

**RESOLUTION 2020-03  
OF THE  
CHINO BASIN WATERMASTER  
REGARDING THE 2020 SAFE YIELD RESET**

1. **WHEREAS**, the Chino Basin Watermaster (“Watermaster”) was appointed pursuant to the Judgment in Chino Basin Municipal Water District v. City of Chino (San Bernardino Superior Court Case No. RCV RS51010) 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**, on April 28, 2017, the Court entered its Orders for Watermaster’s Motion Regarding 2015 Safe Yield Reset Agreement, Amendment of Restated Judgment, Paragraph 6 (“April 28, 2017 Order”), which, among other things: (1) reset the Safe Yield of the Chino Basin to 135,000 AFY; (2) directed Watermaster to initiate a process to evaluate and reset the Safe Yield by July 1, 2020 to establish the Safe Yield of the Chino Basin for the time period commencing on July 1, 2020 and ending on June 30, 2030; and, (3) directed Watermaster to conduct the 2020 Safe Yield reset evaluation pursuant to the methodology described in the Reset Technical Memorandum, and while relying upon long-term hydrology and data from 1921 to the date of the reset evaluation in order to account for short-term climatic variation.

4. **WHEREAS**, the Court confirmed its direction to reset the Safe Yield provided in the April 28, 2017 Order in subsequent rulings in its March 15, 2019 Findings and Order Regarding Amendments to Restated Judgment, Peace Agreement, Peace II Agreement, and Re-Operation Schedule.

5. **WHEREAS**, the Reset Technical Memorandum provides the following methodology adopted by the April 28, 2017 Order to reset the Safe Yield:

1. Use . . . newly collected data . . . in the re-calibration process for the Watermaster’s groundwater-flow model.
2. Use a long-term historical precipitation falling on current and projected future land uses to estimate the long-term average net recharge to the Basin.
3. Describe the current and projected future cultural conditions, including, but not limited to the plans for pumping, stormwater recharge and supplemental-water recharge.
4. With the information generated in [1] through [3] above, use the groundwater-flow model to redetermine the net recharge to the Chino Basin taking into account the then existing current and projected future cultural conditions.
5. Qualitatively evaluate whether the groundwater production at the net recharge rate estimated in [4] above will cause or threaten to cause “undesirable results” or “Material Physical Injury”. If groundwater production at net recharge rate estimated in [4] above 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.

6. **WHEREAS**, Watermaster commenced the process to reset the Safe Yield pursuant to the April 28, 2017 Order in 2019. In compliance with the April 28, 2017 Order, Watermaster, with the assistance of Wildermuth Environmental, Inc., Watermaster's engineer, compiled current and projected water demand and water supply planning data, updated and recalibrated the Chino Basin groundwater model, and estimated the Safe Yield of the Basin based upon current and projected cultural conditions. Watermaster's engineer documented this work and its findings in its 2020 Safe Yield Recalculation Report ("Safe Yield Report"), which is attached hereto as **Exhibit A** and incorporated herein by reference.

7. **WHEREAS**, Watermaster convened workshops in July 2019 and January 2020 to allow stakeholders to review data, review calibration results, and review proposed model projections.

8. **WHEREAS**, in March 2020, Watermaster invited Luhdorff & Scalmanini Consulting Engineers ("LSCE"), an independent groundwater expert consulting firm, to perform a peer review of the methodology used in evaluating the Safe Yield. LSCE was provided a draft of the Safe Yield Report, as well as access to Watermaster's files and documents, and attended a meeting with Watermaster's consultant, along with technical experts associated with the Appropriative Pool and parties in the Overlying (Agricultural) Pool, to discuss the Safe Yield analysis, methodology, modeling, and its application. After completing its evaluation, LSCE concluded that the model employed to develop the Safe Yield Report meets and/or exceeds generally accepted industry standards, and that application of the model and the Safe Yield Report is consistent with prevailing professional standards.

9. **WHEREAS**, a draft of the Safe Yield Report was released to the Watermaster parties on April 2, 2020, and considered by the Pool Committees and the Advisory Committee at their regularly scheduled meetings in April 2020.

10. **WHEREAS**, based upon requests made by the Overlying (Agricultural) Pool, the Appropriative Pool and the Advisory Committees, Watermaster convened a stakeholder workshop on April 29, 2020 to present the Safe Yield Report and receive and respond to comments thereon.

11. **WHEREAS**, the final version of the Safe Yield Report was released to the Watermaster parties on May 14, 2020. The final version includes certain editorial changes and written responses to comments received from the parties. However, the conclusions and findings in the Safe Yield report remained unchanged.

12. **WHEREAS**, the Safe Yield Report concludes that: "Watermaster should recommend that the Court set the Safe Yield at 131,000 AFY for the 2021 through 2030 period. No MPI or undesirable results are projected to occur if the Safe Yield were to be set at this value."

13. **WHEREAS**, the Safe Yield Report further concludes that a reduction in net recharge to the Basin could occur if the State implements certain water conservation measures as required by Water Code, § 10609, et seq. Accordingly, when the State adopts such water conservation measures, "Watermaster should evaluate the significance of any resulting change in cultural conditions, and, if cultural conditions are judged to have changed such that the Safe Yield would be changed by more than 2.5%, Watermaster should move the Court to reset the Safe Yield accordingly."

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

1. The Safe Yield Report's evaluation of the Safe Yield of the Basin for the for period of July 1, 2020 through June 30, 2030 was conducted in accordance with the Court's April 28, 2017 Order and the Reset Technical Memorandum, and accurately considers the current and projected conditions of the Chino Basin.
2. The Court should amend Paragraph 6 of the Restated Judgment, setting the Safe Yield of the Chino Basin for the period July 1, 2020 to June 30, 2030 at 131,000 AFY, and no undesirable results or Material Physical Injury will result if the Safe Yield is reset in this manner.

3. If the State develops water conservation measures that reduce net recharge to the Chino Basin (i.e., reduced Evapotranspiration Adjustment Factors), as required by Water Code, § 10609, et seq., Watermaster should evaluate the significance of any resulting change in cultural conditions, and, if cultural conditions are judged to have changed such that the Safe Yield would be changed by more than 2.5%, Watermaster should move the Court to reset the Safe Yield accordingly.
4. Watermaster legal counsel is directed to prepare and file a motion with the Court to reset the Safe Yield in accordance with this Resolution and the Court's April 28, 2017 Order.


**ADOPTED** by the Watermaster Board on this 22<sup>nd</sup> day of May 2020.

By:



Chairman, Watermaster Board

ATTEST:




Board Secretary  
Chino Basin Watermaster

STATE OF CALIFORNIA            )  
  ) ss  
COUNTY OF SAN BERNARDINO    )

I, Bob Kuhn, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Resolution being No. 2020-03, was adopted at the special meeting of the Chino Basin Watermaster Board by the following vote:

AYES:            7  
NOES:            2  
ABSENT:         0  
ABSTAIN:        0

CHINO BASIN WATERMASTER



Board Secretary

Date: May 22, 2020

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**LIST OF EXHIBITS**

**Exhibit A:** 2020 Safe Yield Recalculation Final Report