

**WATERMASTER RESOLUTION  
NO. 2015-06**

**RESOLUTION OF THE CHINO BASIN WATERMASTER  
REGARDING 2015 SAFE YIELD RESET AGREEMENT**

1. **WHEREAS**, the Chino Basin Watermaster was appointed pursuant to the Judgment in Chino Basin Municipal Water District v. City of Chino (San Bernardino Superior Court Case No. 51010) to administer and enforce the provisions of the Judgment and any subsequent instructions and orders of the Court;

2. **WHEREAS**, the Judgment was entered in 1978 and set the initial Safe Yield of the Chino Basin at 140,000 acre-feet per year (AFY), but reserved continuing jurisdiction to the Court to amend the Judgment, inter alia, to redetermine the Safe Yield after the first ten years of operation of the Physical Solution established under the Judgment;

3. **WHEREAS**, the Parties to the Judgment have executed; and Watermaster, with the advice and consent of the Pools and Advisory Committees, has endorsed; and the Court has approved, the following agreements to implement the Physical Solution ("Court Approved Management Agreements"):

[1] the Chino Basin Peace Agreement, dated June 29, 2000, as subsequently amended in September 2004 and December 2007;

[2] the Peace II Measures (Court approved on December 21, 2007);

[3] the OBMP Implementation Plan dated June 29, 2000, as supplemented in December 2007;

[4] the Recharge Master Plan, dated 1998, as updated in 2010 and amended in 2013);

[5] the Watermaster Rules and Regulations dated June 2000, as amended;

[6] the October 8, 2010 Order Approving Watermaster's Compliance with Condition Subsequent Number Eight and Approving Procedures to be used to Allocated Surplus Agricultural Pool Water in the Event of a Decline in Safe Yield and

[7] Watermaster Resolution 2010-04 ("Resolution of the Chino Basin Watermaster regarding Implementation of the Peace II Agreement and the Phase III Desalter Expansion in Accordance with the December 21, 2007 Order of the San Bernardino Superior Court);

4. **WHEREAS**, the Overlying (Non-Agricultural), the Overlying (Agricultural) Pool, and the Appropriative Pool considered the proposed 2015 Safe Yield Reset Agreement, evaluated the concerns expressed by the City of Chino and, following deliberation, recommended Watermaster's adoption of this Resolution 2015-06; and

5. **WHEREAS**, the Advisory Committee considered the proposed 2015 Safe Yield Reset Agreement, evaluated the concerns of the City of Chino, and, following deliberation, recommended Watermaster's adoption of this Resolution 2015-06.

**NOW, THEREFORE**, on the basis of the staff reports, expert opinions and substantial evidence presented, Watermaster finds that:

1. At the request, and with the consent, of the parties thereto, the advice and counsel of the three Pools and the Advisory Committee, the 2015 Safe Yield Reset Agreement, attached hereto as Exhibit "A", will provide more efficient administration of the Judgment through:
  - a. The reset of the Safe Yield, inclusive of a methodology that is consistent with prudent professional practice, the OBMP Implementation Plan (as amended), the Physical Solution, and the Judgment, as set forth in the Agreement's Reset Technical Memorandum (Exhibit "A" thereto);
  - b. An amendment of the Restated Judgment to reset the Basin's Safe Yield to 135,000 AFY, effective 2010/11, consistent with the Proposed Order attached hereto as Exhibit "B";

- c. Resolution and compromise of competing claims and interpretation of existing agreements and court orders, Watermaster's accounting, among members of the Appropriative Pool, for Basin stormwater and Desalter-induced recharge under future conditions, including but not limited to a decline in Safe Yield;
  - d. The amendment of the current Court-approved schedule accounting for Desalter-induced recharge and access to Re-Operation water, consistent with Exhibit "C" hereto; and
  - e. Measures intended to preserve the parties to the Judgment's respective rights to storage while ensuring withdrawals of groundwater from authorized storage accounts within the Basin do not cause a precipitous drop in water levels, are safe, sustainable, and will not cause Material Physical Injury or undesirable results.
2. The Reset Technical Memorandum, an evaluation of long-term hydrology using the metered agricultural production data from 2002-present, the cultural conditions affecting the Safe Yield, and the risk of undesirable results support the reset of the Safe Yield of the Basin to 135,000 AFY, having declined from 140,000 AFY;
3. The reset of the Safe Yield pursuant to the 2015 Safe Yield Reset Agreement is consistent with Article X, section 2 of the California Constitution the Judgment, the Court-Approved Management Agreements, and prudent professional standards;
4. The accounting for recharge pursuant to the 2015 Safe Yield Reset Agreement is appropriate and consistent with the Court-approved management agreements to enable a fair, balanced and efficient administration of the Judgment as requested by the parties thereto, the Pools and the Advisory Committee;
5. The amendment of the current Court-approved schedule accounting for Desalter-induced recharge and access to Re-Operation water is appropriate and in furtherance of the Judgment, the Court-Approved Management Agreements;
6. Using methodology consistent with prudent professional standards, short term actual measured net recharge during 2000-2014 was less than total rights allocated to the Parties to the Judgment to produce groundwater without incurring a replenishment assessment over the period 2000-2014 by a quantity potentially as high as 130,000 AF but nevertheless only a 23,000 AF actual depletion from storage occurred.
7. During the period 2000-2014 there has been an increase of more than 200% in non-Supplemental Water storage accounts and, therefore, the Safe Storage Management, as provided for in the 2015 Safe Yield Reset Agreement, is an appropriate mechanism to ensure withdrawals of groundwater from authorized storage accounts within the Basin are safe, sustainable, and will not cause Material Physical Injury or undesirable results.
8. Using methodology consistent with prudent professional standards, it is estimated that since the early 1900s, more than 2.1 million AF was withdrawn from the Basin in excess of recharge to the Basin.
9. The establishment of the Safe Storage Reserve does not unreasonably restrict the withdrawal of water from storage accounts because: (i) the Safe Storage Reserve is 130,000 AF and present quantities of water in storage are in excess of 350,000 AF; (ii) it is highly unlikely that the Parties to the Judgment could physically pump enough groundwater from the Basin to reach the cumulative trigger of 150,000 AF in less than five (5) years, given current infrastructure; (iii) the Appropriative Pool has committed to exercise Best Efforts to prepare a Storage Management Plan within two (2) years of the effective date of the 2015 Safe Yield Reset Agreement and no reserve quantities are under discussion; (iv) even if the Safe Storage Reserve of 130,000 AF were implemented, access to stored water therein is available for emergencies and Desalter replenishment; and (v) Watermaster has the authority under the Judgment to manage all storage within the Basin;

STATE OF CALIFORNIA                     )  
  ) ss  
COUNTY OF SAN BERNARDINO        )

I, J. Arnold Rodriguez, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Revised Resolution being No. 2015-06, was adopted at a regular meeting of the Chino Basin Watermaster Board by the following vote:

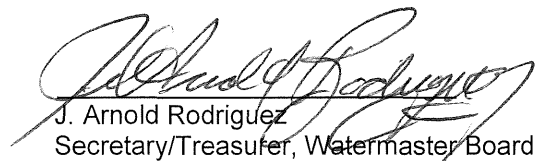
AYES:               7

NOES:              2

ABSENT:           0

ABSTAIN:          0

CHINO BASIN WATERMASTER

  
J. Arnold Rodriguez  
Secretary/Treasurer, Watermaster Board

Date: September 24, 2015

**NOW, THEREFORE, BE IT RESOLVED**, by the Chino Basin Watermaster that:

1. Watermaster endorses the 2015 Safe Yield Reset Agreement as consistent with Article X, section 2 of the California Constitution, the Judgment, and the Court-Approved Management Agreements.
2. Consistent with the Proposed Order, Watermaster will comply with the provisions of the 2015 Safe Yield Reset Agreement.
3. In adopting this Resolution and by its agreement to implement the 2015 Safe Yield Reset Agreement, Watermaster is not committing to carry out any project within the meaning of CEQA, unless and until CEQA compliance has been demonstrated for any such project.
4. The Watermaster Board will transmit this Resolution 2015-06, the 2015 Safe Yield Reset Agreement, and the referenced Attachments to the Court, and, in accordance with the requests by the parties thereto, the advice and counsel of the Pools, and the Advisory Committee, Watermaster recommends that the Court approve the proposed Judgment Amendment and to further order that Watermaster proceed to further comply with the 2015 Safe Yield Reset Agreement.
5. The Watermaster Board directs Watermaster legal counsel to prepare and file a motion with the Court pursuant to paragraph 4, above.

**APPROVED** by the Advisory Committee this 17th day of September 2015.

**ADOPTED** by the Watermaster Board on this 24th day of September 2015.

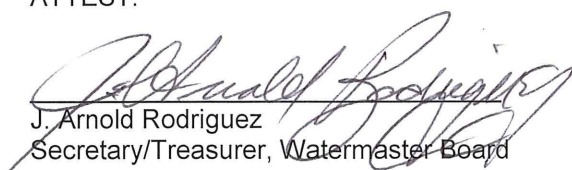
By:

  
\_\_\_\_\_  
Steven J. Elie  
Chairman, Watermaster Board

APPROVED:

  
\_\_\_\_\_  
Jeffrey L. Pierson  
Chairman, Advisory Committee

ATTEST:

  
\_\_\_\_\_  
J. Arnold Rodriguez  
Secretary/Treasurer, Watermaster Board

## LIST OF EXHIBITS

Exhibit "A"	2015 Safe Yield Reset Agreement, Including Exhibits A – E
Exhibit "B"	Proposed Order Amending Paragraph 6 of the Restated Judgment
Exhibit "C"	Amended schedule for access to Re-Operation water