMP Implementation Plan previously
8 established rules and procedures for stored water up to a maximum of 500,000 AF. However,
9 while the Peace Agreements and the OBMP Implementation Plan do not preclude storage of
10 quantities in excess of 500,000 AF, there are no express directives for how the additional storage
11 capacity should be made available, prioritized, and conditioned. Moreover, there was no technical
12 analysis as to whether the additional storage could be accommodated without significant adverse
13 impacts.

14 Watermaster and the parties to the Judgment have now vastly exceeded initial
15 expectations for storing water in the Basin, which today comprises roughly 588,000 AF. The
16 amount between 500,000-588,000 was authorized temporarily in June of 2017 until June 30, 2021
17 under Addendum No. 1 to the PEIR for the purpose of reducing the risk of harm while enabling
18 further storage management measures to be properly evaluated. However, no new terms and
19 conditions have been agreed upon by the parties to the Peace Agreements as of the date of this
20 filing or previously recommended by Watermaster. Consequently, Watermaster requests the
21 Court issue the Proposed Order attached hereto for the purpose of providing clear direction to
22 Watermaster for the management of all quantities of water held in storage in amounts from
23 500,001 AF up to a maximum of 700,000 AF until June 30, 2030, and thereafter a maximum of
24 620,000 AF until June 30, 2035 on the same terms and conditions applicable to the Local Storage
25 of water under the Peace Agreement, without limitation. This recommendation is intended to
26 supplement rather than modify and amend the Peace Agreements and the OBMP Implementation
27 Plan and thus, the consent of all signatories to the Peace Agreements is not required.

28 Watermaster further requests that the Court order Watermaster to conform the

1 Watermaster’s Rules and Regulations consistent with such implementation of the LSLs, subject
2 to Court approval, and that Watermaster implement the Optimum Basin Management Program
3 (“OBMP”) in conformance with LSLs implementation, the Inland Empire Utilities Authority’s
4 (“IEUA”) Addendum No. 2 to the Optimum Basin Management Program (“Addendum No. 2”)
5 dated March 17, 2021, and the Court’s orders dated April 28, 2017, March 15, 2019, and July 31,
6 2020 establishing a Safe Yield Reset process.

7 Importantly, IEUA completed environmental review of the LSLs and adopted Addendum
8 No. 2 on March 17, 2021 to the PEIR to the OBMP, which concluded there were no significant
9 unavoidable adverse impacts attributable to the LSLs. No objections were lodged against IEUA’s
10 adoption of Addendum No. 2. While the signatories to the Peace Agreement have not yet
11 unanimously consented to any specific set of amendments to the Peace Agreements that would
12 implement the LSLs neither they nor Watermaster are precluded from proposing modifications in
13 the future under the Proposed Order.

14 Accordingly, on March 27, 2021 the Watermaster Board adopted Resolution No. 2021-03,
15 directing a motion to this Court for an order to implement the LSLs in accordance therewith.
16 Watermaster is not aware that any Party objects to the implementation of the LSLs in the manner
17 described. (Declaration of Bradley J. Herrema (“Herrema Decl.”) at ¶ 13.)

18 **II. BACKGROUND**

19 **A. Regulation of Basin Storage**

20 Pursuant to the Restated Judgment, Watermaster administers and oversees the
21 implementation of the Restated Judgment. (Restated Judgment, ¶ 16.) The Restated Judgment
22 grants Watermaster discretionary powers, with the advice of the Pool Committees and the
23 Advisory Committee, to prepare an OBMP to maximize the beneficial use of the resources of the
24 Chino Basin. (Restated Judgment, ¶ 41.) The goals and objectives of the OBMP were initially
25 developed and reduced to writing by the Parties in 1999. In 2000, the Parties executed the Peace
26 Agreement, a contract among the Parties that enabled the development of the OBMP
27 Implementation Plan. The document establishes a roadmap, complete with the time frames for
28 Watermaster to implement tasks and projects in accordance with the Peace Agreement.

1 Storage of any water in the aquifer storage capacity of the Chino Basin is subject to the
2 control of Watermaster under the continuing jurisdiction of the Court. (Restated Judgment ¶¶ 11,
3 12, 14, 15; Exh. G, at ¶ 7, Exh. H, at ¶ 12.) In June of 2000, with the agreement of the Parties and
4 under the direction of the Court's February 19, 1998 order, the Peace Agreement OBMP
5 Implementation Plan established a plan for the administration of aquifer storage capacity and for
6 the management, storage, recovery, and transfer of stored water, reserving discretion as provided
7 therein. (See Peace Agreement § 5.2.) For the past 20 years, Watermaster has administered
8 storage in Chino Basin according to the storage management plan described in Program Element
9 8 of the OBMP Implementation Plan, as directed by the Peace Agreement and as ordered by the
10 Court.

11 The present OBMP storage management plan consists of the administration of
12 groundwater production, replenishment, recharge, and storage within the defined Safe Storage
13 Capacity. As defined in the OBMP Implementation Plan, the Safe Storage Capacity ("SSC") is
14 the difference between safe storage and the operational storage requirement ("OSR"). (OBMP
15 Implementation Plan at p. 38.) The allocation and use of storage space in excess of the SSC
16 would preemptively require mitigation; that is, mitigation must be defined, and resources
17 committed to mitigation prior to its allocation and use. (*Id.*) For the purposes of defining the SSC,
18 the OSR was considered to be the storage or volume in the aquifer capacity of the Chino Basin
19 that is necessary to maintain the Safe Yield.

20 At the time the OBMP Implementation Plan was drafted, the OSR was estimated in the
21 development of the OBMP to be about 5.3 million acre-feet ("AF"). This storage value was set as
22 the estimated storage in the Chino Basin in 1997. The OBMP Implementation Plan defined "Safe
23 Storage" as an estimate of the maximum amount of storage space in the basin that can be used
24 and not cause significant water-quality and/or high-groundwater related problems. (OBMP
25 Implementation Plan at p. 38.) At the time of the OBMP Implementation Plan, Safe Storage
26 within the Chino Basin was estimated to be about 5.8 million AF. Consequently, the SSC was
27 defined at 500,000 AF.

28 Environmental impact analysis was undertaken for the entire OBMP Implementation Plan,

1 inclusive of the storage management plan within Program Element 8 under the Final
2 Programmatic Environmental Impact Report (“PEIR”) certified by IEUA in 2000. By its own
3 resolution and by order of the Court, Watermaster agreed that any future actions under the OBMP
4 Implementation Plan would be subject to “CEQA documentation.” (See Peace Agreement,
5 Attachment “A”, at § 5.) IEUA was designated to be the Lead Agency for the OBMP
6 Implementation Plan (Peace Agreement § 2.4) as well as by Court Order.

7 Subsequently, IEUA completed further action pertinent to the management of the SSC by
8 making a “consistency finding” in connection with Watermaster’s approval of the Dry-Year Yield
9 Agreement with the Metropolitan Water District in 2002.

10 As the Court is aware, in implementing the OBMP the Parties successfully stored more
11 water in the Chino Basin than was originally contemplated in 2000 when the OBMP was initially
12 adopted. Again, in 2017 the IEUA Board of Directors prepared Addendum No. 1 to the PEIR
13 finding that the SSC could be temporarily increased from 500,000 AF to 600,000 AF through
14 June 30, 2021 without causing Material Physical Injury or the need for advance mitigation of
15 adverse impacts as otherwise required by the OBMP Implementation Plan. (See Addendum No. 1
16 to the Optimum Basin Management Program Project at p. 2; Peace Agreement, § 5.2(c)(iii);
17 OBMP Implementation Plan at p. 43 (Program Element 8 (c)(vii) - (viii)); Pub. Res. Code §
18 21166; Cal. Code. Regs. tit. 14 § 15162.)

19 **B. The Storage Framework Investigation, 2020 Storage Management Plan, and**
20 **the Local Storage Limitation Solution**

21 In anticipation of approaching the defined SSC limit, Watermaster initiated a series of
22 stakeholder discussions beginning in December 2016 with the intention of developing an orderly
23 process to increase the aquifer capacity available for stored water without the parties incurring an
24 advance mitigation responsibility. Watermaster’s Engineer, with active stakeholder involvement
25 and participation over several workshops, developed a framework for the evaluation of the
26 potential impacts of the storage of water in Chino Basin. The results of this effort have been
27 documented in a report titled Chino Basin Storage Framework Investigation (“SFI”), finalized in
28 January 2019. Following the development of the SFI, Watermaster’s Engineer, with input from

1 stakeholders, developed a list of technical issues related to storage management to be considered
2 in development of a 2020 Storage Management Plan (“2020 SMP”). The identified issues were
3 compiled in a report titled 2020 SMP White Paper.

4 Building on the SFI and projections of water supply and demand provided by the parties
5 in 2018, Watermaster held a series of four stakeholder workshops to develop the 2020 SMP, and
6 address the issues identified in the White Paper. In May 2020, the Watermaster Board approved
7 the 2020 Storage Management Final Report Sections 2.1-2.6 as the Storage Management Plan¹,
8 providing direction as an incremental step towards the preparation of the required documentation
9 for storage management in a manner that is consistent with Watermaster’s responsibilities under
10 the Judgment. (Third Supplement to Chino Basin Watermaster Status Report Regarding Update to
11 the Optimum Basin Management Program, at p. 3.)

12 The Watermaster Board additionally directed staff and counsel to support the parties’
13 efforts to develop an update to the OBMP Implementation Plan and Peace Agreement
14 Amendment for Program Elements 8 and 9 (Storage and Storage & Recovery Programs) in a
15 manner consistent with Watermaster’s responsibilities to manage storage under the Judgment;
16 with the objective to complete the update effort by July 30, 2020 and report progress to the Board
17 monthly. (*Id.*) The Watermaster Board directed staff to concurrently complete a plan, with advice
18 and assistance of the Pool and Advisory Committees, to address the risk of potential quantities of
19 stored water exceeding the cumulative amount authorized by the Peace Agreement and accounts
20 for orderly use and distribution of excess quantities in a manner comporting with the directives of
21 the Judgment. (*Id.*)

22 During its August 2020 meeting, as part of a discussion of the CEQA review of the 2020
23 OBMP, some members of the Advisory Committee expressed interest in exploring a less robust
24

25 ¹ The subjects described in 2020 SMP Section 2.1 - 2.6 would require formal documentation to
26 become operative. This means, that unless otherwise ordered by the Court, amendments to the
27 Peace Agreement and to the OBMP Implementation Plan would require consideration and
28 approval by the Parties to the Peace Agreement, the Advisory Committee’s approval of uniform
rules, and further order of the Court pursuant to its continuing jurisdiction. Additionally,
Watermaster is required to have received proof of CEQA documentation for actions that
constitute a “project” under CEQA. (Peace Agreement § 2.1)

1 storage strategy focused principally on storage and recovery for use within the Basin. They
2 requested that the LSLS (characterized by Watermaster Counsel as “Skinny Storage”) be
3 considered first before the entire 2020 OBMP and asked for Watermaster to present options for
4 the same. (Fourth Supplement to Chino Basin Watermaster Status Report Regarding Update to
5 the Optimum Basin Management Program, at 5.) On September 1, 2020, Watermaster hosted a
6 workshop to present Watermaster’s preliminary analysis about the feasibility of a LSLS. (*Id.*)

7 At their September 2020 regular meetings, all three Pool Committees unanimously
8 recommended that Watermaster should proceed with the LSLS first. (*Id.*) At its September
9 meeting, the Advisory Committee unanimously recommended that the Watermaster Board amend
10 the contracts with its consultants to perform the necessary work to implement a LSLS first. The
11 Advisory Committee also unanimously approved a budget amendment to perform the necessary
12 work to implement a LSLS. (*Id.*) At its September 24, 2020 meeting, the Watermaster Board
13 approved necessary contract amendments to expand its consultants’ scopes of work to implement
14 the LSLS first, and adopted the associated budget amendment. (*Id.* at pp. 5-6.)

15 On February 18, 2021, a public briefing open to all stakeholders was presented during the
16 Advisory Committee meeting regarding the technical analyses supporting the LSLS and a report
17 of the anticipated environmental impacts. (Fifth Supplement to Chino Basin Watermaster Status
18 Report Regarding Update to the Optimum Basin Management Program, at p. 3.) Based on the
19 storing parties’ own water use projections, the LSLS anticipates a need for 700,000 AF of Local
20 Storage until 2030 and 620,000 AF of Local Storage until 2035. (*Id.*) The LSLS is not expected
21 to result in adverse impacts to the Basin and would not require mitigation measures beyond those
22 identified in the 2000 OBMP. (*Id.*) Accordingly, an addendum was recommended as the
23 appropriate mechanism for fulfilling obligations under CEQA. Addendum No. 2 was considered by
24 the IEUA Board of Directors during its March 17, 2021 regular meeting, where it was
25 unanimously approved with direction from the Board to file a Notice of Determination. (*Id.*)

26 In this manner, the CEQA requirements of Peace Agreement paragraphs 2.1-2.4 have been
27 satisfied for the utilization of up to 700,000 AF of Local Storage until 2030. This is sufficient to
28 cover all groundwater currently held in storage along with room for an additional 100,000 AF of

1 storage to allow the Parties to rely upon existing facilities to the maximum extent. As the Parties
2 withdraw groundwater from storage over time, the coverage would be gradually reduced to
3 620,000 AF until 2035.

4 While Addendum No. 2 was under consideration, the Parties turned their attention to
5 preparing proposed instructions as to how water in storage in excess of 500,000 AF would be
6 managed. (Fifth Supplemental Report, at p. 4.) New management directives could come through:
7 (i) a unanimously supported proposal of the parties to the 2012 Restated Judgment coupled with a
8 recommendation by Watermaster; (ii) a request to amend the Peace Agreement over the objection
9 of one or more parties, with Watermaster potentially supporting, or opposing the proposal; or (iii)
10 an independent Watermaster proposal, supported and/or opposed by respective parties.

11 In pursuit of unanimity, parties to the Peace Agreement proposed offers and counter-
12 proposals for consideration and they are engaged in active discussions regarding potential
13 amendments to the Peace Agreement inclusive of instructions that would guide the future
14 management of storage in amounts in excess of 500,000 AF. (*Id.*) As of this filing, they were
15 unable to reach a unanimously supported proposal. (Herrema Declaration, at ¶ 4.)

16 **III. THE COURT MAY ORDER THE IMPLEMENTATION OF THE LSLS**

17 **A. Implementation of the LSLS Will Not Harm the Basin**

18 The State of California is in the midst of a severe drought. State Water Project deliveries
19 have been reduced from 10% to 5% of the contractual entitlements.² The Central Valley Project is
20 unlikely to deliver even that much.³ Accordingly, continued access to stored water may be
21 important to the stakeholders in the months and years ahead as the region faces continuing dry
22 periods. IEUA's completion of environmental review of the LSLS and the adoption of Addendum
23 No. 2 on March 17, 2021 to the OBMP PEIR concluded there were no significant unavoidable
24 adverse impacts attributable to the adoption and implementation of the LSLS. The Addendum
25 concluded that

26 _____
27 ² DWR Adjusts State Water Project Allocation Following Dry Winter (Mar. 23, 2021)
<https://water.ca.gov/News/News-Releases/2021/March-21/SWP-Allocation-Update-March-23>
(last accessed May 24, 2021).

28 ³ United States Bureau of Reclamation March 21, 2021 <https://on.doi.gov/3yARPQI>

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There are no new significant impacts resulting from the modified project and there would not be a substantial increase in the severity of previously identified environmental impacts in the 2000 OBMP PEIR. (Addendum No. 2 at p. 36.)

Because there were no significant impacts identified that were attributable to the modified project, Addendum No. 2 concluded no new CEQA findings were required. (Addendum No. 2 at p. 37.). Finally, the Addendum No. 2 to the PEIR included the required changes or additions necessary to make the adopted environmental document sufficient to satisfy CEQA. (Addendum No. 2 at p. 37.) Consequently, the Court can be confident that the incremental storage measures countenanced by the LSLs will not cause Material Physical Injury. Further the Addendum No. 2 will support further agreements regarding storage within the construct of the LSLs that may be recommended by Watermaster or arrived at among the parties to the Judgment as contemplated by the paragraph 5 of the Proposed Order attached hereto.

B. Court-Ordered Implementation of the LSLs Does Not Affect the Rights of the Parties to the Peace Agreement

The Peace Agreements do not address how quantities of stored water in excess of 500,000 acre-feet are to be managed. While the Peace Agreement provisions pertinent to the management and administration of stored water in quantities up to 500,000 AF could be logically applied to amounts in excess of 500,000 AF, there is no requirement that the Parties agree to do so and they have not so expressly recommended this approach by unanimous consent. At the same time, the Peace Agreement does not preclude or preempt the Court's continuing jurisdiction or Watermaster's authority to act to address new subject matter not subject to earlier agreements. (Peace Agreement, at § 10.14.) Therefore, the proposed implementation of the LSLs as described herein and in the attached Proposed Order would enable the Parties to continue to negotiate further amendments and Watermaster to entertain new proposals without the pressure of the looming deadline and does not compel them to agree. Thus, the Court can confidently order the implementation of the LSLs as described in the Proposed Order with all rights and remedies of the Parties are preserved. (*Id.* at § 11.1.) The Court's reserved jurisdiction to consider future proposals of Watermaster or the Parties with regard to storage management would also remain in

1 place.

2 C. There Have Been No Objections to the Implementation of the LSLS

3 To provide a failsafe measure to protect and preserve existing and presently projected
4 additional quantities of water characterized as “local storage” before the rapidly approaching June
5 30, 2021 deadline, Watermaster staff and counsel prepared Resolution No. 2021-03 for the
6 Board’s consideration during its May 27, 2021 meeting. (Herrema Decl. at ¶ 6.) Resolution No.
7 2021-03 provides a basis to protect and preserve stored water in the event the discussions on
8 potential Peace Agreement amendments were not concluded in a manner reasonably likely to
9 secure unanimous consent of the Peace Agreement signatories by June 30, 2021. (*Id.* at ¶¶ 6-7.)

10 The potential Resolution No. 2021-03 was discussed during the May 13, 2021 Pool
11 Committee meetings. (Herrema Decl. at ¶ 8.) The Appropriate Pool Committee took no action
12 on the proposed resolution. (*Id.* at ¶ 9.) The Overlying (Non- Agricultural) Pool Committee did
13 not take a position on the proposed resolution and offered advice for Watermaster to proceed with
14 consideration of “evergreen” local storage agreements to gain administrative efficiency. (*Id.* at ¶
15 10.) The Overlying (Agricultural) Pool Committee offered no advice on the proposed Board
16 Resolution; one of the Committee members made the suggestion that Watermaster’s Engineer
17 should audit all water held in stored water accounts to verify that the water is actually there. (*Id.*
18 at ¶ 11.)

19 A draft of Resolution No. 2021-03 and a draft copy of the proposed order attached hereto
20 were shared with the members of the Advisory Committee in advance of its May 20, 2021
21 meeting. (*Id.* at ¶ 12.) The Advisory Committee considered the Draft Resolution and offered no
22 advice to the Watermaster Board. (*Id.*)

23 The Watermaster Board considered Resolution No. 2021-03 at its May 27, 2021 regular
24 meeting. Following public comment raising questions on the quantities of water in storage and
25 regulation of extractions of stored water in the future, the Board directed staff to prepare
26 responsive report on these items to the Board at a future meeting. Thereafter, the Watermaster
27 Board unanimously adopted Resolution No. 2021-03 and directed counsel to file this Motion with
28 the Court. (*Id.* at ¶ 13.)

1 **IV. CONCLUSION**

2 For all of the reasons discussed above, Watermaster respectfully requests that this Court
3 find that:

- 4 1. The public interest is benefitted by the beneficial use of the Basin's storage
5 capacity as described by the LSLS;
- 6 2. No amendments to the Peace Agreements and the OBMP Implementation Plan
7 were required to store quantities of water in excess of 500,000 AF as provided in
8 the LSLS;
- 9 3. Addendum No. 2 was adopted by the IEUA and found that there were no
10 unmitigable significant adverse impacts attributable to the LSLS;
- 11 4. The terms and conditions applicable to Local Storage of water in the Basin as set
12 forth in the Peace Agreement and the OBMP Implementation Plan provide a
13 consistent and logical framework for managing quantities of stored water up to the
14 maximums set forth in the LSLS; and
- 15 5. Although amendments to the Watermaster Rules and Regulations are not generally
16 subject to Court approval, the parties' collective subject matter interest in storage
17 warrants an exception requiring Court approval of proposed changes in this
18 instance.

19 and on these bases order that:

- 20 1. Watermaster manage all quantities of water held in storage in amounts from
21 500,001 AF up to a maximum of 700,000 AF until June 30, 2030 and thereafter a
22 maximum of 620,000 until June 30, 2035, consistent with all provisions of the
23 Peace Agreement and the Peace II Agreement applicable to the Local Storage of
24 water within the Basin, without limitation, subject to further order of this Court;
- 25 2. Watermaster conform the Watermaster Rules and Regulations consistent with such
26 implementation of the LSLS, subject to Court approval;
- 27 3. Watermaster implement the OBMP in conformance with such implementation of
28 the LSLS, the Addendum No. 2 dated March 17, 2021 and the Court's orders dated

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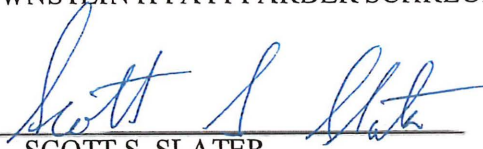
April 28, 2017, March 15, 2019, and July 31, 2020 establishing a Safe Yield Reset process;

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.

Dated: May 27, 2021

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By:



SCOTT S. SLATER
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Attorneys for
CHINO BASIN WATERMASTER

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. CHINO BASIN WATERMASTER NOTICE OF MOTION AND MOTION REGARDING IMPLEMENTATION OF THE LOCAL STORAGE LIMITATION SOLUTION

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.

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 May 27, 2021 in Rancho Cucamonga, California.


By: Janine Wilson
Chino Basin Watermaster

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Exhibit D

CHINO BASIN WATERMASTER

II. BUSINESS ITEMS

A. FISCAL YEAR 2019/20 BUDGET AMENDMENT (FORM A-19-12-01)



CHINO BASIN WATERMASTER

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

PETER KAVOUNAS, P.E.
General Manager

STAFF REPORT

DATE: December 19, 2019
TO: Advisory Committee and Board Members
SUBJECT: Fiscal Year 2019/20 Budget Amendment (Form A-19-12-01)
(Business Item II.A.)

SUMMARY

Issue: The 2020 OBMP Update Environmental Review Services - Contract Between CBWM and Tom Dodson & Associates in the amount of \$225,500 was not budgeted for in the FY 2019/20 Budget. The Watermaster FY 2019/20 "Amended" budget needs to be increased by an additional \$225,500.

Recommendation:

Advisory Committee: Approve the Fiscal Year 2019/20 Budget Amendment (Form A-19-12-01) as presented.

Board: Adopt the Fiscal Year 2019/20 Budget Amendment (Form A-19-12-01) as presented.

Financial Impact: This action will increase the overall "Amended" FY 2019/20 budget by \$225,500 but not increase the assessment calculation because the funding will be drawn from the OBMP Reserves. The Budget Amendment Form A-19-12-01 will increase the "Amended" FY 2019/20 Budget from \$8,642,327 to \$8,867,827 (excluding any Carry-Over funding).

Future Consideration

Advisory Committee – December 19, 2019: Approval

Watermaster Board – December 19, 2019: Adoption (Advisory Committee approval required)

ACTIONS:

Appropriative Pool – December 12, 2019: Unanimously recommended Advisory Committee approval

Non-Agricultural Pool – December 12, 2019: Unanimously recommended its representatives to support at Advisory Committee and Watermaster Board subject to changes they deem appropriate

Agricultural Pool – December 12, 2019: Unanimously recommended Advisory Committee approval

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

Utilizing the Watermaster's accounting software (QuickBooks Enterprise Solutions 18.0), on a continuing basis the Watermaster staff reviews the budget vs. actual reports and ensures that adequate budget and funds are maintained. Watermaster also provides monthly financial reports to keep all members apprised of the actual and projected total expenses for the current fiscal year. Watermaster also provides a process for reallocating budget to other expense categories to provide continued funding, or amending the approved budget to ensure the categories are funded properly.

Budget Amendment Policy: If there are no budgeted funds available to transfer to the line item, the GM will submit a Budget Amendment request to the Pools, Advisory Committee, and then to the Board for formal approval. The Budget Amendment should indicate the anticipated source of funding for the approved increase.

All Budget Amendments are processed in and recorded in the accounting system.

DISCUSSION

Budget Amendment Form A-19-12-01 in the amount of \$225,500 is being presented for approval during the December 2019 Pools, Advisory, and Board meetings regarding the contract between CBWM and Tom Dodson & Associates to procure environmental review services for the 2020 OBMP Update.

Watermaster, along with the other water management agencies in the Chino Basin, seek to have an updated environmental impact report (EIR) compiled for an updated Optimum Basin Management Program (OBMP). Tom Dodson & Associates was asked to submit a proposal to assist the project team with California Environmental Quality Act (CEQA) compliance by preparing a Programmatic EIR.

This additional project 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 Inland Empire Utilities Agency it was 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 additional funding of \$225,500 would come from the OBMP Reserve Fund which currently has an available balance of \$809,044, and will not require a special assessment.

The Chino Basin Watermaster "Original" FY 2019/20 budget of \$8,642,327 was approved by the Board on May 23, 2019. With the closing of the financial records for the fiscal year ended June 30, 2019, the "Carry Over" funding from FY 2018/19 and previous years has been calculated at \$2,312,460.70 which brings the "Amended" Budget for FY 2019/20 to \$10,954,787.70 ($\$8,642,327 + \$2,312,460.70 = \$10,954,787.70$). With the approval of Budget Amendment Form A-19-12-01, the "Amended" FY 2019/20 budget will become \$11,180,287.70 ($\$10,954,787.70 + \$225,500 = \$11,180,287.70$).

ATTACHMENTS

1. Budget Amendment Form A-19-12-01



**CHINO BASIN WATERMASTER
BUDGET AMENDMENT FORM A-19-12-01**

To: **All Parties**

Fiscal Year 2019/20

From : Joseph S. Joswiak, CFO Date: December 12, 2019

Describe reason for the budget amendment here: The original budget for FY 2019/20, which was approved by the Board on May 23, 2019 for \$8,642,327 (excluding any Carry-Over funding), did not include the amount of \$225,500 for the 2020 OBMP Update Environmental Review Services - Contract Between CBWM and Tom Dodson & Associates. A Budget Amendment Form is proposed to increase the total Watermaster FY 2019/20 budget from \$8,642,327 to \$8,867,827 (excluding any Carry-Over funding). The additional funding of \$225,500 will come from the existing FY 2019/20 OBMP Reserve Fund. Budget Amendment Form A-19-12-01 will not require a Special Assessment because the OBMP Reserve Fund has been previously funded by assessments in the amount of \$809,044 (OBMP FY 2019/20 budget of \$5,393,629 X 15% = \$809,044).

Expenditure Amendment

<i>Line Item Description</i>	<i>Account Number</i>	<i>Approved Budget</i>	<i>Amended Budget</i>	<i>Amendment Amount</i>
2020 OBMP Update - Dodson & Assoc.	6908.1	\$0	\$225,500	\$225,500
TOTAL:				\$ 225,500

Revenue Source

<i>Line Item Description</i>	<i>Account Number</i>	<i>Amended Budget</i>	<i>Amended Budget</i>	<i>Amendment Amount</i>
OBMP Reserve Fund	9999	\$809,044	\$583,544	(\$225,500)
TOTAL:				\$ (225,500)

Amendment Procedure

1. Staff takes amendment requests to the Pools, Advisory Committee & Board for approval.
2. The Chief Financial Officer will prepare and process the budget entry.
4. A log will be maintained by the Finance Department detailing the adjustment.
5. A fiscal year file will also be kept to hold all budget amendment forms for auditor review.

Finance Use Only

Date Board Approved _____
 Entered into System By _____
 Finance Log # _____
 Date Posted _____
 Approved By _____
 Date Approved _____

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Exhibit E

CHINO BASIN WATERMASTER

II. BUSINESS ITEMS

- B. 2020 OBMP UPDATE ENVIRONMENTAL REVIEW SERVICES –
CONTRACT BETWEEN CBWM AND TOM DODSON & ASSOCIATES**



CHINO BASIN WATERMASTER

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

PETER KAVOUNAS, P.E.
General Manager

STAFF REPORT

DATE: December 12, 2019
TO: Advisory Committee and Board 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:

Advisory Committee: Offer advice and assistance to the Watermaster Board.

Board: Approve and authorize the General Manager to execute the contract subject to any necessary non-substantive changes.

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

Advisory Committee – December 19, 2019: Advice and Assistance

Watermaster Board – December 19, 2019: Approve and give GM authority to execute [Normal Course of Business]

ACTIONS:

Appropriative Pool – December 12, 2019: Unanimously recommended to the Watermaster Board to approve.

Non-Agricultural Pool – December 12, 2019: Unanimously recommended its representatives to support at Advisory Committee and Watermaster Board subject to changes they deem necessary.

Agricultural Pool – December 12, 2019: Unanimously recommended to the Watermaster Board to approve.

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.

The item was considered by the three Pools and unanimously recommended for Board approval. At the Appropriative Pool meeting, it was discussed that any changes or additions to the scope of the contract be brought back to the Pool for further advice and assistance.

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.

TOM DODSON & ASSOCIATES

Mailing Address: PO Box 2307, San Bernardino, CA 92406

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

Tel: (909) 882-3612 ♦ Fax: (909) 882-7015 ♦ Email: tda@tdaenv.com



December 3, 2019

Mr. Peter Kavounas, General Manager
Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

Dear Mr. Kavounas:

The Chino Basin Watermaster (Watermaster), along with the other water management agencies in the Chino Basin, seek to have an updated environmental impact report (EIR) compiled for an updated Optimum Basin Management Program (OBMP), which will include a primary focus on groundwater storage management within the Chino Groundwater Basin (proposed project). Based on recent meetings held by the Watermaster and Inland Empire Utilities Agency (Agency), Tom Dodson & Associates (TDA) has been asked to submit this proposal to assist the project team with California Environmental Quality Act (CEQA) compliance by preparing a "program" EIR. This letter contains TDA's proposal to carry-out the above tasks and move the program forward for implementation by the water management agencies within the Chino Basin.

Compilation of a CEQA document for the proposed project is fairly straight-forward based on the number of preceding environmental documents compiled to support water and wastewater management within the Chino Basin. However, based on our discussions, I anticipate the toughest issue will be compiling the project description that will be used to make the environmental impact forecasts. Thus, I have allocated substantial time to defining the proposed project (proposed action) and coordinating closely with the program engineers, the management team. At this time I suggest that we initiate the following CEQA compliance process: prepare the project description; initiate technical studies; prepare an Initial Study and define the scope of the Program Environmental Impact Report (PEIR); issue the finalized Initial Study and a Notice of Preparation (NOP) for the PEIR, which requires a 30-day mandatory public review period; proceed to compile the PEIR during the NOP review period; finalize and publish the focused Draft PEIR for the mandatory 45-day public review period; and prepare a final PEIR for review and certification by the IEUA Board. The following proposal reflects this assumption. The proposal follows.

Scope of Work

TDA will implement the following tasks to support the compilation of the OBMP Updated PEIR to meet CEQA requirements for the new Program.

Task 1: Attend Meetings and Assist in Defining the Project

TDA will attend meetings with program team and consultant engineering representatives to develop a comprehensive definition of the project that will be used to forecast impacts in the PEIR. Based on our discussions, I expect the project team will provide the basic documentation (OBMP Update and Storage Management Plan) that will define the various program elements and any near-term capital improvements envisioned under the program. In all cases TDA will be acting as an environmental consultant on behalf of the Watermaster to perform the independent review

of the project required by CEQA. The end-product of this task is compilation of a project description that will be provided to the project team and engineers to review and edit. Based on feedback from this review, TDA will finalize the project description.

Based on TDA's experience, a project description, and any alternatives, that clearly define all of the project facilities and operations provides the essential information required to describe the physical changes in the environment that will occur from implementing the proposed project. A draft project description can be submitted to all parties for review within a month following receipt of all of the elements to be considered for the project. The number of hours allocated to meetings over the whole of this project (through PEIR certification) is 150 hours. Total work effort assigned to the project description task is 100 hours. The fee for 150 hours of meetings is \$22,500. This is a T&M fee that includes direct costs. The fee for the project description is \$15,000. Total fee for Task 1 is \$37,500.

Task 2: Prepare the Technical Studies to Support Environmental Documentation

Because we have recent technical studies from the Peace II PEIR and the Facilities Master Plan PEIR, I believe the technical studies can be initiated prior to or immediately after the project description is completed. Based on the project description compiled under Task 1, the preparation of the technical studies is the first stage of review that must be completed to evaluate the environmental consequences of implementing the various programs and facilities to be installed under the program over its life. TDA will rely upon the most current environmental data compiled in various published environmental and planning documents and specific technical studies that will address impacts of the required program improvements. In TDA's opinion technical studies will be required to address the following issues:

- Air Quality/GHG/Energy: \$20,000
- Biology: \$10,000
- Cultural: \$15,000
- Hydrology/Water Quality: to be supplied by WEI
- Noise: \$5,000
- Total: \$50,000

Task 3: Prepare the Initial Study and Notice of Preparation

TDA will prepare an Initial Study with the objective of identifying those issues that are either less than significant without mitigation (such as mineral resources) or can be clearly mitigated to a less than significant impact level (aesthetics). We will utilize the current Standard Initial Study Checklist Form provided in the State CEQA Guidelines. It is TDA's intent to integrate the proposed technical studies into the Initial Study for all issues that will not result in an unavoidable significant adverse impact. Thus, using the proposed technical studies and the existing data base for all other environmental issues, TDA will prepare a fully substantiated Initial Study to initiate the CEQA review process. Based on the approved Initial Study (a document ready for public distribution and review), TDA will prepare a Notice of Preparation (NOP) to announce the Watermaster's intent to prepare a focused Program EIR for compliance with CEQA. The estimated fee for carrying out this task is:

- Initial Study/Notice of Preparation: \$60,000 (400 hours at TDA's standard rate)

The end product of this effort will be a final decision on the scope of the focused EIR and a set of responses that will identify the concerns of the various stakeholders in the OBMP/Storage Management program.

Task 4: Prepare Draft Focused PEIR

During the 30-day period that the IS/NOP are out for public review, TDA will finalize a draft Focused PEIR. Because we know the following are substantive issues (biology and hydrology and water quality), I anticipate these two issues will be addressed in the PEIR. A draft of this document will be presented to the project team internal for review and comment. The input will be incorporated into the draft Focused PEIR and the document finalized and then published as soon after the NOP close of comment date as possible. The estimated fee for carrying out this task is:

- PEIR: \$45,000 (300 hours at TDA's standard rate)

Task 5: Complete the CEQA Process with the PEIR

The following steps will be implemented to complete the CEQA review process:

- a. Distribute the proposed document for public review (45 days)
- b. Respond to comments on the EIR/EA
- c. Prepare a Mitigation Monitoring and Reporting Program
- d. Compile a final PEIR package for the IEUA Board's consideration (CEQA certification)
- e. Prepare and file a Notice of Determination (NOD) with the County and State on behalf of the Watermaster.

TDA estimates that the above effort under Task 5 will require up to 200 hours plus the NOD filing fee with San Bernardino County (Note: this fee is based on 2019 F&W filing fee) for a total fee of \$33,000.

The end result of the Task 5 work efforts is a completed CEQA process for the Watermaster. This document will be prepared at a level of detail consistent with the OBMP Update and Storage Management program content, including those near-term capital improvements (if any) that the Watermaster seeks to have covered under the umbrella of this program environmental document.

Total fee, including the technical studies, is **\$225,500**. Based on our discussions, this proposal assumes no inordinate delays during review periods and no major issues, not identified above, arising during the review process.

Task	Fee
Task 1 – Attend Meetings and Assist in Defining the Project	\$37,500
Task 2 – Prepare Technical Studies	
Air Quality / GHG / Energy	\$20,000
Biology	\$10,000
Cultural	\$15,000
Noise	\$5,000
Hydrology / Water Quality	to be supplied by WEI
Task 3 – Prepare Initial Study and Notice of Preparation	\$60,000
Task 4 – Prepare Draft Focused PEIR	\$45,000
Task 5 – Complete the CEQA Process with PEIR	
Notice of Determination (2019 filing fee \$3,321)	\$33,000
TOTAL Estimated Fee	<u>\$225,500</u>

Conclusion

TDA appreciates the opportunity to submit this proposal to IEUA, as the representative of the project team. Tom Dodson will oversee preparation and carry out all final editing of the document(s) prepared to support the OBMP Update and Storage Management Program. The scope of work outlined above will lead to a fully substantiated CEQA environmental determination for the proposed project over a period beginning in December 2019 and ending in July 2020, under the assumptions outlined above. I believe the schedule above is reasonable to comply with CEQA requirements for this project and meet the project team's objectives for the proposed program. Should you have any questions regarding the above proposal, please feel free to give me a call.

Sincerely,



Tom Dodson

TD/cmc

cc: Sylvie Lee, IEUA
Joshua Aguilar, IEUA

Prop19/Watermaster-IEUA OBMP Update proposal

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, by and between Chino Basin Watermaster ("Client") and TOM DODSON & ASSOCIATES ("Consultant").

WITNESSETH

WHEREAS, Consultant has submitted a proposal to the Client outlining the services to be rendered.

NOW THEREFORE, for and in consideration of the mutual promises, covenants and conditions herein contained, the parties hereto agree as follows:

1. AGREEMENT

The Client does hereby retain Consultant to provide professional services as hereinafter provided for a period commencing on the _____ day of _____, and terminating on completion of the tasks outlined in this Agreement. Consultant hereby agrees to perform all work and services in accordance with their cost estimate proposal (email) dated _____, attached hereto, and the terms and conditions of this Contract.

2. SERVICES TO BE PERFORMED

Consultant will provide services identified in the submitted amended proposal, which proposal is attached to this Agreement as Exhibit "A" and is incorporated herein as though set forth in full.

1 3. WORK TO BE PERFORMED BY THE CLIENT

2 The Client shall cooperate with Consultant by timely providing information
3 necessary for Consultant to complete their tasks.

4 4. CONSULTANT PAYMENT SCHEDULE

5 Compensation for Consultant's services and deliverables to the Client pursuant
6 to this Agreement are as set forth in the attached proposal. Consultant shall perform
7 the work outlined in the attached proposal for an estimated fee of two hundred fifty
8 five thousand five hundred Dollars (\$255,500). Invoices will be submitted to Client
9 on a monthly basis, net 30 days.

10 5. TERMINATION

11 Either party may terminate this Agreement with thirty (30) days written
12 notification. In the event that any task outlined in the proposal has not been
13 completed, Consultant shall cooperate with the Client in transferring all information
14 necessary to the completion of the task to the Client.

15 6. AMENDMENT

16 The terms of this Agreement can only be amended by written agreement
17 between the parties hereto.

18 7. ASSIGNMENT

19 Consultant shall not assign or transfer its interest in this Agreement without the
20 written consent of Client.

21 8. COMPLIANCE WITH LAWS

22 In the performance of this Agreement, Consultant shall abide by and conform
23 to any and all applicable laws of the United States, State of California and
24 ordinances, regulations, and policies of the County of San Bernardino.

1 9. LIABILITY INSURANCE

2 (a) Consultant shall provide either Comprehensive General Liability or
3 Commercial General Liability insurance with the following minimum limits:
4 Combined single limit of \$1.0 million per occurrence for bodily injury, including death,
5 personal injury and property damage, with a \$1.0 million aggregate; or \$1.0 million
6 aggregate, separate for this project as evidenced by endorsement.

7 (b) Automotive Insurance. A policy of comprehensive automobile liability
8 insurance written on a per occurrence basis in an amount not less than either (i)
9 bodily injury liability limits of \$250,000.00 per person and \$500,000.00 per
10 occurrence and property damage liability limits of \$100,000.00 per occurrence and
11 \$250,000.00 in the aggregate or (ii) combined single limit liability of \$500,000.00.
12 Said policy shall include coverage for owned, non-owned, leased and hired cars.

13 (c) Worker's Compensation Insurance. A policy of worker's compensation
14 insurance in such amount as will fully comply with the laws of the State of California
15 and which shall indemnify, insure and provide legal defense for both the Consultant
16 and the Client against any loss, claim or damage arising from any injuries or
17 occupational diseases occurring to any worker employed by or any persons retained
18 by the Contractor in the course of carrying out the work or services contemplated in
19 this Agreement.

20 (d) Professional Liability Insurance. Consultant shall provide Professional
21 Liability insurance at \$2,000,000 per claim and \$2,000,000 Aggregate.

22 10. HOLD HARMLESS

23 Consultant agrees to indemnify, defend and hold harmless the Client, their
24 directors, officers, agents, and employees from any and all demands, claims, or

1 liability, or any nature including death or injury to any person, property damage or
2 any other loss, cause by or arising out of Consultant's, its officers', agents',
3 subcontractors', or employees' negligent acts, errors, or omissions or willful
4 misconduct, or conduct for which the law imposes strict liability on Consultant in
5 performance or failure to perform this agreement.

6 IN WITNESS WHEREOF, the parties hereto have executed this Agreement as
7 of the date first herein above written.

8 _____
9

TOM DODSON & ASSOCIATES
Federal ID #33-0047287

10
11
12
13
14 By: _____

By: _____
Tom Dodson, President

15
16
17 Date: _____

Date: _____

18
19 Company info

20 Tom Dodson & Associates
21 P.O. Box 2307
22 San Bernardino, CA 92406-2307
23 Tel: (909) 882-3612
24 Fax: (909) 882-7015
Email: tda@tdaenv.com

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 11, 2022 I served the following:

1. DECLARATION OF PETER KAVOUNAS IN SUPPORT OF CHINO BASIN WATERMASTER'S SURREPLY IN RESPONSE TO 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

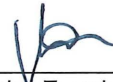
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 11, 2022 in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

PAUL HOFER
11248 S TURNER AVE
ONTARIO, CA 91761

JEFF PIERSON
2 HEXAM
IRVINE, CA 92603

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