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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 FOR THE COUNTY OF SAN BERNARDINO

16 CHINO BASIN MUNICIPAL WATER
17 DISTRICT,

18 Plaintiff,

19 v.

20 CITY OF CHINO, ET AL.,

21 Defendants.

Case No. RCVRS51010

[Assigned for All Purposes to the
Honorable Gilbert G. Ochoa]

**NOTICE OF RULING AND ENTRY OF
ORDERS**

BROWNSTEIN HYATT FARBER SCHRECK, LLP
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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on December 16, 2022, in Department S24 of the above-entitled Court, Chino Basin Watermaster’s Motion for Court Approval of Update to Watermaster Safe Yield Reset Methodology (“Motion”) came on for hearing in the above-captioned matter. The Honorable Gilbert G. Ochoa, having considered the briefing submitted and all supporting documents filed concurrently therewith, and having heard any oral argument from counsel, granted Chino Basin Watermaster’s Notice of Motion and Motion, adopting the Court’s tentative ruling as a final ruling, a copy of which is attached to this Notice as **Exhibit A**, and entering its Order Granting Chino Basin Watermaster’s Motion Regarding the Update to Watermaster’s Safe Yield Reset Methodology, a copy of which is attached to this Notice as **Exhibit B**.

The Court also entered an Order Granting Request for Court to Receive and File Watermaster Semi-Annual OBMP Status Report 2022-1, a copy of which is attached to this Notice as **Exhibit C**.

Dated: December 19, 2022

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: 
SCOTT S. SLATER
BRADLEY J. HERREMA
LAURA K. YRACEBURU
Attorneys for
CHINO BASIN WATERMASTER

25022278

Exhibit A

TENTATIVE RULINGS FOR December 16, 2022
Department S24 - Judge Gilbert G. Ochoa

This court follows California Rules of Court, rule 3.1308(a) (1) for tentative rulings. (See San Bernardino Superior Court Local Emergency Rule 8.) Tentative rulings for each law & motion will be posted on the internet (<https://www.sb-court.org>) by 3:00 p.m. on the court day immediately before the hearing.

If you do not have internet access or if you experience difficulty with the posted tentative ruling, you may obtain the tentative ruling by calling the Administrative Assistant. You may appear in person at the hearing but personal appearance is not required and remote appearance by Court Call is preferred during the Pandemic. (See www.sbcourt.org/general-information/remote-access)

If you wish to submit on the ruling, call the Court and your appearance is not necessary. If both sides do not appear, the tentative will simply become the ruling. If any party submits on the tentative, the Court will not alter the tentative and it will become the ruling. If one party wants to argue, Court will hear argument but will not change the tentative. If the Court does decide to modify tentative after argument, then a further hearing for oral argument will be reset for both parties to be heard at the same time by the Court.

UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.

RCVRS51010
Chino Basin Municipal Water District vs. City of Chino

Motion-For Court Approval of Update

Movant- Chino Basin Watermaster

Respondent- All other parties

Ruling- The Motion is granted. No opposition is presented.

Movant to give Notice and Order.

Dated- **DEC 16 2022**



Judge **GILBERT G. OCHOA**


FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
DEC 16 2022
BY 
DEPUTY

Exhibit B

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SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
DEC 16 2022
BY Jennifer Wildman
DEPUTY

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 G. Ochoa]

~~PROPOSED~~ ORDER GRANTING CHINO BASIN WATERMASTER'S MOTION REGARDING THE UPDATE TO WATERMASTER'S SAFE YIELD RESET METHODOLOGY

Date: December 16, 2022
Time: 9:00 a.m.
Dept: S24

[Filed concurrently with Motion for Court Approval of Update to Watermaster Safe Yield Reset Methodology; Declarations of Garrett Rapp and Peter Kavounas in Support thereof]

On December 16, 2022, Chino Basin Watermaster's ("Watermaster") Motion regarding the Update to Watermaster Safe Yield Reset Methodology ("2022 SYRMU") came on regularly for hearing in the above-captioned matter. Having read and considered the papers and heard the arguments of counsel, the Motion is **GRANTED**. It is **HEREBY ORDERED** that:

1. Watermaster has complied with the provisions of this Court's April 28, 2017 Orders for Watermaster's Motion Regarding the 2015 Safe Yield Reset Agreement, Watermaster's Rules and Regulations, and the Optimum Basin Management

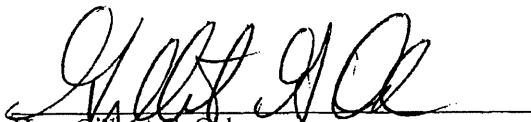
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Program Implementation Plan to revise the Safe Yield reset methodology

2. The 2022 SYRMU, as described in the Technical Memorandum attached hereto as Attachment "A", sets forth an approach to future Safe Yield determinations that is consistent with the Judgment and the Court's prior orders. The 2022 SYRMU incorporates advances in best management practices and hydrologic science since the Court's April 28, 2017 Orders, was developed with the recommendation and advice of the Pools and Advisory Committee, and has not been opposed by any party.
3. Watermaster shall proceed to evaluate the Safe Yield as set forth in the 2022 SYRMU unless and until this Court approves an updated methodology.

IT IS SO ORDERED.

Dated: DEC 16 2022, 2022


Hon. Gilbert G. Ochoa
Judge of the Superior Court

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ATTACHMENT A



23692 Birtcher Drive
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530.756.5991 fax
westyost.com

RESET TECHNICAL MEMORANDUM

DATE: October 6, 2022

TO: Peter Kavounas, Chino Basin Watermaster

FROM: Garrett Rapp, PE, RCE #86007
Andy Malone, PG

SUBJECT: 2022 Methodology to Reset the Safe Yield of the Chino Basin

Project No.: 941-80-22-32

SENT VIA: EMAIL



2022 UPDATED SAFE YIELD RESET METHODOLOGY

This technical memorandum summarizes the methodology¹ to calculate the Safe Yield of the Chino Basin for the 2025 Safe Yield Reevaluation and subsequent Safe Yield evaluations. The methodology: (i) is consistent with professional custom, standard, and practice; (ii) incorporates current best management practices and hydrologic science; and (iii) is consistent with the definition of Safe Yield in the Judgment and the Physical Solution.

1. Use data collected since the implementation of the OBMP to re-calibrate the Watermaster's groundwater-flow model. The re-calibration period should be long enough to include wet and dry periods relative to the long-term historical precipitation record.
2. Conduct an uncertainty analysis of the re-calibrated groundwater-flow model to identify a plausible range of calibrated models.
3. Describe current and projected future cultural conditions, including but not limited to land use and water-management practices, such as: pumping, managed recharge, managed groundwater storage, impervious land cover, water recycling, and water conservation practices. Identify a possible range of projected future cultural conditions.
4. Using the most current research on future climate and hydrology, identify a possible range of projected future climatic conditions in the Santa Ana River watershed.
5. Using the results of [3.] and [4.] above, prepare an ensemble of multiple projection scenarios of combinations of future climate/hydrology and cultural conditions (herein called the "Projection Ensemble"). Assign likelihoods to each scenario in the Projection Ensemble.
6. Simulate the range for the potential future water budget and groundwater conditions in the Chino Basin over no less than a 50-year future period. This is accomplished by using:
 - i. The range of calibrated models developed in [2.], and
 - ii. The Projection Ensemble developed in [5.] as model input data.

¹ A detailed description of the methodology summarized here can be found in the technical memorandum titled "2022 Update of the Chino Basin Safe Yield Reset Methodology," dated October 6, 2022.

7. Using the results of [6.] above, characterize the range in the model results for:
 - i. Groundwater conditions, including: groundwater elevations, groundwater in storage, and groundwater flow directions, and
 - ii. The water budget, including: basin inflows, outflows, change in storage, and net recharge.
8. Using the set of net recharge results from [7.ii], determine a tentative Safe Yield as the likelihood-weighted average net recharge over the 10-year prospective period for which the Safe Yield is being redetermined (Tentative Safe Yield).
9. Evaluate whether the groundwater production at the Tentative Safe Yield estimated in [8] above will cause or threaten to cause "undesirable results" or "Material Physical Injury." If groundwater production at Tentative Safe Yield will cause or threaten to cause "undesirable results" or "Material Physical Injury," then Watermaster will identify and implement prudent measures necessary to mitigate "undesirable results" or "Material Physical Injury," set the value of Safe Yield to ensure there is no "undesirable results" or "Material Physical Injury," or implement a combination of mitigation measures and a changed Safe Yield.

Exhibit C

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COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 16 2022

Jennifer Medina

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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.,

Defendant.

Case No. RCV RS 51010

[Assigned for All Purposes to the Honorable Gilbert G. Ochoa]

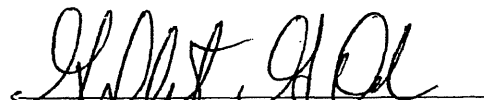
~~[PROPOSED]~~ ORDER GRANTING REQUEST FOR COURT TO RECEIVE AND FILE WATERMASTER SEMI-ANNUAL OBMP STATUS REPORT 2022-1

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~~PROPOSED~~ ORDER

On December 16, 2022, in Department S24 of the above-entitled Court, the Chino Basin Watermaster's ("Watermaster") Request for Court to Receive and File Watermaster Semi-Annual OBMP Status Report 2022-1 came on regularly for hearing in the above-captioned matter. Having read and considered the papers and heard the arguments of counsel, if any, the Request is **GRANTED**. The Court hereby receives and files the Semi-Annual OBMP Status Report 2022-1.

Dated: DEC 16 2022


Hon. Gilbert G. Ochoa
Judge of the Superior Court

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 November 15, 2022, I served the following:

1. [PROPOSED] ORDER GRANTING REQUEST FOR COURT TO RECEIVE AND FILE WATERMASTER SEMI-ANNUAL OBMP STATUS REPORT 2022-1

BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the 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.

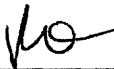
BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

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.

See attached service list: Master Email Distribution List

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

Executed on November 15, 2022 in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

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Richard Anderson
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Robert DeLoach
Robert E. Donlan
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Robert Wagner
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Ron LaBrucherie, Jr.
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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 action within. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On December 19, 2022, I served the following:

1. NOTICE OF RULING AND ENTRY OF ORDERS

/ X / BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:

See attached service list: Mailing List 1

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

/ ___ / BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

/ X / BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.

See attached service list: Master Email Distribution List

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

Executed on December 19, 2022, in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

PAUL HOFER
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