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September 23, 2020

Peter Kavounas  
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Delivered via email to Anna Nelson, [atruongnelson@cbwm.org](mailto:atruongnelson@cbwm.org)

**Optimum Basin Management Plan Update Report – Suggested Modifications**

Dear Mr. Kavounas,

Monte Vista Water District (District) appreciates the opportunity to provide suggested modifications to the currently drafted Optimum Basin Management Plan (OBMP) Update Report. These suggested modifications are consistent with past comments made by the District during the stakeholder process. At the September 17, 2020 meeting, the Advisory Committee recommended that the Chino Basin Watermaster (Watermaster) Board postpone consideration of the OBMP Update Report for one to two months to allow for consideration of further comments.

The District fully supports the suggested modifications regarding the Santa Ana River obligation as submitted by the Appropriate Pool.

Additionally, the District requests modifications that consider the economic impacts of projects proposed or resulting from the OBMP Update. The OBMP is a component of the Physical Solution as established under Article VI of the Chino Basin Judgment (Judgment). The Engineering Appendix (Exhibit “I”) to the Judgment establishes Basin Management Parameters, including quantity, quality, and economic considerations, required for implementation of the Physical Solution and the OBMP.

The economic impacts of projects resulting from the OBMP Update have not yet been fully considered. For example, as represented by the OBMP Update’s Draft Subsequent Environmental Impact Report, the OBMP Update proposes relocating up to 25,000 acre-feet per year of production from Chino Basin’s Management Zone 1. This proposed relocation of production would directly impact the ability of the District and other Judgment Parties to produce sufficient groundwater to meet their requirements, a key purpose and objective of the Physical Solution (see Judgment Paragraph 39).

**W a t e r   D i s t r i c t**

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***OBMP Update Report – Suggested Modifications  
September 23, 2020***

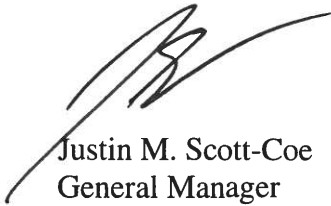
Finally, the District requests language be added or changed in the OBMP Update Report that clarifies the perspectives of Watermaster staff and Judgment Parties. While the OBMP Update Report incorporates the input of Judgment Parties, agreement among the Parties and between the Parties and Watermaster as to required activities will be accomplished through amending the Peace Agreement and OBMP Implementation Plan.

Please see the attached document for specific suggestions for how to modify the OBMP Update Report to address the above comments.

Once again, thank you for this opportunity to provide comment on this important planning document.

Sincerely,

***Monte Vista Water District***



Justin M. Scott-Coe  
General Manager

Attachment

## Monte Vista Water District Suggested Modifications to OBMP Update Report

### Section 1.1 (add language as follows)

**The Chino Basin Judgment (Judgment) adopts and requires its Parties to comply with a Physical Solution for the Chino Basin. The purpose of the Physical Solution, as stated in Paragraph 39, “is to establish a legal and practical means for making the maximum reasonable beneficial use of the waters of Chino Basin by providing the optimum economic, long-term, conjunctive utilization of surface waters, ground waters and supplemental water, to meet the requirements of water users having rights in or dependent upon Chino Basin.”**

**As part of the Physical Solution, the Judgment invests Watermaster with the discretionary authority to develop an OBMP for the Chino Basin, including both water quantity and quality considerations. Paragraph 41 (within the Physical Solution) states:**

41. Watermaster, with the advice of the Advisory and Pool Committees, is granted discretionary powers in order to develop an optimum basin management program for Chino Basin, including both water quantity and quality considerations. Withdrawals and supplemental water replenishment of Basin Water, and the full utilization of the water resources of Chino Basin, must be subject to procedures established by and administered through Watermaster with the advice and assistance of the Advisory and Pool Committees composed of the affected producers. Both the quantity and quality of said water resources may thereby be preserved and the beneficial utilization of the Basin maximized.

**The Engineering Appendix (Exhibit “I”) of the Judgment establishes the following Basin Management Parameters, including additional quantity, quality, and economic considerations, required for implementation of the Physical Solution and the OBMP:**

**1. In the process of implementing the physical solution for Chino Basin, Watermaster shall consider the following parameters:**

- (a) Pumping Patterns. - Chino Basin is a common supply for all persons and agencies utilizing its waters. It is an objective in management of the Basin’s waters that no producer be deprived of access to said waters by reason of unreasonable pumping patterns, nor by regional or localized recharge of replenishment water, insofar as such result may be practically avoided.**
- (b) Water Quality. - Maintenance and improvement of water quality is a prime consideration and function of management decisions by Watermaster.**

- (c) **Economic Considerations.** - Financial feasibility, economic impact and the cost and optimum utilization of the Basin’s resources and the physical facilities of the parties are objectives and concerns equal in importance to water quantity and quality parameters.

Section 1.1.1 (change language in penultimate paragraph)

**Most of the Parties, some represented by pool committees,** entered into the Peace Agreement in June 2000.

Section 1.3 (add following language as the final paragraph of this section)

**It is important to note that Parties’ participation in the OBMP Update stakeholder process should not be interpreted as the Parties’ individual or collective adoption, approval, or recommendation of the 2020 OBMP Update Activities as defined in this Report. As of the date of publication of this Report, the Parties have not agreed to implement any of the projects envisioned herein through an agreement to amend the Peace Agreement and OBMP Implementation Plan.**

Section 1.4 (change last two sentences to the following)

However, **Watermaster staff believes** some of the implementation actions included in the management plan **may be** required to administer the Physical Solution or comply with other Watermaster or regulatory requirements (see Exhibit 17). ~~These required implementation actions may or may not result in the development and implementation of projects.~~

Section 2.1 (change language in second paragraph to the following)

Through the assessment of basin management issues, needs, and wants, **most** stakeholders concluded that the goals defined in the 2000 OBMP are still relevant today. The ~~Parties’~~ intent for each goal of the 2020 OBMP Update, as documented in the Scoping Report, are:

Section 2.2 (change language in last paragraph to the following)

The following sections summarize the seven **identified** 2020 OBMP Update Activities ~~identified by the Parties~~ and **describe** the new implementation actions for inclusion in the 2020 OBMP Update Management Plan (in Section 4) to accomplish the objectives of the activities.

Section 2.2.2 (change language in the first paragraph to the following)

For this and other reasons, **Watermaster believes that** the Parties desire to develop “optimized” Storage and Recovery Programs that avoid potential MPI and provide broad benefits, such as increased water-supply reliability, protected or enhanced Safe Yield, improvements to water quality, and reduced cost of OBMP implementation.

Section 3.2.2.2 (change language in the first paragraph to the following)

As identified in Activity A, **many** Parties have expressed interest in maximizing the recharge of recycled, imported, and storm waters where feasible.

Section 4.0 (change language in last paragraph and add following additional paragraphs)

The complete 2020 OBMP Update management plan, inclusive of all PEs, is summarized in Exhibit 17. Exhibit 17 lists each implementation action and characterizes if they originated from the 2000 OBMP or the 2020 OBMP Update and whether Watermaster **staff believes that** their implementation **may be** required to administer the Physical Solution of the Judgment or comply with other regulatory or Watermaster requirements, including the basis for **this perspective**.

**The Chino Basin Judgment requires for the Physical Solution, inclusive of the OBMP, that “[f]inancial feasibility, economic impact and the cost and optimum utilization of the Basin’s resources and the physical facilities of the parties are objectives and concerns equal in importance to water quantity and quality parameters” (Exhibit “I” Section 1(c)). An analysis has not yet been conducted regarding the potential economic impacts resulting from the implementation actions presented in the 2020 OBMP Update management plan. Watermaster recognizes that any implementation of these proposed activities will be subject to economic considerations, as required by the Judgment.**

Exhibit 17 (change language in table heading to the following)

**Does Watermaster Staff Believe Action May be Required ~~by Watermaster~~ to Administer the Physical Solution or Comply with Other Regulatory or Action Added in Court Requirements?**