

**RESOLUTION 2020-05
OF THE
CHINO BASIN WATERMASTER**

REGARDING

**PROCEDURE AND FEE SCHEDULE
FOR
REQUESTING INFORMATION AND DOCUMENTS
RELATED TO THE CHINO VALLEY MODEL**

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 Court has ordered Watermaster to administer provisions of the Peace Agreements relating to the Optimum Basin Management Program Implementation Plan, including among others hydraulic control, safe yield recalculation, evaluation of water transfers;
3. **WHEREAS**, Watermaster's Engineer Wildermuth Environmental, Inc., or WEI) has developed the Chino Valley Model (CVM) to support Judgment and OBMP Implementation;
4. **WHEREAS**, Watermaster uses and intends to use the CVM independently in performance of its functions;
5. **WHEREAS**, contractually the model is Watermaster property, and not property of WEI;
6. **WHEREAS**, since Watermaster was created and serves at the pleasure of the Court subject to its authority and continuing jurisdiction, access and use is subject to Court's discretion;
7. **WHEREAS**, there have been requests for specific analyses using the model as well as review of supporting documentation;
8. **WHEREAS**, Watermaster intends to allow parties to have balanced access to use the model, under Watermaster control;
8. **WHEREAS**, Watermaster intends to allow parties to have access to use the model, while considering costs;

NOW, THEREFORE, BE IT RESOLVED, that

1. The attached procedure and fee schedule is to be followed in responding to requests for information and documents related to the Chino Valley model; and
2. The attached procedure is to be reviewed and updated and presented to the Board for adoption, periodically but not less than every five years.

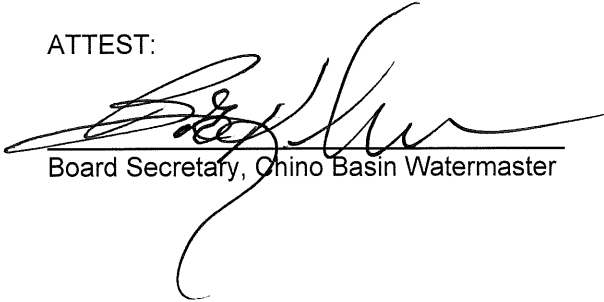
ADOPTED by the Watermaster Board on this 22nd day of October 2020.

By:



Chairman, Watermaster Board

ATTEST:

A handwritten signature in black ink, appearing to be "Brynn", written over a horizontal line. The signature is fluid and cursive.

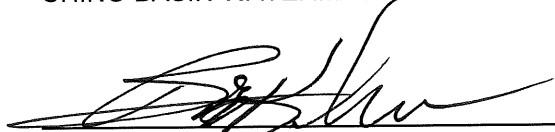
Board Secretary, Chino Basin Watermaster

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. 2020-05, was adopted at the regular meeting of the Chino Basin Watermaster Board on October 22, 2020 by the following vote:

AYES: 9
NOES: 0
ABSENT: 0
ABSTAIN: 0

CHINO BASIN WATERMASTER



Board Secretary

Date: 11/10/2020

LIST OF EXHIBITS

Exhibit A: Chino Basin Watermaster Procedure and Fee Schedule for Requesting Information and Documents Related to the Chino Valley Model

**CHINO BASIN WATERMASTER
PROCEDURE AND FEE SCHEDULE FOR REQUESTING INFORMATION AND DOCUMENTS
RELATED TO THE CHINO VALLEY MODEL**

I. PURPOSE

The purpose of this procedure is to delineate the procedure to be used, the guidelines to follow, and the fees to be charged for costs associated with the request of information and documents related to the Chino Valley Model.

II. BACKGROUND

Chino Basin Watermaster's ("Watermaster") Engineer has developed the Chino Valley Model ("Model") to evaluate and estimate the Safe Yield of the Chino Basin ("Basin"). The Model is based upon five computer codes used to represent the physical processes in the Basin. The Model's sufficiency was approved by the Court in its July 31, 2020 Orders re Chino Basin Watermaster Motion Regarding 2020 Safe Yield Reset, Amendment of Restated Judgment, Paragraph 6 ("2020 Order"). (See p. 5.)

As the administrator of the Restated Judgment under the Court's continuing jurisdiction, Watermaster performs independent evaluation of physical conditions within the Basin through application of the Model, other than to fulfill its obligations under the direct oversight of the Court and for the assistance of the Parties. Maintaining the integrity of the Model is paramount to Watermaster's duties. Accordingly, in the 2020 Order, the Court held that Watermaster is not required to release the Model to the Parties, and, at the same time, that "Watermaster's assurances regarding transparency and open access are buttressed by the court's oversight pursuant to its continuing jurisdiction over Safe Yield, as well as the stakeholder and technical reviews set forth in the motion and supporting exhibits and declarations." (2020 Order, p. 6.)

While release of the Model is not required, the Judgment, the Court's prior orders, ensure that stakeholder access, review, comment are an integral part of the optimum management of the Basin. (See Restated Judgment, ¶ 38; April 28, 2017 Orders for Watermaster's Motion Regarding 2015 Safe Yield Reset Agreement, Amendment of Restated Judgment, Paragraph 6, pp. 15-17;) as is transparency. As such, Watermaster sets forth the following standardized procedures and guidelines to permit interested parties access to certain information and documents pertaining to the Model ("Model Information Guidelines").

III. PROCEDURE

A. GENERAL

Watermaster staff will exercise reasonable efforts to respond to written requests for information or documents pertaining to the Model within 10 working days following receipt of the request. Watermaster's response will indicate whether the written request seeks disclosable information or documents in Watermaster's possession as determined by these Model Information Guidelines or requires model runs that are appropriately undertaken by the Watermaster Engineer and, if so, when such information or documents, or the results of such model runs will be made available.

B. FORMS

A Party seeking information and documents pertaining to the Model or Model runs shall complete and submit a Request for Information Form – Chino Valley Model to Watermaster staff to request information or documents pertaining to the Model.

IV. GUIDELINES

Watermaster staff will consider requests for information and documents pertaining to the Model or Model runs on a case-by-case basis subject to the guidelines set forth in the Chino Basin Watermaster Procedure, Guidelines and Fee Schedule for Release of Information and Documents (Watermaster Resolution 01-03) and as stated below. To the extent these Model Information Guidelines conflict with the Procedure, Guidelines and Fee Schedule for Release of Information and Documents, these Model Information Guidelines shall govern the submittal of, review and response to a request for information or documents pertaining to the Model.

A. Watermaster will independently maintain and control the CVM and its operation subject to the Court's continuing jurisdiction.

B. The Party shall indicate the general reason for their request for information and the relationship to Watermaster's administration of the Judgment.

C. Information regarding the following will generally be made available: (1) a description of the Model application; (2) Model assumptions; (3) data inputs into the Model; (4) boundary conditions; (5) calibration of the Model; (6) any uncertainty analysis of the Model; and, (7) information produced by the Model (e.g., results of Model runs).

D. A Party may request Watermaster to conduct customized runs of the Model under party-proposed scenarios. However, Watermaster may exercise reasonable discretion and may potentially deny the request when considering: (1) the reasons for the request; (2) the number of times the Party has previously made the same or similar requests; (3) time and expense; and (4) whether the information is for individual needs or general benefit.

V. FEE SCHEDULE

A. Copies of requested information will be made available subject to the procedures and guidelines outlined above and upon payment of reasonable fees to cover the costs associated with copying and handling. An additional fee will be charged, as necessary, for actual costs associated with any request for information requiring special research or input.

B. Watermaster shall charge the following reasonable fees for the production of information and documents subject to these Model Information Guidelines:

- | | |
|---|------------------------------------|
| 1. Photocopies | \$ 0.50 per page/\$5.00 minimum |
| 2. Facsimiles | \$ 0.30 per page |
| 3. Electronic data/text equal to one (1) printed page | \$ 0.15 per page |
| 4. CD Rom | \$ 2.00 each |
| 5. Mailing | Applicable first-class postal rate |

C. Watermaster shall charge the Requestor for any costs associated with responding to a request for a Model run, or any other information requiring special research or input from Watermaster's staff, engineer or legal counsel. An estimate of such costs shall be disclosed to and agreed upon by the Requestor prior to Watermaster responding to a request for a Model run, or providing any other information requiring special research or input from Watermaster's staff, engineer or legal counsel.

Date: October 22, 2020