

2020 OBMP Update Report Comments Received in September 2020

Appropriative Pool – Comments provided by John Bosler (9/23/2020 letter). Responses are provided to “Attachment – OBMP Update Comments” included with the letter.

The OBMP Update is a long-term planning document that revisits the needs of the Chino Basin at a high level in order to update the goals, activities and implementation actions for the nine program elements. The following is a summary intended to help communicate how the 34,000 AF/year Santa Ana River Base Flow (SAR) obligation at Prado, and related impacts, should be incorporated into the draft OBMP Update Report.

1. Introduce the topic in Section 1 (Introduction and Background)

- a. The Chino Basin Judgment, physical solution and OBMP are very much related to the Orange County Judgment, physical solution and the joint SAR obligation of 34,000 AF at Prado.***
- b. Section 1.2 (Need for the 2020 OBMP Update) states that the strategic drivers and trends that shaped the goals and activities in the late 1990's have since changed. One of the significant changes is that recycled water generated within the IEUA service area is being substantially consumed by the local agencies with a very successful recycled water program implemented over the past 20 years. Include this as the “for example” in paragraph 2 of Section 1.2.***

RESPONSE: Modifications to the report text to incorporate the text in (b) were made to the following sections of Technical Memorandum #2:

- *Section 1.2 Need for the 2020 OBMP Update.* Edited to clarify that there are opportunities presented, not just challenges. **(See page 9 in the attached TM2 Redline)**
- *Section 2.2.4 Activity D – Maximize the reuse of recycled water produced by the IEUA and Others.* Modified to clarify that Activity D is intended to go beyond already successful program implemented by the local agencies. **(See pages 16-17 in the attached TM2 Redline).**
- *Section 3.2.5.1 Implementation Progress since 2000.* Cited recycled water program as an example of success of the 2000 OBMP Program Element 5. **(See page 34, 1st paragraph, second sentence, of referenced section in the attached TM2 Redline)**

2. Changes to Program Element 5 (Develop and Implement Regional Supplemental Water Program) starting on 35.

- a. Remove the reference to 17,000 AF and IEUA prioritizing the use of recycled water to meet the SAR obligation above direct use and recharge.***
- b. The Santa Ana River (SAR) Judgment (“Judgment”) is the result of a water rights dispute in which water users downstream from Prado Dam were seeking an adjudication of water rights against substantially all water users in the area tributary to Prado Dam within the SAR Watershed, including the producers in the Chino Basin. The 1969 Judgment dismissed all defendants and cross-defendants except for the four major***

public water districts overlying (Inland Empire Utilities Agency (then Chino Basin Municipal Water District), Orange County Water District, San Bernardino Valley Municipal Water District (SBVMWD) and Western Municipal Water District (WMWD), in aggregate, substantially all of the major areas of water use in the watershed; IEUA, in particular, accepted the obligation on behalf of the Chino Basin.

- c. The Prado Agreement defined the shared responsibility for the 34,000 AF Base Flow obligation at Prado. IEUA's portion of this responsibility is commonly referred to as the SAR Base Flow obligation at Prado. IEUA currently uses available recycled water to contribute towards the SAR Base Flow obligation, although it is not limited to using recycled water.*
- d. The SAR Base Flow obligation at Prado is a demand based consideration that impacts the Chino Basin in its water resource planning including Activity D (Maximize the reuse of recycled water produced by the IEUA and others) found on page 17 of the draft OBMP Update Report. There is also a relationship between the reuse of recycled water and other elements and activities of the OBMP such as groundwater recharge, securing other supplemental supplies, TDS and other Basin water quality issues. There should be a high-level recognition of this in the document (for example, similar to the narrative on CBP, water quality or storage and recovery). The OBMP Update goals should be revised accordingly (such as impediments and activities shown on goal 1 of exhibit 5).*

RESPONSE: Modifications to Technical Memorandum #1 and Technical Memorandum #2 are proposed as follows:

Technical Memorandum #2 (OBMP Update Report) Modifications:

- *Section 3.2.5.1 Implementation Progress since 2000.* To address (a) above, reference to 17,000 afy is removed and the sentence describing historical operations was rephrased. **(See page 34, 1st paragraph of section, last two sentences in the attached TM2 Redline)**
- Modify Page 2 of 6 of Exhibit 5, Impediment 1b to Enhance Basin Water Supplies, to address (d) above.
 - Modify the text of the third bullet in the impediments column to: "IEUA currently uses available recycled water to contribute towards the Santa Ana River baseflow obligation, although it is not limited to using recycled water. Discharge of recycled water to the Santa Ana River reduces the amount of recharge available for other uses such as reuse and recharge."
 - Modify the text of the second major bullet in the potential outcomes of activities column to: "A strategy to meet the Santa Ana River baseflow obligation in the broader water resources planning context in Chino Basin."
 - Add checks to the following Basin Management Issues that are addressed by Maximizing Recycled Water use:
 - Chino Basin Water Quality Degradation
 - Recycled Water Quality Degradation
 - Increased Cost of Basin Plan Compliance

- Section 3.2.5.2 *Ongoing implementation actions for the 2020 OBMP*, subsection on *Recycled Water Reuse*. Expanded the discussion to address (d) above. **(See page 35, 1st paragraph of section in the attached TM2 Redline)**

Technical Memorandum #1 (OBMPU Scoping Report) Modifications:

- Modify Page 2 of 6 of Table 3, Impediment 1b to Enhance Basin Water Supplies to address (d) above. NOTE: This is the same table as Exhibit 5 in Technical Memorandum #2, and the changes are consistent with what is listed above.
 - Modify the text of the third bullet in the impediments column to: “IEUA currently uses available recycled water to contribute towards the Santa Ana River baseflow obligation, although it is not limited to using recycled water. Discharge of recycled water to the Santa Ana River reduces the amount of recharge available for other uses such as reuse and recharge.”
 - Modify the text of the second major bullet in the potential outcomes of activities column to: “A strategy to meet the Santa Ana River baseflow obligation in the broader water resources planning context in Chino Basin.”
 - Add checks to the following Basin Management Issues that are addressed by Maximizing Recycled Water use:
 - Chino Basin Water Quality Degradation
 - Recycled Water Quality Degradation
 - Increased Cost of Basin Plan Compliance
- *Description of Activity D* – modify the text of the second bulleted outcome of maximizing recycled water use to address (a) above and for consistency with the changes to Table 3 noted above. **(See page 31 in the attached TM1 Redline)**
- *Need and Function of Activity D* – subsection on *History of Recycled Water Discharge and Reuse*. Modify first paragraph to address (a) above. **(See page 32 in the attached TM1 Redline)**
- *Need and Function of Activity D* – subsection on *History of Recycled Water Discharge and Reuse*. Modify Exhibit D-2 (**referenced on Page 32 of the attached TM1 Redline**) to address (a) above: Eliminate the horizontal line and text box on the chart relating to discharges to meet SAR obligation.
- *Need and Function of Activity D* – subsection on *Recycled Water Reuse Projections and the Availability of Additional Recycled Water for Reuse*. **(See pages 32-33 in the attached TM1 Redline)**
 - Modify introductory text to keep introduction high-level.
 - Modify subsection on *Projected recycled water supplies and demands* to more simply state what is the available surplus supply and not discuss the SAR baseflow obligation.
 - Modify subsection on *Supplemental recycled water supply* to not specifically reference how available supplemental supply could be used.
- *Considerations and Challenges for Maximizing Recycled Water Reuse* subsection on *Santa Ana River Judgment* – Modify this subsection on Page 34 to incorporate text of (b) above. **(See page 35 in the attached TM1 Redline)**

3. Changes to Section 4 (OBMP Update Management Plan, Program Element 5) on page 57.

- a. The Implementation Actions for Program Element 5 (Develop and Implement Regional Supplemental Water Program) includes expanding future recycled water planning efforts and expanding future integrated water resources planning efforts. The narrative of this section includes improving the availability of recycled water, imported water and identifying the intent to maximize the reuse of recycled water. The suggested changes in this attachment should find their way into this narrative at a very high level.**

RESPONSE: Modifications to the report text of Technical Memorandum #2 are proposed as follows:

- *Section 4.5 Program Element 5. Develop and Implement Regional Supplemental Water Program.* Text was modified to address (a). **(See page 56 of attached TM2 Redline)**

Monte Vista Water District – Comments Provided by Justin Scott-Coe (9/23/20 letter). Responses are provided to “Attachment – Monte Vista Water District Suggested Modifications to OBMP Update Report” included with the letter.

4. Section 1.1 (add language as follows). [suggested additions shown in red]

(a) *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."*

(b) *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.

(c) *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.

RESPONSE: Modifications to Technical Memorandum #1 and Technical Memorandum #2 are proposed as follows:

Technical Memorandum #2 (OBMP Update Report) Modifications:

- *Section 1.1. History of the OBMP and its Implementation.* Modify text of the first paragraph paragraph to include suggested edits from (a). **(See page 5 of attached TM2 redline)**
- *Section 1.1. History of the OBMP and its Implementation.* Modify text of the now second paragraph to include suggested edits from (b) with minor edits. **(See page 5 of attached TM2 redline)**

Technical Memorandum #1 (OBMPU Scoping Report) Modifications:

- Section 1. Modify text in first paragraph under “History of OBMP” to include suggested edits from (c). **(See page 7 of attached TM1 redline)**

5. **Section 1.1.1 (change language in penultimate paragraph) [suggested additions in red]**
Most of the Parties, some represented by pool committees, entered into the Peace Agreement in June 2000.

RESPONSE: Modifications to the report text of Technical Memorandum #2 are proposed as follows:

- *Section 1.1.1. The OBMP and the Peace Agreement.* Modify text of the second to last paragraph to incorporate suggested edits. **(See page 7 of attached TM1 redline)**

6. **Section 1.3 (add following language as the final paragraph of this section) [suggested additions in red]**

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.

RESPONSE: No modifications to the report text are proposed. The information from the suggested edits is addressed in Section 1.4 of Technical Memorandum #2.

7. **Section 1.4 (change last two sentences to the following) [suggested additions shown in red, suggested deletions shown as ~~strikeout~~]**

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.~~

RESPONSE: No modifications to the report text are proposed. The document is the Board’s adoption of an updated OBMP, pursuant to its direction from the Court and its own discretion. It is not a summary of all positions or a tabulation of which parties support each word in the document. MVWD’s position is preserved in this response to comments appendix.

8. **Section 2.1 (change language in second paragraph to the following) [suggested additions shown in red, suggested deletions shown as ~~strikeout~~]**

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:

RESPONSE: No modifications to the report text are proposed. As documented in the memorandum "2020 OBMP Update -- Listening Session #3 Memorandum" included in Appendix A of Technical Memorandum #1, all survey respondents who attended Listening Session #3 indicated that the goals are still relevant today, and some respondents thought that Goals No. 1, 2 and 3 were still relevant but should be modified. The latter respondents were asked to explain their suggested modifications, resulting in a group discussion on the goal, the intent statement, and the respondents' concerns. Based on the feedback the goals remained the same and their intent was modified.

9. Section 2.2 (change language in last paragraph to the following) [suggested additions shown in red, suggested deletions shown as ~~strikeout~~]

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.

RESPONSE: Modifications to the report text of Technical Memorandum #2 are proposed as follows:

- *Section 2.2. New Activities to Achieve the Goals of the 2020 OBMP Update.* Modify text of last paragraph to incorporate suggested edits. Note that the word "identified" was not included. (See page 17 of the attached TM2 redline)

10. Section 2.2.2 (change language in the first paragraph to the following) [suggested language in red]

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.

RESPONSE: No modifications to the report text are proposed. See response to comment #7.

11. Section 3.2.2.2 (change language in the first paragraph to the following) [suggested additions in red]

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

RESPONSE: Modifications to the report text of Technical Memorandum #2 are proposed as follows:

- *Section 3.2.2.2. Ongoing implementation actions for the 2020 OBMP.* Modify text of first paragraph to incorporate suggested edits. (See page 26 of the attached TM2 redline)

12. Section 4.0 (change language in last paragraph and add following additional paragraphs) [suggested additions in red]

*(a) 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**.*

(b) 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 I(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.

RESPONSE: No modifications to the report text are proposed. For item (a), see response to comment #7. For item (b), this information is not relevant to Technical Memorandum #2. As referred to in Section 1.4 "Implementation of the management plan described in [the OBMPU report] may or may not result in the construction of new facilities, and nothing in this document obligates Watermaster or the Parties to implement the optimization recommendations." Thus, this information is best suited for an implementation plan.

13. Exhibit 17 (change language in table heading to the following) [suggested additions shown in red, suggested deletions shown as ~~strikeout~~]

*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?*

RESPONSE: No modifications to the report text are proposed. See response to comment #7.