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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO**

10
11 CHINO BASIN MUNICIPAL WATER
DISTRICT

12 Plaintiff,

13 vs.

14 CITY OF CHINO, ET AL.

15 Defendant.
16

Case No. RCV 51010

[Assigned for All Purposes to the
Honorable J. Michael Gunn]

**WATERMASTER COMPLIANCE WITH
CONDITIONS SUBSEQUENT 5 AND 6**

Date: August 21, 2008

Time: 2:00 pm

Place: R8

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18 **I.**
INTRODUCTION

19 In her Final Report and Recommendations on Motion for Approval of Peace II Documents,
20 the Special Referee noted that "A key element of the proposed Peace II Measures is that
21 Watermaster must develop recharge capability throughout the Basin Reoperation period, to ensure
22 that sufficient recharge capability exists at the end of the period" (Final Report 25:21-23).

23 In its December 21, 2007 Order approving the Peace II Measures, the Court required, as
24 Condition Subsequent Number 5, that a detailed outline of the scope and content of the Recharge
25 Master Plan update should be submitted to the Court for approval by July 1, 2008. Progress reports
26 on the completion of the updated plan are then to be submitted on January 1, 2009 and July 1, 2009
27 with the final updated Recharge Master Plan due to the Court by July 1, 2010.

28 In compliance with this schedule, Watermaster hereby submits a detailed outline of the

1 updated Recharge Master Plan. Watermaster respectfully requests that the Court approve this
2 outline.

3 In addition, Condition Subsequent Number 6 of the December 21, 2007 Order requires
4 Watermaster to report to the Court by July 1, 2008 on the development of the standards and criteria
5 that the Regional Water Quality Control Board will use to determine whether Hydraulic Control is
6 achieved and maintained. Section V of this pleading provides this report.

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8 **II.**
REQUIRED CONTENT OF UPDATED RECHARGE MASTER PLAN

9 The Referee recommended several elements for the plan:

10 1. Baseline conditions must be clearly defined and supported by technical analysis.
11 The baseline definition should encompass factors such as pumping, demand, recharge capacity, total
12 Basin water demand, and availability of replenishment water.

13 2. Safe Yield should be estimated annually, though it is recognized that it is not to be
14 formally recalculated until 2011. Watermaster should develop a technically defensible approach to
15 estimating Safe Yield annually.

16 3. Measures should be evaluated to lessen or stop the projected Safe Yield decline. All
17 practical measures should be evaluated in terms of their potential benefits and feasibility.

18 4. Evaluations and reporting of the impact of Basin Re-Operation on groundwater
19 storage and water levels should be done on an annual basis.

20 5. Total demand for groundwater should be forecast for 2015, 2020, 2025, and 2030.
21 The availability of imported water for supply and replenishment and the availability of recycled
22 water should be forecast on the same schedule. The schedules should be refined in each Recharge
23 Master Plan update. Projections should be supported by thorough technical analysis.

24 6. The Recharge Master Plan must include a detailed technical comparison of current
25 and projected groundwater recharge capabilities and current and projected demands for
26 groundwater. The Recharge Master Plan should provide guidance as to what should be done if
27 recharge capacity cannot meet or is projected not to be able to meet replenishment needs. This
28 guidance should detail how Watermaster will provide sufficient recharge capacity or undertake

1 alternative measures so that Basin operation in accordance with the Judgment and the Physical
2 Solution can be resumed at any time.

3 These recommendations are a reflection of the requirements described in the Peace II
4 Measures. Peace Agreement II section 8.1 and the Amendment to Judgment Exhibit “I” section
5 2(b)(5) require that the updated Recharge Master Plan:

6 7. Address how the Basin will be contemporaneously managed to secure and maintain
7 Hydraulic Control and subsequently operated at a new equilibrium at the conclusion of the period of
8 Re-Operation.

9 8. Contain recharge estimations and summaries of the projected water supply
10 availability as well as the physical means to accomplish the recharge projections.

11 9. Reflect an appropriate schedule for planning, design, and physical improvements as
12 may be required to provide reasonable assurance that sufficient Replenishment capacity exists to
13 meet the reasonable projections of Desalter Replenishment obligations following the
14 implementation of Basin Re-Operation.

15 Peace Agreement II section 8.4(d)(2) further requires that the Recharge Master Plan:

16 10. Consider whether existing groundwater production facilities owned or controlled by
17 producers within MZ1 may be used in connection with an aquifer storage and recovery (“ASR”)
18 project so as to further enhance recharge in specific locations and to otherwise meet the objectives
19 of the Recharge Master Plan.

20 **III.**
21 **OUTLINE COMPLIANCE WITH PEACE II MEASURES AND SPECIAL**
22 **REFEREE’S RECOMMENDATIONS**

23 The submitted outline is the product of a stakeholder process facilitated by the Watermaster.
24 A copy of the outline is attached to this pleading as Exhibit “A.” The outline is both a description of
25 the content of the final updated Recharge Master Plan and a road map for the process that will be
26 used to develop that plan. This is appropriate because over the next two years the parties have many
27 decisions to make about how they wish Watermaster to approach issues concerning the balance
28 between production and replenishment. It is the outcome of these decisions that will ultimately

1 dictate the content of the plan. Each section of the outline contains a note, indicating which of the
2 Referee’s recommendations that section is responsive to.

3 Section 1 of the Plan will provide historical background, describing current recharge
4 capabilities and comparing said capabilities to current recharge needs. It will also discuss anticipated
5 changes in the Safe Yield and the reliability of current supplemental water sources. It will discuss
6 the planning challenges that motivated the current Recharge Master Plan update process as
7 identified in Watermaster’s November 15, 2007 Technical Report. This discussion, along with other
8 sections of the Plan, is responsive to the Referee’s recommendation (number 1 above) that baseline
9 conditions be clearly defined and supported by technical data.

10 Section 2 of the Plan will describe the planning criteria that are dictated by the Peace II
11 Measures as well as the Special Referee’s recommendations. The Plan will also discuss the planning
12 criteria for the facilities that are dictated by design, operations, and regulatory criteria. The Plan will
13 also discuss financial issues in this context. These planning criteria are essential in order to properly
14 plan the development of storm and supplemental water recharge projects. This section is responsive
15 to the Referee’s recommendations 1, 2, 5, and 6 above.

16 Section 3 of the Plan will be devoted to Safe Yield. This section will define a technically
17 defensible approach to estimating Safe Yield and discuss factors that lead to changes in Safe Yield.
18 Identifying the current and projected safe yield is a fundamental part of the baseline condition.
19 Finally, this section will evaluate measures to lessen or stop the projected decline in Safe Yield.
20 This section is responsive to the Referee’s recommendations 1, 2, and 3 above.

21 Section 4 of the Plan will be a thorough review of the updated water supply plans of the
22 parties. This review will be used to create a most probable case and worst case range of projected
23 replenishment needs. This section will put these water supply projections in the context of current
24 supplemental water sources and current recharge capacity. The outcome of this analysis will be an
25 estimate of the recharge capacity that will be needed in the future and the additional recharge
26 capacity required to meet projected replenishment needs. In addition to contributing to the
27 definition of the baseline condition, this section is responsive to the Referee’s recommendations 5
28 and 6 above. This section is also responsive to the Peace II Measures described in number 8 above.

1 Sections 3 and 4 define the baseline condition. With the baseline established, the next four
2 sections turn to an analysis of how additional recharge capacity and supplemental water sources can
3 be developed to meet the replenishment needs defined in the baseline condition. The Plan will
4 analyze additional storm water recharge enhancement opportunities (Section 5) and supplemental
5 water recharge enhancement opportunities (Section 6), which include both imported as well as
6 recycled water. The Plan will also look at integrated facilities that can take advantage of both storm
7 and supplemental water (Section 7). Each of the recharge alternatives described in Sections 5, 6,
8 and 7 will have facility and operating plans, cost opinions, and a description of their implementation
9 barriers.

10 Section 8 of the Plan will contain a ranking of the storm and supplemental water recharge
11 alternatives using the criteria described in Section 2. The unit cost of storm and supplemental
12 recharge will be computed for each project and the cumulative recharge-weighted unit cost will be
13 computed starting with highest ranked to least ranked project. This will allow the individual parties
14 to determine the unit cost of increasing their replenishment obligations.

15 As stated above, the outline not only describes the content of the Plan but also the iterative
16 process that will be used to develop the Plan. Upon completion of the analysis of recharge needs,
17 the various options that can be pursued to meet those options, and the cost of those options, it is
18 possible that the parties will want to reexamine their water supply planning expectations and
19 alternatives. Section 9 of the outline revisits the water supply plans in light of all the information
20 developed in the previous sections of the Plan. This section will describe how the parties' water
21 supply plans will change after the costs of new storm and supplemental water are incorporated into
22 their water planning. It may be more economical for some parties to reduce their Chino Basin
23 production and use other supplies if the cost of increasing supplemental water recharge capacity
24 exceeds the cost of producing other non-Chino Basin groundwater supplies. The parties themselves
25 will provide their revised water supply plans. The revised water supply plans will be integrated,
26 and the replenishment obligation will be re-projected through 2060. The supplemental water
27 recharge capacity required to meet the re-projected replenishment obligations will be described and
28 used as the basis for the developing the final recharge plan.

1 Finally, Section 10 will present the recommended recharge projects, their costs, and their
2 implementation sequence. The recharge projects with the highest rankings, based on the
3 replenishment projections from Section 9, will be selected for implementation. For each project, the
4 owner, priority of implementation, implementation steps, institutional arrangements, permits, cost
5 opinions, and monitoring requirements will be identified. In addition, the implementation schedule
6 and potential financing alternatives will be described for each recharge project. Finally, the impact
7 on Watermaster assessments will be described.

8 **IV.**
9 **SCHEDULE AND PROCESS**

10 Attached as Figure 1 to the outline is a macro schedule to complete the Recharge Master
11 Plan update and develop implementation elements. This schedule begins with the completion of the
12 outline in June 2008 and covers the period through the completion of the update in July 2010 as
13 required by the Court.

14 Upon completion of the outline, in accordance with the schedule, Watermaster will assemble
15 the project team to accomplish the tasks necessary to turn the outline in to the actual updated
16 Recharge Master Plan. The baseline analysis and planning alternatives will require specialized
17 engineering and other technical expertise. The schedule thus includes a period of selecting
18 appropriate consultants for this work. It also anticipates the need for CEQA compliance.

19 The Recharge Master Plan update process thus consists of three efforts: the development of
20 the Recharge Master Plan, compliance with California Environmental Quality Act (CEQA), and the
21 development of implementation agreements. Watermaster's intent is to develop the Recharge
22 Master Plan and have the implementation agreements completed by July 1, 2010. Watermaster will
23 continue to facilitate the stakeholder group to review and guide the Recharge Master Plan update
24 process and will lead and fund the technical efforts to develop the Recharge Master Plan and CEQA
25 compliance. The IEUA will be the lead agency for CEQA, and other agencies, such as the Chino
26 Basin Water Conservation District and San Bernardino County, may be responsible agencies
27 pursuant to CEQA. Watermaster will facilitate the efforts to develop implementation agreements.

28 In summary, the schedule describes the following phases:

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pleading as Exhibit “B.” Watermaster will continue to work with the RWQCB to develop and refine the appropriate standards and criteria.

**VI.
CONCLUSION**

The updated Recharge Mast Plan described by the submitted outline will be comprehensive and quantitatively based. The outline indicates that the updated Plan will be responsive to the requirements described in the Peace II Measures and is itself responsive to all the recommendations contained in the Court’s December 21 Order and the Special Referee’s Final Report. On this basis, Watermaster respectfully requests that the Court approve the outline as submitted.

Dated: July 1, 2008

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