

# Agricultural Pool

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### **Re: Overlying (Agricultural) Pool Comments on 2020 Draft Storage Management Plan Version 2**

The Overlying (Agricultural) Pool Committee (Ag Pool) has been a consistent participant in the development of the 2020 Storage Management Plan. The Ag Pool has attended each of the Storage Management Plan Workshops held thus far and provided comments on the 2020 Draft Storage Management Plan Version 1 in a letter dated October 1, 2019. The Ag Pool appreciates the opportunity to participate and comment on the drafts.

At the Storage Management Plan Workshop #4 held on November 13, 2019, the Watermaster Staff requested that any comments on the 2020 Draft Storage Management Plan Version 2 (Draft SMP Version 2) be submitted by November 20, 2019. Correspondingly, the Ag Pool respectfully submits the following comments on the Draft SMP Version 2.

#### **Section 1.1**

The introduction and descriptions of storage agreements and accounts remain unclear. The text refers to three types of agreements and four types of accounts. The text names four types of accounts, but only describes three. The relationship between types of accounts and their corresponding agreements should be clarified.

The response to Ag Pool Comment No.3 indicates the "text has been revised to include a description of the losses referred to in Section 1.1." (Appendix B Response to Comments on 2020 SMP V1, p. B-1.) The noted revisions and description are not apparent. Where in the text can they be found? There is a storage loss factor for flow out of the Chino North Management Zone (described in the White Paper). Are other losses calculated and tracked?

Details, such as the date it was approved by the court and its purpose, are provided for Form 8, however, corresponding information about Form 1 is not provided. Consider adding such information or explaining why the information is not relevant for Form 1.

#### **Section 2.1**

This section does not describe how storage may be allocated among the Parties. Watermaster counsel has indicated Watermaster has no priority for allocation of storage but what will happen if it becomes a limited resource? Is it first come first serve until fully allocated with the hope that it will not be fully allocated?

It is clear that a storing entity must prepare an evaluation of managed storage above 1,000,000 acre-feet (af) "to ensure that there will be no material injury." The Ag Pool suggests making it clear (as we understand from the workshops) that the evaluation will be both a technical evaluation in addition to

CEQA compliance. The Ag Pool suggests including clarification that the evaluation needs to address potential Material Physical Injury (MPI) as well as adverse impacts (Safe Yield reduction and loss of hydraulic control).

### **Section 2.3.2**

Future evaluations of storage impacts to Safe Yield will be done in the Safe Yield reset or interim corrections. It may be helpful in this section to reference the 2015 Reset Technical Memorandum and the April 2017 Court order for additional information on the Safe Yield reset methodology.

### **Section 2.4.2**

The Draft SMP Version 2 states, "...recharge loss rate... may be adjusted from time-to time..." What is the mechanism for developing and approving this adjustment, and can it only be done under the condition of additional evaluation of Safe Yield?

The Draft SMP Version 2 states, "Watermaster will periodically review current and projected basin conditions..." Periodically is subject to interpretation. Will this review be done at a minimum frequency, based on threshold changes in amounts of water in storage, or combined with other reviews (e.g., SMP updates, additional Safe Yield evaluations)?

### **Section 2.4.3**

The Draft SMP Version 2 states, "Watermaster will periodically review current and projected state of Hydraulic Control..." Periodically is subject to interpretation. Will this review be done at a minimum frequency, based on threshold changes in amounts of water in storage, or combined with other reviews (e.g., SMP updates, additional Safe Yield evaluations)?

Please clarify that loss of Hydraulic Control is not an MPI, if that is what is intended. Loss of Hydraulic Control appears to have a higher threshold of impact than impacts to Safe Yield in the SMP because loss of Hydraulic Control "must be mitigated" as indicated in the section heading. The Ag Pool suggests additional discussion of this need for a higher level of mitigation in the text of this section.

### **Section 2.6**

This section identifies the need for Watermaster to "update the SMP at least five years before the aggregate amount of managed storage by the parties is projected to fall below 340,000 af." Watermaster has indicated in its response to comments that this threshold of 340,000 af includes Storage and Recovery programs. The 340,000 af threshold was established because impacts to the basin (e.g. subsidence induced by groundwater withdrawal) due to reducing managed storage below this threshold have not been evaluated. It could be termed "the band of storage management untested for MPI." We suggest that it may be appropriate to discuss this issue in Section 2.4.2 because there is additional risk in any storage and recovery program that relies on this untested band of storage management.

Please feel free to contact Counsel for the Ag Pool, Tracy J. Egoscue, with any questions at (562) 988-5978 or [tracy@egoscuelaw.com](mailto:tracy@egoscuelaw.com).

Sincerely,

Robert Feenstra  
Chair,  
Overlying (Agricultural) Pool Committee

