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6 **CHINO BASIN WATERMASTER**

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN BERNARDINO

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11 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

12 Plaintiff,

13 v.

14 CITY OF CHINO, et al.,

15 Defendant.

**Case No. RCVRS 51010**

[Assigned for All Purposes to the Honorable  
Gilbert G. Ochoa]

**DECLARATION OF JEAN  
CIHIGOYENETCHE IN SUPPORT OF  
MOTION FOR COURT APPROVAL OF  
2023 RECHARGE MASTER PLAN  
UPDATE**

Date: December 1, 2023  
Time: 10:00 a.m.  
Dept.: S24

*[Filed concurrently herewith: Notice of Motion  
and Motion; Declaration of Bradley J.  
Herrema; Declaration of Edgar Tellez Foster;  
[Proposed] Order]*

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21 I, Jean Cihigoyenetche, declare as follows:

22 1. I am an attorney duly admitted to practice before all of the courts of this State, and  
23 am a partner in the law firm of JC Law Firm, counsel of record for the Inland Empire Utilities  
24 Agency ("IEUA"). I have personal knowledge of the facts stated in this declaration, except where  
25 stated on information and belief, and if called as a witness, I could and would competently testify  
26 to them under oath. I make this declaration in support of the above-referenced motion.

27 2. As legal counsel for IEUA, I am familiar with IEUA's practices and procedures, as  
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well as actions taken by the IEUA Board of Directors (“Board”).

3. On September 20, 2023, during its regularly scheduled meeting, the IEUA Board considered approval and adoption of the 2023 Recharge Master Plan Update.

4. At its September 20, 2023 meeting, the IEUA Board adopted Resolution No. 2023-9-5, Resolution of the Board of Directors of the Inland Empire Utilities Agency, San Bernardino County, California, Adopting the 2023 Update to the Recharge Master Plan, approving the 2023 Recharge Master Plan Update. Attached hereto as **Exhibit A** is a true and correct copy of IEUA Resolution No. 2023-9-5.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 6th day of October, 2023, at Chino Hills, California.



Jean Cihigoyenette

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# **EXHIBIT A**

**RESOLUTION NO. 2023-9-5**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
INLAND EMPIRE UTILITIES AGENCY\* (IEUA), SAN  
BERNARDINO COUNTY, CALIFORNIA, ADOPTING THE 2023  
UPDATE TO THE RECHARGE MASTER PLAN**

**WHEREAS**, in 2000, the Chino Basin Watermaster adopted a Recharge Master Plan which established the technical foundation for the development of the recharge facilities and practices in the Chino Basin; and

**WHEREAS**, in 2001, Watermaster, in cooperation with the Inland Empire Utilities Agency (“IEUA”), initiated the Chino Basin Facilities Improvement Project (“CBFIP”) which implemented facilities recommendations in the Recharge Master Plan; and

**WHEREAS**, in 2006, Watermaster, in cooperation with IEUA, initiated Phase II of the CBFIP in order to implement additional facilities recommendations in the Recharge Master Plan; and

**WHEREAS**, on December 21, 2007, the Court approved the Peace II Measures which set forth a modified approach to management of the Chino Basin known as Basin Re-Operation, the ultimate goal of which is the achievement of Hydraulic Control; and

**WHEREAS**, Section 8.1 of the Peace II Agreement, included the requirement that the Recharge Master Plan be updated and that each of Watermaster and IEUA approve the updates to the Recharge Master Plan; and

**WHEREAS**, pursuant to Section 8.3 of the Peace II Agreement, Watermaster is obligated to make an annual finding that it is in substantial compliance with the Recharge Master Plan, as revised. This requirement exists to ameliorate any long-term risk attributable to reliance upon un-replenished groundwater production by the Desalters, and is a condition on the annual availability of any portion of the 400,000 acre-feet set aside as controlled overdraft; and

**WHEREAS**, pursuant to Section 8.1 of the Peace II Agreement, updates to the Recharge Master Plan must occur as frequently as necessary, but not less frequently than every five years, and must be approved by the Court; and

**WHEREAS**, updates to the Recharge Master Plan must account for the new Basin management regime and other changes that occurred since the creation or last update of the Recharge Master Plan; and

**WHEREAS**, on June 30, 2010, Watermaster submitted its updated Recharge Master Plan (“2010 RMPU”) to the Court; and

**WHEREAS**, Watermaster submitted its 2013 Amendment to the 2010 Recharge Master Plan Update (“2013 RMPU”) to the Court on November 4, 2013; and

**WHEREAS**, on December 13, 2013, the Court issued an order approving the 2013 RMPU, except Section 5 thereof, and on April 25, 2013, the Court issued an Order approving Section 5 of the 2013 RMPU; and

**WHEREAS**, Watermaster submitted its 2018 Recharge Master Plan Update (“2018 RMPU”) to the Court on October 9, 2018; and

**WHEREAS**, on December 28, 2018, the Court issued an order approving the 2018 RMPU; and

**WHEREAS**, at its November 17, 2022 regular meeting, the Board reviewed an opinion from West Yost Associates (“West Yost”) regarding the adequacy of replenishment capacity. The Board adopted the findings in the West Yost report, a copy of which is attached hereto as Exhibit B, which found that, as there is sufficient recharge capacity to meet future replenishment obligations identified in the 2013 RMPU and 2018 RMPU and that if Basin Re-Operation were terminated prior to 2030, that Watermaster would be able to increase its replenishment activity in order to maintain hydrologic balance within the Basin, and, accordingly, Watermaster was in substantial compliance with the Recharge Master Plan, as required; and

**WHEREAS**, in October 2022, a Recharge Master Plan Update Steering Committee (“Steering Committee”), composed of stakeholders in the Basin, including IEUA, was convened through the Recharge Investigations and Projects Committee (“RIPComm”) in order to develop the 2023 Recharge Master Plan Update (“2023 RMPU”), attached hereto as Exhibit C, through a collaborative process. The Steering Committee convened at three RIPComm meetings in October 2022, January 2023, and July 2023 in addition to an independent stakeholder workshop in August 2023 in order for stakeholders to participate in the development of the 2023 RMPU; and

**WHEREAS**, the 2023 RMPU addresses the elements required by the Court’s December 21, 2007 Order Concerning Motion for Approval of Peace II Documents and the Peace II Agreement; and

**WHEREAS**, the 2023 RMPU includes: (1) a description of changed conditions in the Basin from those detailed in the 2018 RMPU and planning assumptions for the 2023 RMPU; (2) a description of the Basin's response to the updated conditions in the Basin; (3) an inventory of existing and planned recharge facilities in the Basin that can be compared to the Basin's recharge needs; (4) identification of future needs for recharge capacity in the Basin and a comparison with available recharge capacity; and, (5) recommendations for future activities and an implementation plan for the 2023 RMPU; and

**WHEREAS**, the 2023 RMPU also includes a renewal and replacement plan to predict, plan, and fund renewal or replacement of aging recharge assets in response to aging recharge assets and the absence of basin-wide renewal and replacement planning; and

**WHEREAS**, the Watermaster Board has received periodic updates as to the progress made by the Steering Committee in the development of the 2023 RMPU.

**NOW, THEREFORE**, on the basis of the staff reports, expert opinions and substantial evidence presented, the Board of Directors of the Inland Empire Utilities Agency\* finds that:

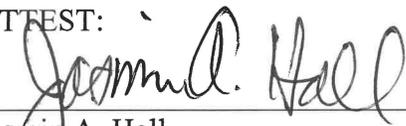
1. There exists sufficient recharge capacity to meet future replenishment obligations identified in the 2023 RMPU. If Basin Re-Operation were terminated prior to 2030, Watermaster would be able to increase its replenishment activity in order to maintain hydrologic balance within the Basin, in compliance with the Recharge Master Plan.
2. Watermaster and interested parties, through the Steering Committee, thoroughly evaluated changed circumstances since the time of the 2018 RMPU and how these changes affect the Recharge Master Plan, and this evaluation is included in Sections 3, 4 and 5 of the 2023 RMPU.
3. Watermaster and interested parties, through the Steering Committee, thoroughly evaluated the existing and planned recharge facilities in the Basin as compared to the Basin's recharge needs, and this evaluation is included in Sections 2 and 7 of the 2023 RMPU. Section 7's renewal and replacement plan is a new component of the Recharge Master Plan to address aging recharge assets and the absence of basin-wide renewal and replacement planning.
4. Watermaster and interested parties, through the Steering Committee, considered the need for future recharge capacity by comparing the projected future recharge requirements of the Basin and physical capacity to achieve that requirement and concluded that the existing recharge capacity and facilities on which it relies are sufficient until the next Recharge Master Plan update in 2028. This evaluation is included in Section 6 of the 2023 RMPU.
5. Using the information and analysis contained in Sections 1 through 7 of the 2023 RMPU, Watermaster and interested parties, through the Steering Committee, developed recommendations and an implementation plan for the 2023 RMPU, which are included in Section 8 of the 2023 RMPU.
6. The development of the 2023 RMPU complies with the requirements for an update to the Recharge Master Plan.

**NOW, THEREFORE,** the Board of Directors of the Inland Empire Utilities Agency\* does hereby RESOLVE, DETERMINE AND ORDER as follows:

1. The 2023 RMPU is based on sound technical analysis and adequately updates the 2018 RMPU in light of changed economic, legislative, and hydrologic conditions within the State of California and in satisfaction of the Peace II Agreement and the Court's Orders.
2. Based upon the 2023 RMPU, there exists sufficient recharge capacity to meet future replenishment obligations identified in the 2023 RMPU through 2050. If Basin Re-Operation were terminated prior to 2030, Watermaster would be able to increase its replenishment activity in order to maintain hydrologic balance within the Basin, in compliance with the Recharge Master Plan.
3. Watermaster adopts the 2023 RMPU as the guidance document for the further development of the recharge facilities within the Basin.
4. Pursuant to the Peace II Agreement Section 8.1, Watermaster and IEUA will update the Recharge Master Plan not less frequently than once every five years. The Plan will next be updated no later than 2028

**ADOPTED** this 20<sup>th</sup> day of September 2023.

  
\_\_\_\_\_  
Marco Tule  
President of the Inland Empire  
Utilities Agency\* and of the  
Board of Directors thereof

ATTEST:  
  
\_\_\_\_\_  
Jasmin A. Hall  
Secretary/Treasurer of the Inland Empire  
Utilities Agency\* and of the  
Board of Directors thereof  
\*A Municipal Water District

(SEAL

\*A Municipal Water District

STATE OF CALIFORNIA )

COUNTY OF SAN BERNARDINO ) SS  
)

I, Jasmin A. Hall, Secretary/Treasurer of the Inland Empire Utilities Agency\*, DO  
HEREBY CERTIFY that the foregoing Resolution being No. 2023-9-5, was adopted at a  
regular Board Meeting on September 20, 2023, of said Agency by the following vote:

AYES: Camacho, Elie, Hall, Hofer, Tule

NOES: None

ABSTAIN: None

ABSENT: None



Jasmin A Hall  
Secretary/Treasurer of the Inland Empire  
Utilities Agency\* and of the  
Board of Directors thereof  
\*A Municipal Water District

(SEAL)

\*A Municipal Water District

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 October 10, 2023, I served the following:

1. DECLARATION OF JEAN CIHIGOYENETCHE IN SUPPORT OF MOTION FOR COURT APPROVAL OF 2023 RECHARGE MASTER PLAN UPDATE

/ X / 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.

/ X / 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 October 10, 2023 in Rancho Cucamonga, California.

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

PAUL HOFER  
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JEFF PIERSON  
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## Ruby Favela Quintero

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