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13 CHINO BASIN WATERMASTER

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 FOR THE COUNTY OF SAN BERNARDINO

16 CHINO BASIN MUNICIPAL WATER  
17 DISTRICT,

18 Plaintiff,

19 v.

20 CITY OF CHINO, et al.,

21 Defendant.

Case No. RCVRS51010

[Assigned for All Purposes to the Honorable  
Gilbert Ochoa]

**DECLARATION OF PETER KAVOUNAS  
IN SUPPORT OF CHINO BASIN  
WATERMASTER'S OPPOSITION TO  
ONTARIO'S MOTION CHALLENGING  
WATERMASTER'S NOVEMBER 17, 2022  
ACTIONS/DECISION TO APPROVE THE  
FY 2022/2023 ASSESSMENT PACKAGE**

Date: April 5, 2023  
Time: 9:00 a.m.  
Dept.: S24

*[Chino Basin Watermaster's Opposition to  
Ontario's Motion Challenging Watermaster's  
November 17, 2022 Actions/Decision to Approve  
the FY 2022/2023 Assessment Package filed  
concurrently herewith]*

1 I, Peter Kavounas, declare as follows:

2 1. I am the General Manager for Chino Basin Watermaster (“Watermaster”). I have  
3 served as Watermaster General Manager since September 2012. I have personal knowledge of the  
4 facts stated in this declaration, except where stated on information and belief, and, if called as a  
5 witness, I could and would competently testify to them under oath. I make this declaration in  
6 support of the above-referenced opposition.

7 2. As Watermaster General Manager, I am familiar with Watermaster’s practices and  
8 procedures, as well as actions taken by the Pool Committees, Advisory Committee, and  
9 Watermaster Board.

10 3. Metropolitan Water District of Southern California (“MWD”) is the owner and  
11 holder of a storage and recovery account referred to as the Dry Year Yield Program (“DYYP”) storage  
12 account. To fill the account, “deposits” may be made in two ways: (1) wet water recharge  
13 into the Basin or (2) “in-lieu” recharge of the Basin.

14 4. When wet water recharge occurs, MWD delivers, through Three Valleys  
15 Municipal Water District (“TVMWD”) or the Inland Empire Utilities Agency (“IEUA”),  
16 imported water to recharge basins or injection wells. The water recharges the groundwater Basin  
17 and Watermaster credits the quantity recharged to MWD’s DYYP storage account. Watermaster  
18 does not make any other accounting changes to any other accounts.

19 5. “In-lieu” recharge is accomplished through TVMWD, IEUA, and the participating  
20 retailers in the DYYP via the DYYP Funding Agreement. “In-lieu” recharge involves a  
21 participating retailer taking imported water from MWD directly into its delivery system and  
22 foregoing pumping groundwater it would otherwise produce. The groundwater as to which its  
23 production is foregone is then considered to be recharged “in-lieu”; Watermaster credits MWD’s  
24 DYYP storage account in an amount that has been deemed delivered in lieu of pumping by a  
25 party, and debits a party’s account holding native and Supplemental water (“Account”) as  
26 appropriate and as directed by each party. Because water is leaving a party’s Account, a  
27 production assessment is charged.

28 ///

1           6.       It is my understanding and belief that IEUA is designated by the DYY Operating  
2 Committee as the agency to track and certify DYYP transactions, and provided the amounts of  
3 water that should be considered “in-lieu” deposits to Watermaster during the first cycle of the  
4 DYY program operation.

5           7.       Both where a party pumps for its own use and where it receives surface water in  
6 lieu of pumping, water is leaving the party’s Account. The accounting is the same. In contrast,  
7 wet water recharge to augment the DYYP account is not native to the Basin and no party has any  
8 right to the recharged water unless the water is taken consistent with the terms of the DYYP.

9           8.       “Withdrawal” from the DYYP storage account does not cause any water to leave  
10 the Chino Basin in an accounting sense because the water in the DYYP storage account is not  
11 considered assessable Basin groundwater as it was either recharged imported water or was  
12 assessed when deposited in-lieu to the DYYP storage account. While water is withdrawn from the  
13 DYYP storage account via physical extraction from the Basin, the water is used to meet demands  
14 in the Chino Basin and is not considered produced from the native supply of the Chino Basin.

15           9.       Watermaster uses information certified by IEUA as designated by the DYY  
16 Operating Committee to account for deposits to and withdrawals from the DYYP storage account.

17           10.      Watermaster, in its draft FY 2022/23 Assessment Package, spread the FY  
18 2022/2023 budgeted expenses among the Parties based on the directions in the Pooling Plans,  
19 Court orders, and agreements among the Parties.

20           11.      Watermaster presented the FY 2022/23 Assessment Package at the Advisory  
21 Committee's November 17, 2022 meeting for the Committee's advice and assistance. The  
22 Advisory Committee recommended approval of the FY 2022/23 Assessment Package as  
23 presented by a vote of 72.141 votes (out of 100) in favor. Ontario, Chino, and Monte Vista casted  
24 dissenting votes.

25           12.      On November 17, 2022, the Board approved the 2022/23 Assessment Package by  
26 a majority vote, with Board member appointed by the Monte Vista Water District voting against  
27 approval. Invoices, generated based on the approved Assessment Package, were then emailed to  
28 the Parties.

1 13. Watermaster’s methodology in developing assessment packages with respect to the  
2 DYYP has not changed since the first cycle, i.e. production years 2002/03 through 2010/11. For  
3 the entire duration of the DYYP, neither withdrawals from the DYYP storage account nor wet  
4 water recharge deposits have ever been assessed, while “in-lieu” deposits have been assessed.

5 14. None of the wet water recharge that occurred during production year 2003/2004  
6 was assessed in the FY 2004/05 assessment package.


7 15. In production year 2007/08 (FY 2008/09 assessment package), MWD made wet  
8 water recharge deposits in the amount of 8,200.70 acre feet. Watermaster did not assess this wet  
9 water recharge, but it appears in the change in balance of the DYYP storage account.

10 16. MWD recharged 6,314.9 acre feet of wet water into the DYYP storage account in  
11 production year 2016/17 (FY 2017/18) and 17,419.53 acre feet in production year 2019/20 (FY  
12 2020/21).

13 17. In the second cycle of the DYYP, there were no “in-lieu” deposits and therefore no  
14 assessments levied. During the second DYYP cycle, MWD only recharged the DYYP storage  
15 account by wet water recharge, which was not assessed. This is different than the first DYYP  
16 cycle where both “in-lieu” deposits and wet water recharge filled the DYYP storage account.

17 18. The FY 2022/23 Assessment Package uses the same method for assessing DYYP  
18 water as used during the last nineteen years of assessment packages. DYYP “in-lieu” deposits are  
19 assessed at the time the water is credited to MWD’S DYYP storage account, while wet water  
20 recharge deposits are not. This practice has not changed during the life of the DYYP. In  
21 production year 2021/22 (FY 2022/23), there were only withdrawals from, no deposits to, the  
22 DYYP account, therefore Watermaster did not assess Cucamonga Valley Water District or  
23 Fontana Water Company for DYYP withdrawals.

24  
25 Dated this 22nd day of March, 2023, at Rancho Cucamonga, California.

26  
27   
28 Peter Kavounas



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 March 22, 2023, I served the following:

1. DECLARATION OF PETER KAVOUNAS IN SUPPORT OF CHINO BASIN WATERMASTER'S OPPOSITION TO ONTARIO'S MOTION CHALLENGING WATERMASTER'S NOVEMBER 17, 2022 ACTIONS/DECISION TO APPROVE THE FY 2022/2023 ASSESSMENT PACKAGE

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 March 22, 2023 in Rancho Cucamonga, California.

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

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JEFF PIERSON  
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## **Ruby Favela Quintero**

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