

# CHINO BASIN WATERMASTER

Board Workshop  
September 16, 2014





# Chino Basin Safe Yield: Past and Future



# Agenda Item 1

## Legal Framework and Terms for Safe Yield Recalculation and Reset



# Key Terms

- ▣ Safe Yield
- ▣ Overdraft
- ▣ Controlled Overdraft
- ▣ New Yield
- ▣ Developed Yield
- ▣ SARUNY





# Safe Yield

- ❑ Text Book Definition.
- ❑ Common Law Definition.
- ❑ Judgment Definition. “The long-term average annual quantity of ground water (excluding replenishment or stored water but including return flow to the Basin from use of replenishment or stored water) which can be produced from the Basin under cultural conditions of a particular year without causing an undesirable result.” (Restated Judgment, ¶ 4.(x).)



# Overdraft

- ❑ Overdraft commences when production exceeds Safe Yield.
- ❑ Undesirable results are evidence of overdraft.
- ❑ Lowering the water table alone may not be adverse or undesirable.
- ❑ Undesirable results: e.g., subsidence, water quality degradation, unreasonable increase in pump lifts, continuous decline (chronic).
- ❑ Unauthorized production in excess of Safe Yield is enjoined. (Restated Judgment, ¶ 13.)



# Controlled Overdraft

- ❑ Overdraft of the Basin to effectuate a management purposes.
- ❑ 5,000 AFY for a 40 year period
- ❑ Hydraulic Control/Basin Reoperation: 400,000 AF over a 20 year period



# New Yield

- Proven increases in basin yield during period between Safe Yield Re-sets.
  - “proven increases in yield in quantities greater than historical amounts from sources of supply including, but not limited to, capture of rising water, capture of available storm flow, operation of the Desalters (including the Chino I Desalter), induced Recharge and other management activities implemented and operational after June 1, 2000.” (Peace Agreement § 1.1(aa).)
  - New Yield is a mechanism to account for and allocate increased recharge to the Basin in the period between Safe Yield recalculations.
- Initially allocated to offset Desalter Production (Peace Agreement, ¶ 7.5(b).)



# Developed Yield

- ❑ Not a term defined outside this recalculation process.
- ❑ Utilized merely for convenience of the parties.
- ❑ Developed Yield: Safe Yield plus SARUNY.





# SARUNY

- ▣ Santa Ana River underflow New Yield
- ▣ New Yield that is attributable to a specific measurable set of actions that were planned to induce recharge from the Santa Ana River.
- ▣ Earmarked to make water available to the Desalters to offset the total costs of production.





# Safe Yield: Recalculation

- ▣ Judgment contemplates recalculation:
  - Definition of Safe Yield contemplates change as cultural conditions change (Restated Judgment, ¶ 8.)
  - Initial Safe Yield could not be changed for period of 10 years (Restated Judgment, ¶ 15(a).)
  - Unproduced Overlying (Ag) Pool right could be reallocated to Appropriative Pool “to compensate for any reduction in the Safe Yield by reason of recalculation thereof” (Restated Judgment, Exhibit “H”), ¶ 10(a)(1).)



# Safe Yield: Recalculation

- Agreed that first recalculation would take place in 2010/11:
  - No timeframe in the Judgment itself
  - OBMP Implementation Plan provides for recalculation in year 2010/11 and every 10 years thereafter (OBMP Implementation Plan, pages 44-45)
  - Rules and Regulations provide for recalculation in year 2010/11 based upon data from the ten-year period 2000/01 to 2009/10 (Rules and Regulations, § 6.5.)
  - Initiated in 2010/11 and concluding now using required data and model update



# Effects of Recalculation

## ▣ SARUNY:

- SARUNY is allocated to offset Desalter Production. (Peace II Agreement, ¶ 6.2.(a)(iii).)
- During initial term of Peace Agreement, SARUNY will not be incorporated into Safe Yield. (Peace II Agreement, ¶ 7.1.)
- While SARUNY may constitute a regular source of Recharge to the Basin, it may not at the same time be allocated as part of the Parties' annual production rights, as doing so would result in double counting of such water.



# Effects of Recalculation: New Yield

- ▣ Stormwater New Yield:
  - Storm flow recharge determined by Watermaster to be part of New Yield is excepted from Desalter Production offset. (First Amendment to Peace Agreement, ¶ 2.)
  - Quantity credited determined pursuant to the method described in Condition Subsequent 7.
  - While it may be considered part of the gross Safe Yield of the Basin, it is allocated, by agreement, to Appropriators according to percentages of OSY under the Judgment. (First Amendment to Peace Agreement, ¶ 2.)





# Effects of Recalculation: New Yield

- ▣ Stormwater New Yield:
  - Peace Agreement § 4.5 provides that the Engineering Appendix shall be construed to allow Watermaster to include New Yield as a component of OSY. (Peace Agreement, ¶ 4.5.)
  - First Amendment to Peace Agreement describes intent that Stormwater New Yield remain assigned to Appropriators. (First Amendment to Peace Agreement, Recital D, ¶ 2.)
  - Contrast with Peace II § 7.1, which expressly provides that New Yield attributable to Desalters (SAR Underflow) would not be incorporated into the Safe Yield. (Peace II Agreement, ¶ 7.1.)



# Effects of Recalculation: New Yield

- Stormwater New Yield:
  - Research by Watermaster legal counsel has not revealed any documentation describing manner in which Stormwater New Yield should be credited vis-à-vis backfill with Unproduced Ag Water.
  - Proposed treatment would exclude Stormwater New Yield from OSY for purposes of calculating “backfill” obligation and add Stormwater New Yield to Appropriators’ production rights (based on % OSY) after Unproduced Ag Water backfill and reallocation.
  - Proposed treatment is intended to respect investments and expectations.





# Effects of Recalculation: Ag Reallocation

- To the extent that the Ag Pool's share of Safe Yield is not produced, unproduced Ag Water is available for reallocation to members of the Appropriative Pool, in the following sequence:
  - to supplement water available from Operating Safe Yield to compensate for any reduction in the Safe Yield by reason of recalculation;
  - pursuant to Land Use Conversion and Early Transfer mechanisms; and
  - as a supplement to Operating Safe Yield, without regard to reductions in Safe Yield.

(Restated Judgment, Appendix "H", ¶ 10(a).)



# Effects of Recalculation: Ag Reallocation “Backfill”

- ❑ Backfill: in the event a Safe Yield recalculation indicates a lower SY, unproduced Ag Pool water is used to compensate for reduction in Safe Yield below 140,000 afy.
- ❑ This reduces the volume of Ag Pool water available for Land Use Conversions and Early Transfer



# Effects of Recalculation

- Land Use Conversions:
  - Appropriators undertaking permanent water service to lands previously irrigated may be allocated Unproduced Ag Water. (Restated Judgment, Exh. "H", ¶ 10(b).)
  - Quantity of production right allocated has been modified through the years from one-half amount of prior use, to 1.3 AF/acre to 2.0 AF/acre.



# Effects of Recalculation

- Early Transfer:
  - Pursuant to Peace Agreement, provides for reallocation of Unproduced Ag Water on an annual basis rather than original five year basis.
  - Watermaster required to annually approve “Early Transfer” to Appropriative Pool of greater of 32,800 AF or 32,800 AF *plus* quantity of Unproduced Ag Water after satisfaction of land use conversions. (Peace Agreement, ¶ 5.3(g).)
  - In order to ensure that Early Transfer did not result in replenishment obligations, it was agreed that reallocation would be proportionally reduced to the amount of water available. (Rules and Regulations, §§ 6.3(c), (d).)





# Effects of Recalculation: Land Use Conversion and Early Transfer

- ▣ Harmonization of Land Use Conversion and Early Transfer:
  - During process of Peace II Conditions Subsequent compliance, the issue was raised as to ambiguity in re priority of Land Use Conversions vs. Early Transfer
  - As approved through Watermaster process and approved by the Court, in the event unproduced Ag Water is insufficient to satisfy Land Use Conversion claims and Early Transfer, the quantity available for reallocation is allocated proportionally based on Appropriators' total claims for reallocation. (October 8, 2010 Order Approving Watermaster's Compliance with Condition Subsequent Number Eight and Approving Procedures to be Use to Allocate Surplus Agricultural Pool water in the Event of a Decline in Safe Yield.)



# Agenda Item 2

## Overview of Recalculation Process To Date [Handout]



**CHINO BASIN WATERMASTER  
SAFE YIELD RECALCULATION AND RESET  
PROCESS TO DATE**

**April 2011 – February 2013**

- WEI tasked with updating the groundwater on April 28, 2011; four-year cumulative expense of \$850K
- October 27, 2011: Model workshop/Planning Assumptions
- November 27, 2012: Model Update Scenario 1, Recalibration Workshop
- February 5, 2013: Model Calibration and Scenarios 1 & 2

**March – July 2013**

- Watermaster staff and consultants analyze Safe Yield Recalculation legal requirements and perform technical work

**July 2013**

- July 28: 1<sup>st</sup> Workshop: presentation of legal background; technical results and accounting effects of Safe Yield Recalculation

**August 2013**

- August 29: 2<sup>nd</sup> Workshop: Presentation of the model

**September – November 2013**

- Various meetings with individual parties

**December 2013**

- December 18: 3<sup>rd</sup> Workshop: response to questions raised by individuals and Appropriative Pool

## **January 2014**

- January 21: 4<sup>th</sup> Workshop: continue and conclude response to questions
- January 30: 1<sup>st</sup> Technical Discussion with AP technical experts, at AP request

## **March – June 2014**

- March 3: 2<sup>nd</sup> Technical Discussion with AP technical experts
- Watermaster staff and consultants analyze Basin Yield using Prospective Methodology in response to April 2014 request by the Appropriative Pool (reported to the Board during April 24, 2014 meeting)
- April 11: Watermaster files status report with the Court

## **July 2014**

- July 10, 17, 24: Results are presented to Committees and Board

## **August 2014**

- August 7, 21: “Safe Yield Recalculation and Related Matters” series of discussions in response to individual parties and Appropriative Pool request.

## **September 2014**

- September 16: Board Workshop



# Agenda Item 3

## Yield Estimates

- Peace Agreement and Watermaster Rules and Regulations require the Safe Yield to be recalculated in 2011 using the base period 2001 through 2010
  - Retrospective approach – based on historical hydrology, land use and water management conditions
  - Base period hydrology is not representative of the future long-term hydrology
  - Base period land use and water management conditions are not representative of the present and future conditions



# Agenda Item 3

## Yield Estimates

- ▣ In April 2014, the AP requested that Watermaster staff develop a Safe Yield estimate based on long-term average hydrology and present and future land use and water management conditions.
  - Prospective approach – based on present and future hydrology and water management practices
  - Base period hydrology is representative of the long-term hydrology subject to true up
  - Base period land use and water management are representative of the present and future conditions subject to true up



## Agenda Item 3 Yield Estimates

- If a prospective recalculation method is used, a method to “true-up” projections versus actual measurements should be incorporated.
- This way, the implementation of Safe Yield based on a prospective recalculation method can be “corrected” to account for threatened or observed harm in a future Safe Yield determination attributable to the fact the projected Safe Yield was not in fact equal to actual Safe Yield.



# Agenda Item 3 Yield Estimates

$$\text{Safe Yield} = \text{Developed Yield} - \text{SARUNY}$$

Developed Yield is the net inflow to the basin excluding the direct recharge of Supplemental Water

Developed Yield and SARUNY are estimated from a water budget table that developed from 2013 Groundwater Model input data and model results





# Agenda Item 3

## Yield Estimates (acre-ft/yr)

Base Period	Developed Yield	SARUNY	Safe Yield
1965 - 1974	140,000	0	140,000
2001 - 2010	130,000	7,000	123,000

- ▣ These are retrospective Safe Yield estimates
- ▣ Land use and water management conditions for these base periods are different than 2011 onward
- ▣ The first indication that the Safe Yield was less than 140,000 acre-ft/yr occurred in 2007 in the Peace II engineering work.



# Agenda Item 3

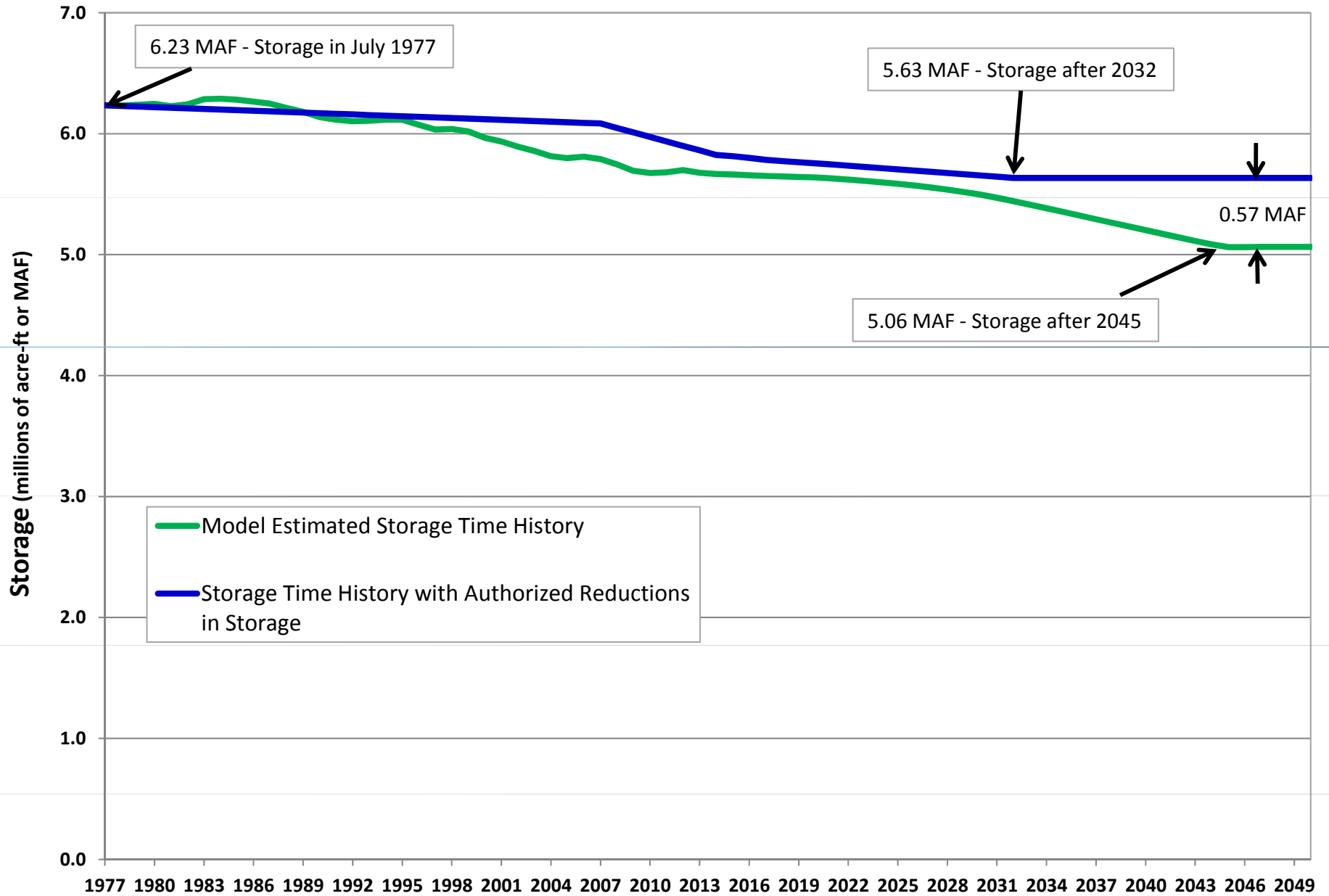
## Yield Estimates (acre-ft/yr)

Base Period	Developed Yield	SARUNY	Safe Yield	Method
1965 - 1974	140,000	0	140,000	Retrospective
2001 - 2010	130,000	7,000	123,000	Retrospective
2011 - 2020	135,000	17,000	118,000	Prospective
2016 - 2025	135,000	19,000	116,000	Prospective

- ▣ SARUNY is expected to be 50% of CDA production

# Estimated Storage in the Chino Basin

1978 through 2050



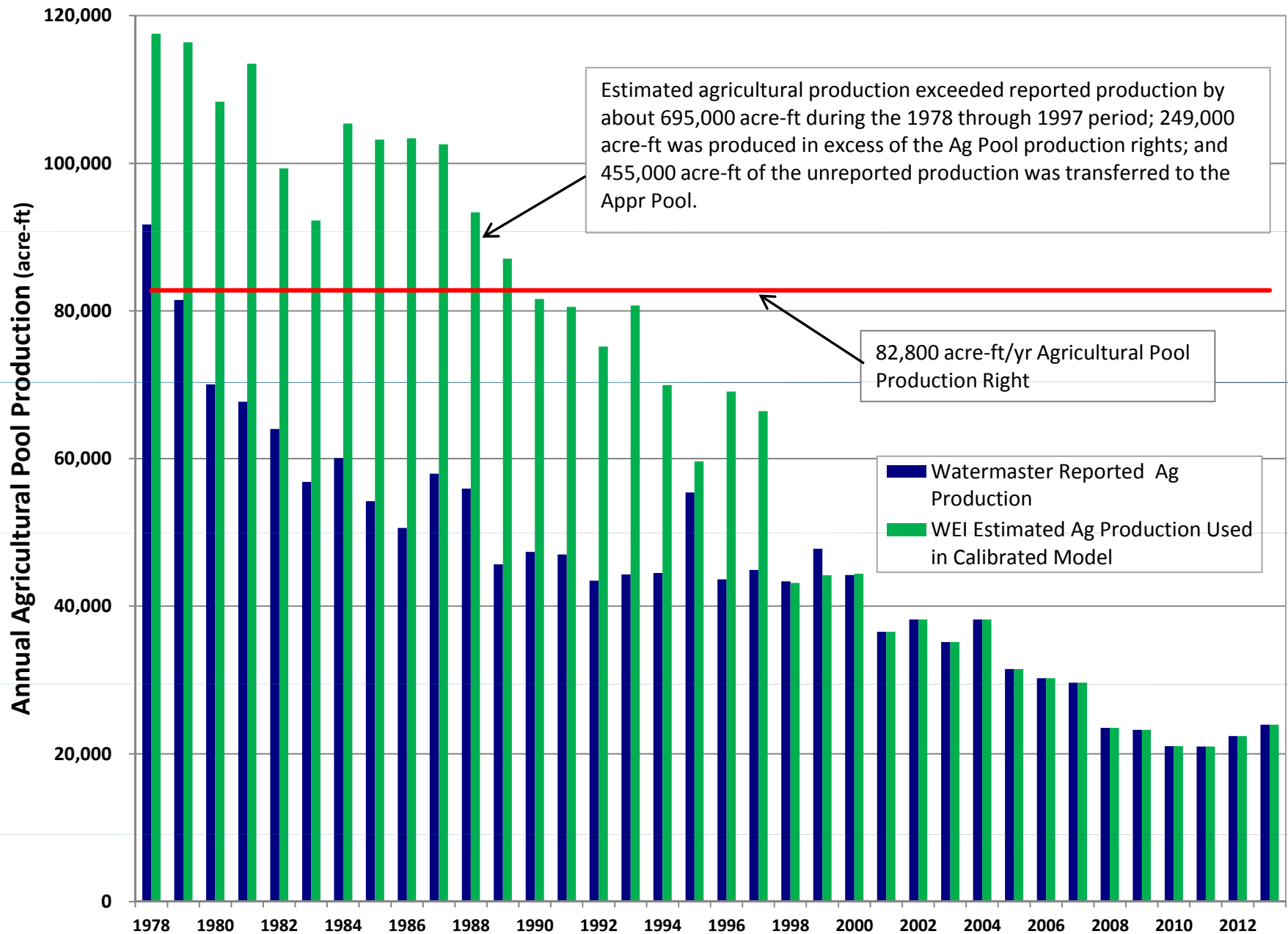


# Agenda Item 4

## Production Reporting Discrepancies

- ❑ Agricultural Pool groundwater production has been underestimated in the past
- ❑ This was first reported to Watermaster in the early 1990s in the Chino Basin Water Resources Management Plan work
- ❑ Watermaster attempted to remedy this in the 1990 to 2000 period
- ❑ Mandatory metering and testing program was implemented in 2001 (Peace Agreement requirement).

# Discrepancy in Reported Agricultural Production



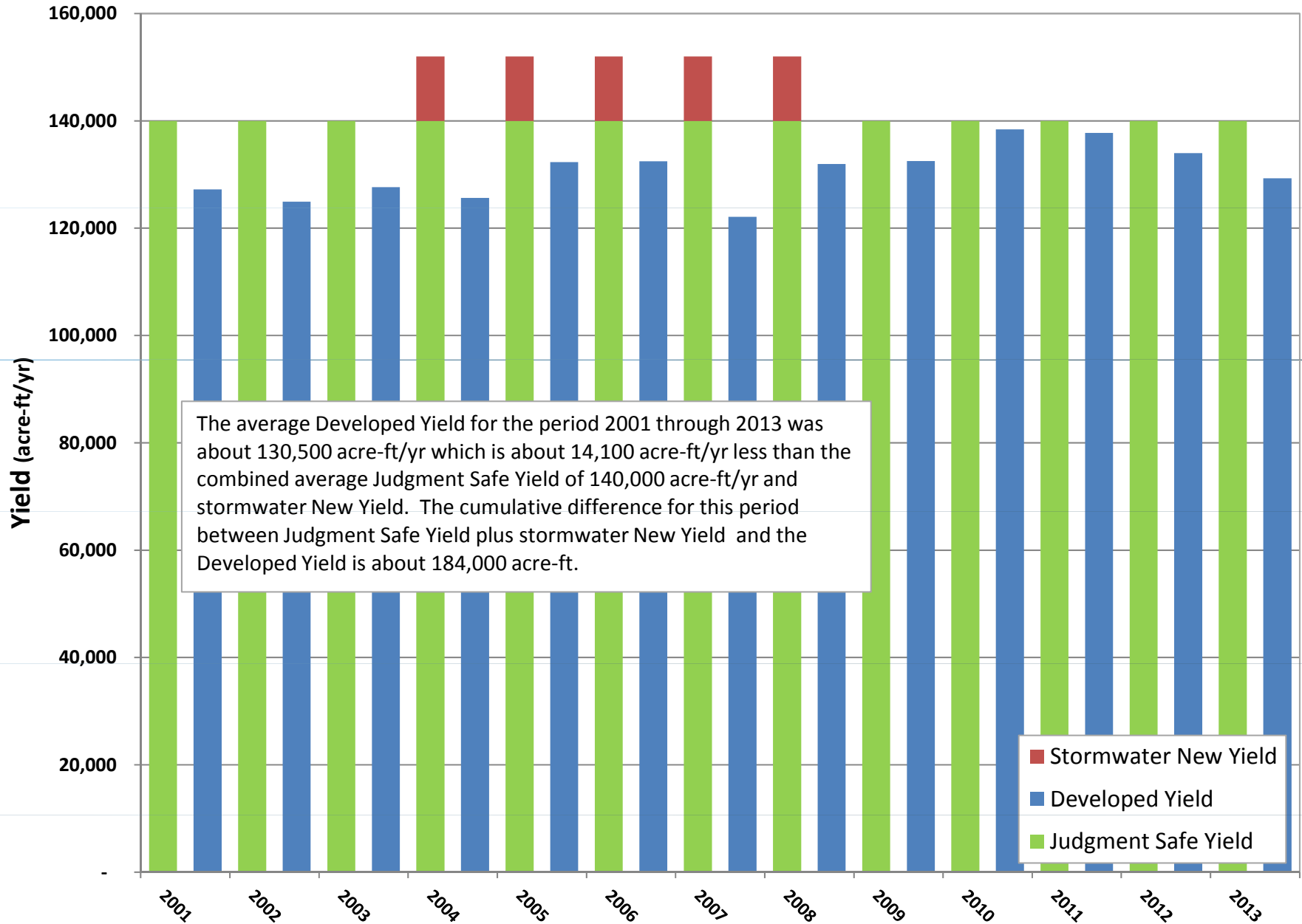




# Agenda Item 5

## Comparison of Judgment Safe Yield to Developed Yield 2001 through 2013

## Comparison of Judgment Safe Yield Plus Stormwater New Yield to Developed Yield, 2001 through 2013



■ Stormwater New Yield  
■ Developed Yield  
■ Judgment Safe Yield

**Assessment Package Appendix**  
**Desalter Replenishment Accounting, Shortfall Deducted from the Pre-Peace II Desalters Re-Operation Account<sup>1</sup>**  
**Per Peace II Agreement, Section 6.2 (PIIA, 6.2)**  
**(Acre-Feet)**

Production Year	Desalter Production			Desalter Replenishment									Residual Replenishment Obligation <sup>5, 8</sup>
	Pre-Peace II Desalter Production	Peace II Desalter Expansion Production <sup>2</sup>	Total	Desalter (aka Kaiser) Account PIIA, 6.2(a)(i)	Paragraph 31 Settlement Agreements Dedication <sup>3</sup> PIIA, 6.2(a)(ii)	SAR Underflow New Yield <sup>4</sup> (SARUNY) PIIA, 6.2(a)(iii)	"Leave Behind" Losses PIIA, 6.2(a)(iv)	Safe Yield Contributed by Parties PIIA, 6.2(a)(v)	Controlled Overdraft / Re-Op, PIIA, 6.2(a)(vi)			Non-Ag OBMP Assessment (10% Haircut) <sup>7</sup> PIIA, 6.2(b)(i)	
									Allocation to Pre-Peace II Desalters <sup>5</sup>	Allocation for Peace II Desalter Expansion <sup>6</sup>	Balance		
2001	7,989	0	7,989	3,995	0	0	0	0	0	0	0	0	3,995
2002	9,458	0	9,458	4,729	0	0	0	0	0	0	0	0	4,729
2003	10,439	0	10,439	5,219	0	0	0	0	0	0	0	0	5,219
2004	10,605	0	10,605	5,303	0	0	0	0	0	0	0	0	5,303
2005	9,854	0	9,854	4,927	0	0	0	0	0	0	0	0	4,927
2006	16,476	0	16,476	11,579	0	0	0	0	0	0	400,000	0	4,897
2007	26,356	0	26,356	608	4,273	0	0	0	21,475	0	378,525	0	0
2008	26,972	0	26,972	0	0	0	0	0	26,972	0	351,553	0	0
2009	32,920	0	32,920	0	0	0	0	0	61,989	0	289,564	0	-29,069
2010	28,517	0	28,517	0	0	0	0	0	28,517	0	261,047	0	0
2011	29,319	0	29,319	0	0	0	0	0	29,319	0	231,729	0	0
2012	28,379	0	28,379	0	0	0	0	0	28,379	0	203,350	0	0
2013	27,062	0	27,062	0	0	0	0	0	27,062	0	176,288	0	0
2014	30,000	0	30,000	0	0	0	0	0	1,288	0	175,000	0	28,712
2015	30,000	0	30,000	0	0	0	0	0	0	0	175,000	0	30,000
2016	30,000	7,500	37,500	0	0	0	0	0	0	7,500	167,500	0	30,000
2017	30,000	10,000	40,000	0	0	0	0	0	0	10,000	157,500	735	29,265
2018	30,000	10,000	40,000	0	0	0	0	0	0	10,000	147,500	735	29,265
2019	30,000	10,000	40,000	0	0	0	0	0	0	10,000	137,500	735	29,265
2020	30,000	10,000	40,000	0	0	0	0	0	0	10,000	127,500	735	29,265
2021	30,000	10,000	40,000	0	0	0	0	0	0	10,000	117,500	735	29,265
2022	30,000	10,000	40,000	0	0	0	0	0	0	10,000	107,500	735	29,265
2023	30,000	10,000	40,000	0	0	0	0	0	0	10,000	97,500	735	29,265
2024	30,000	10,000	40,000	0	0	0	0	0	0	10,000	87,500	735	29,265
2025	30,000	10,000	40,000	0	0	0	0	0	0	10,000	77,500	735	29,265
2026	30,000	10,000	40,000	0	0	0	0	0	0	10,000	67,500	735	29,265
2027	30,000	10,000	40,000	0	0	0	0	0	0	10,000	57,500	735	29,265
2028	30,000	10,000	40,000	0	0	0	0	0	0	10,000	47,500	735	29,265
2029	30,000	10,000	40,000	0	0	0	0	0	0	10,000	37,500	735	29,265
2030	30,000	10,000	40,000	0	0	0	0	0	0	10,000	27,500	735	29,265
<b>Totals</b>	<b>774,345</b>	<b>147,500</b>	<b>921,845</b>	<b>36,360</b>	<b>4,273</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>225,000</b>	<b>147,500</b>	<b>27,500</b>	<b>10,290</b>	<b>498,421</b>

(225,000 available) (175,000 available)

- Table format and content: WEI, Response to Condition Subsequent Number 7, November 2008.
- Peace II Desalter Expansion expected to increase total desalter production in October 2015.
- 3,956.877 acre-feet + 316.177 acre-feet added as Non-Ag dedicated stored water per Paragraph 31 Settlement Agreements. Per Agreements, the water is deemed to have been dedicated as of June 30, 2007.
- The Santa Ana River Underflow New Yield (SARUNY) projection in the table is shown as zero for each year. In the near future, through the modeling work and Safe Yield Recalculation process, Watermaster will determine the SARUNY created by Desalters and Re-Operation, and will produce a new schedule.**
- Six years of Desalter tracking (Production Year 2000/2001 through Production Year 2005/2006) incorrectly assumed that a significant portion of Desalter production was being offset by SAR Underflow New Yield. Condition Subsequent 7 included an adjustment of 29,070 AF against Desalter replenishment in Production Year 2008/2009.
- The Peace I Agreement terminates in 2030. Per this schedule, the Peace II Desalter expansion has not yet fully utilized its available 175,000 acre-feet.
- For the first 10 years following the Peace II Agreement (2006/2007 through 2015/2016), the Non-Ag "10% Haircut" water is apportioned among the specific seven members of the Appropriate Pool, per PIIA 9.2(a). In the eleventh year and each year thereafter, it is dedicated to Watermaster to further offset desalter replenishment. However, to the extent there is no remaining desalter replenishment obligation in any year after applying the offsets set forth in 6.2(a), it will be distributed pro rata among the members of the Appropriate Pool based upon each Producer's combined total share of OSY and the previous year's actual production.
- Per the Peace II Agreement, Section 6.2(b)(ii), the residual replenishment assessment is against the Appropriate Pool, pro-rata based on each Producer's combined total share of OSY and the previous year's actual production.



# Agenda Item 6

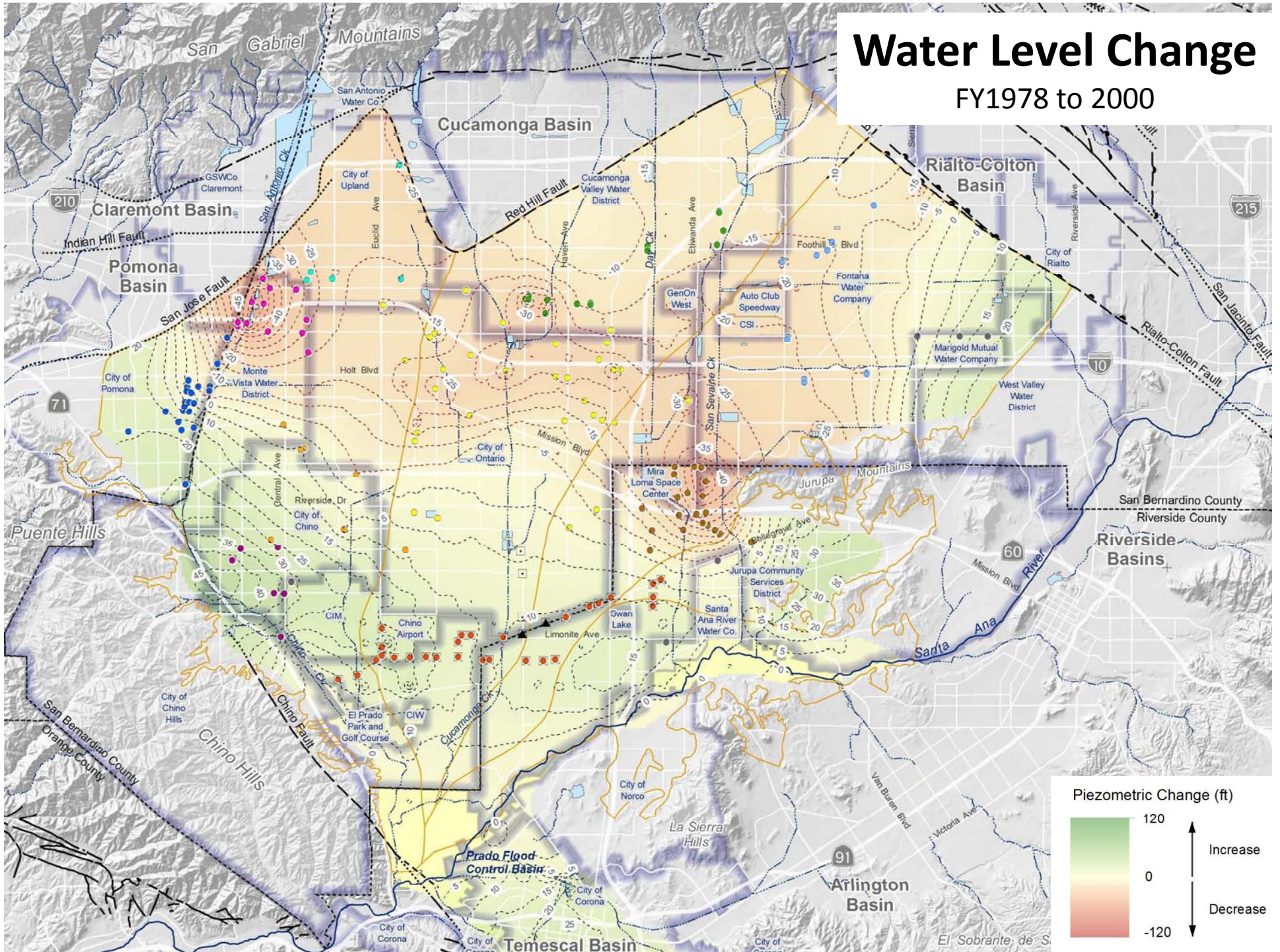
## Impact of Management

- ▣ Groundwater Levels
- ▣ Hydraulic Control
- ▣ Subsidence
- ▣ Yield



# Water Level Change

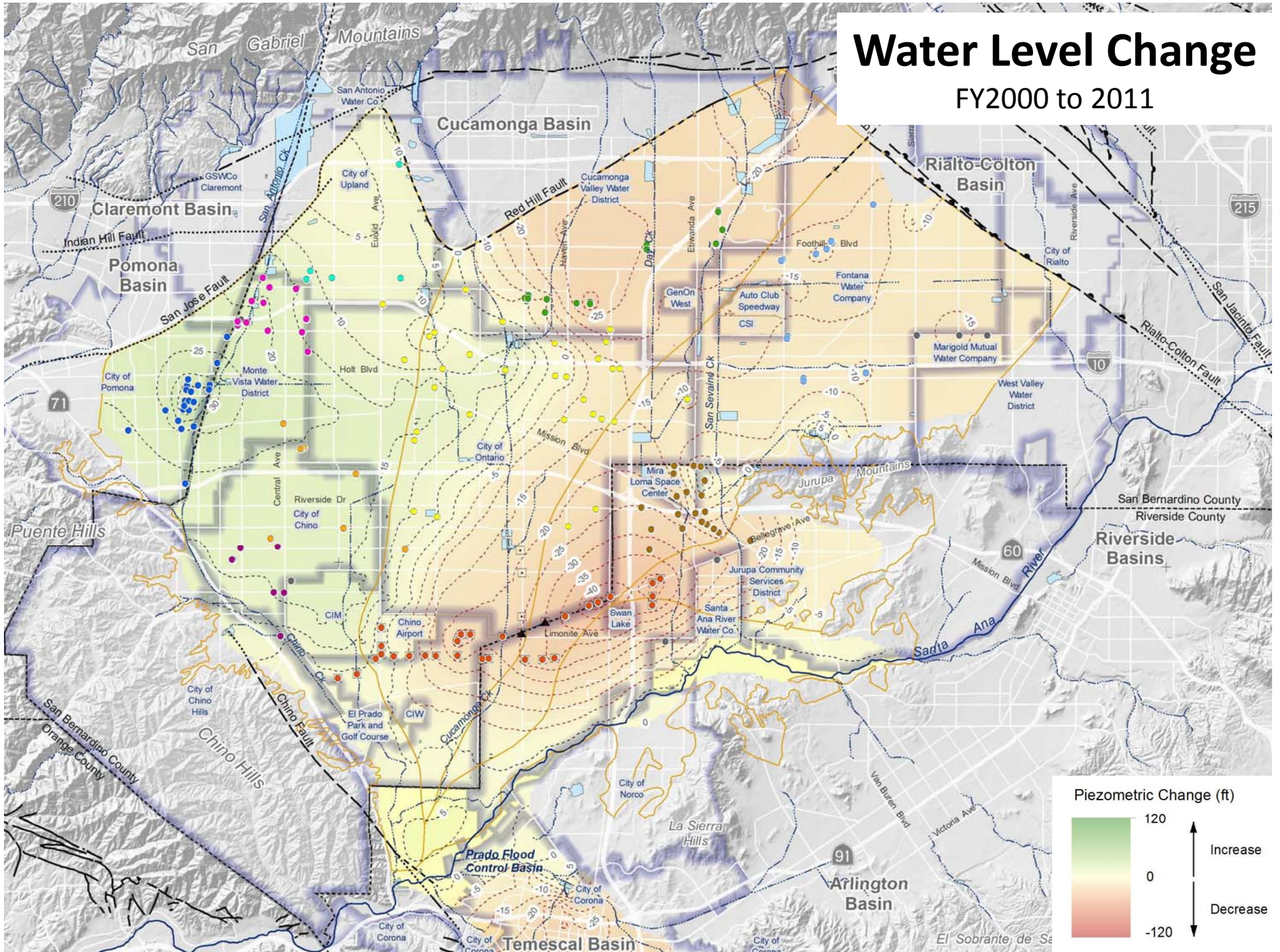
FY1978 to 2000





# Water Level Change

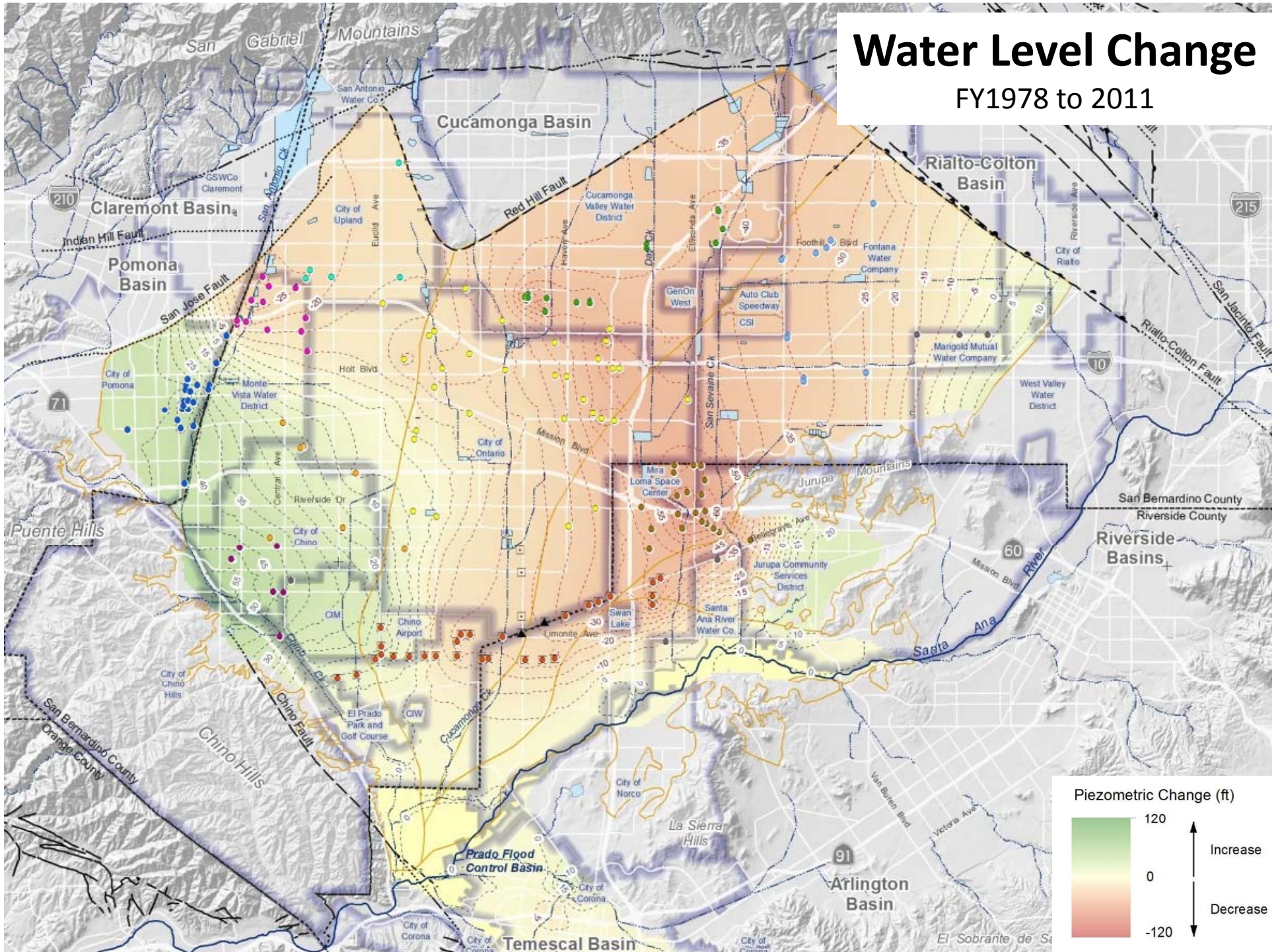
FY2000 to 2011





# Water Level Change

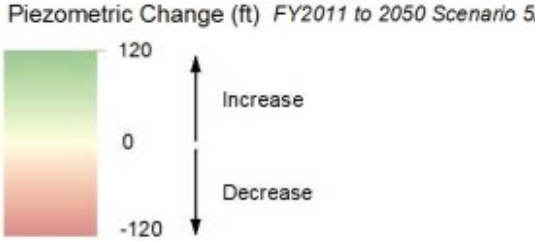
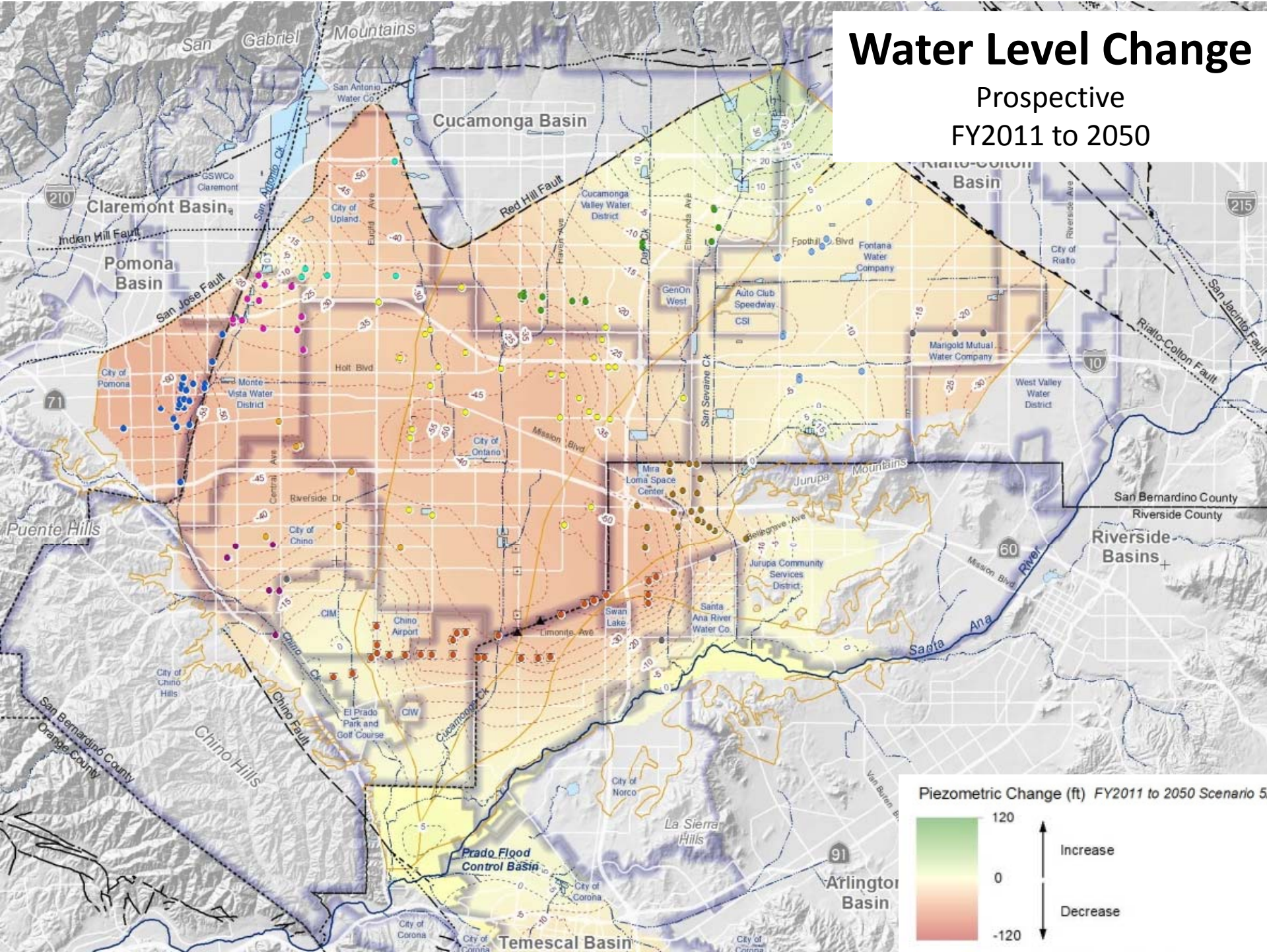
FY1978 to 2011





# Water Level Change

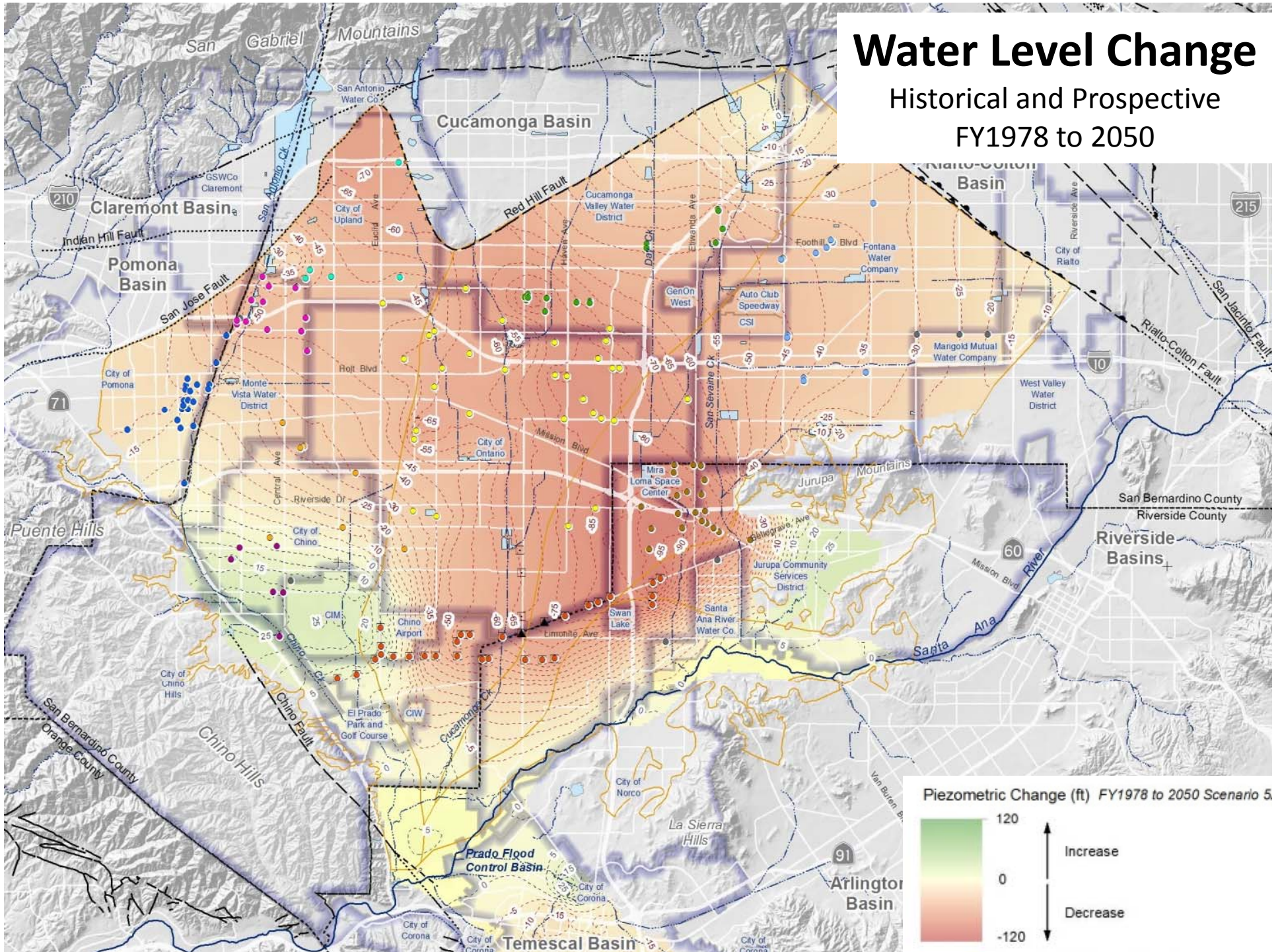
Prospective  
FY2011 to 2050





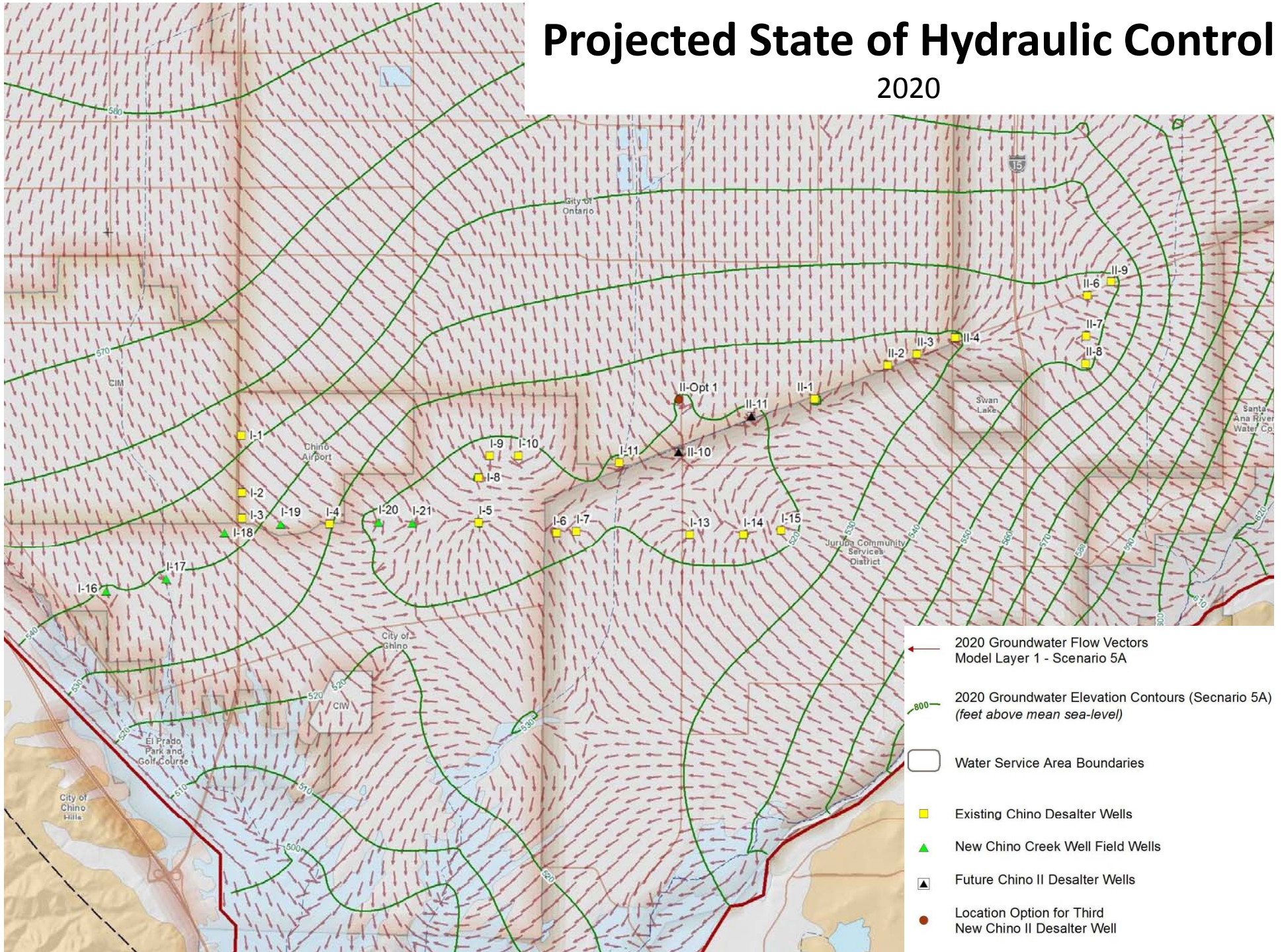
# Water Level Change

Historical and Prospective  
FY1978 to 2050





# Projected State of Hydraulic Control 2020





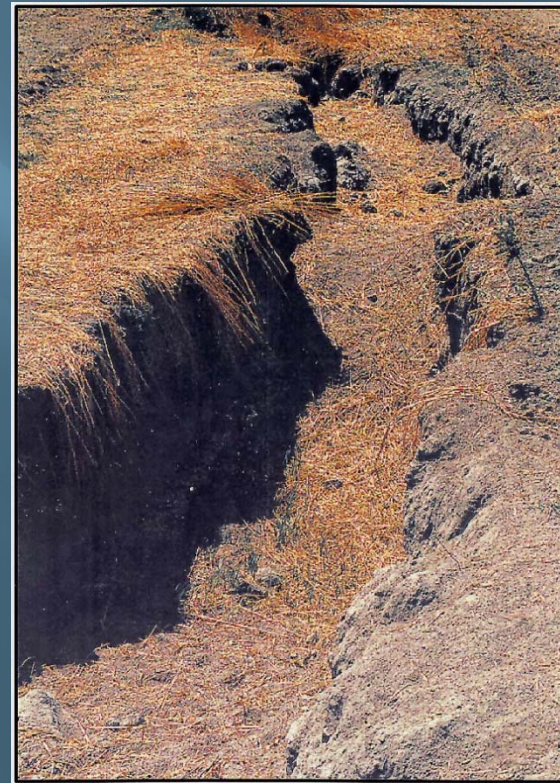


# Management of Land Subsidence in Chino Basin

- ▣ Subsidence and fissuring occurred in Chino in 1990s, with reports of fissuring in the 1970s



View of a fissure that developed beneath CIM facility in December 1992



Surface expression of fissure that developed in a field north of CIM in February 1991





Sep-93 to Dec-95

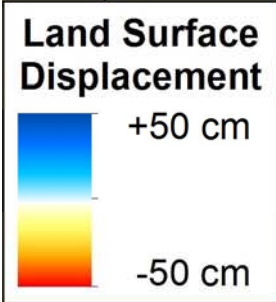


San Jose Fault

Central Ave



Mission Blvd



-10

-20

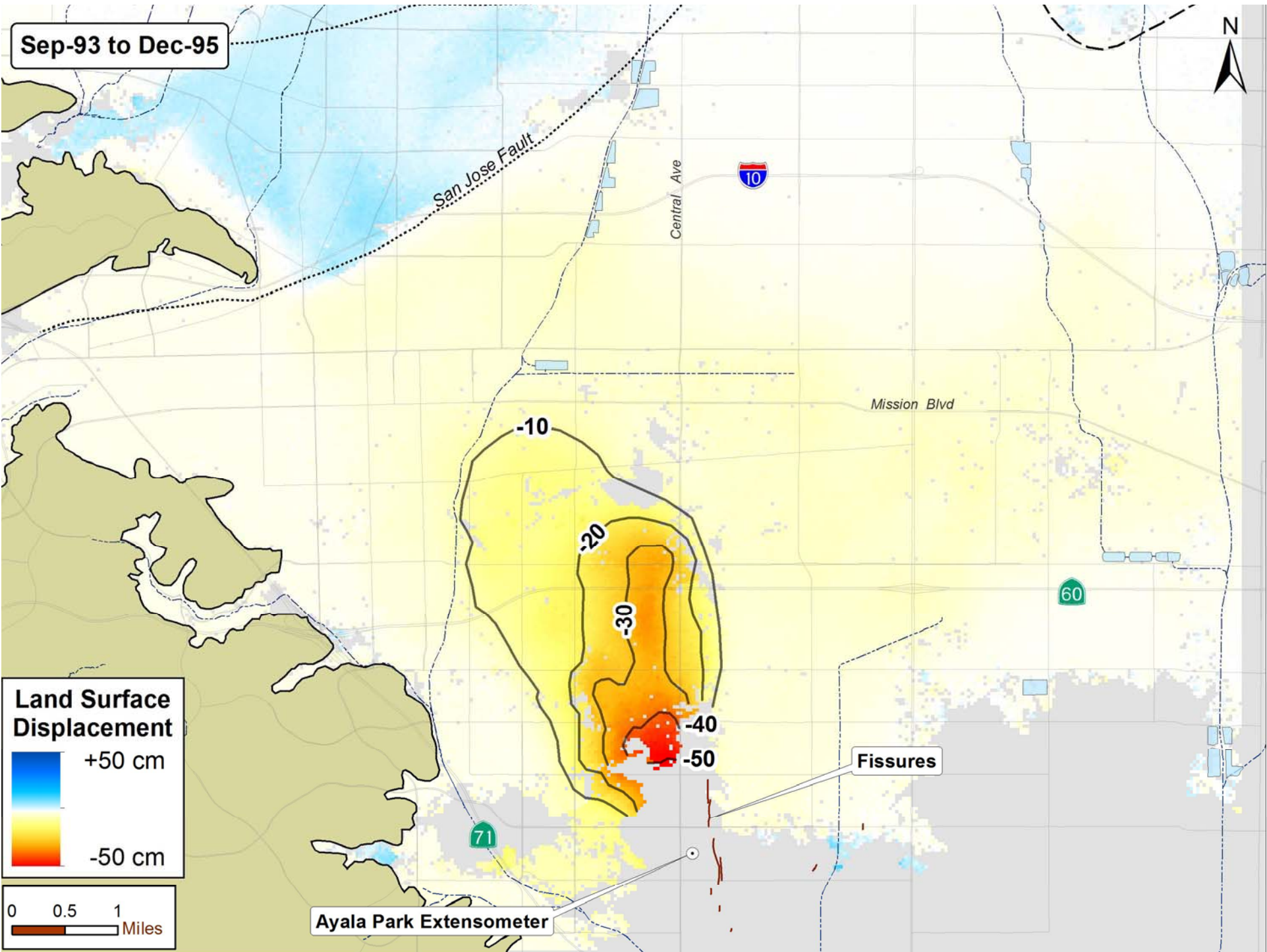
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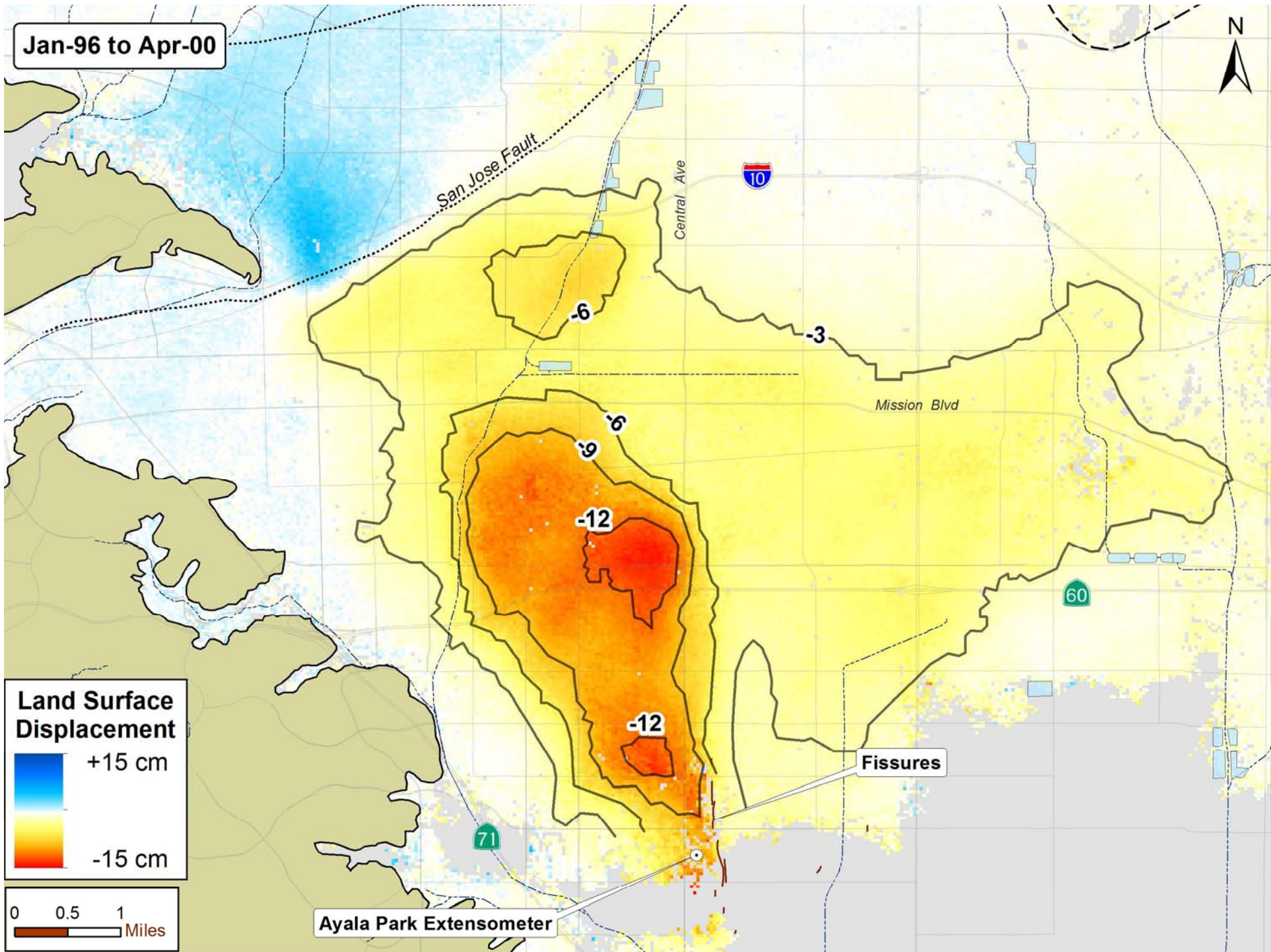
-40

-50

Fissures

Ayala Park Extensometer







# Subsidence Management in Chino Basin

- ▣ OBMP Program Element 4 (2000)
  - ▣ **Objective:** minimize or abate land subsidence and fissuring
  - ▣ Developed technical information on cause
  - ▣ Developed and implemented an “adaptive management plan”
  - ▣ MZ-1 Plan was approved by Court Order in 2007
- ▣ Land Subsidence Committee implements MZ-1 Plan
  - ▣ Reviews data from monitoring program annually and recommends future efforts
  - ▣ Recommends updates to management plan → based on data

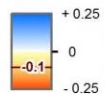


# Land Subsidence 2011-2013

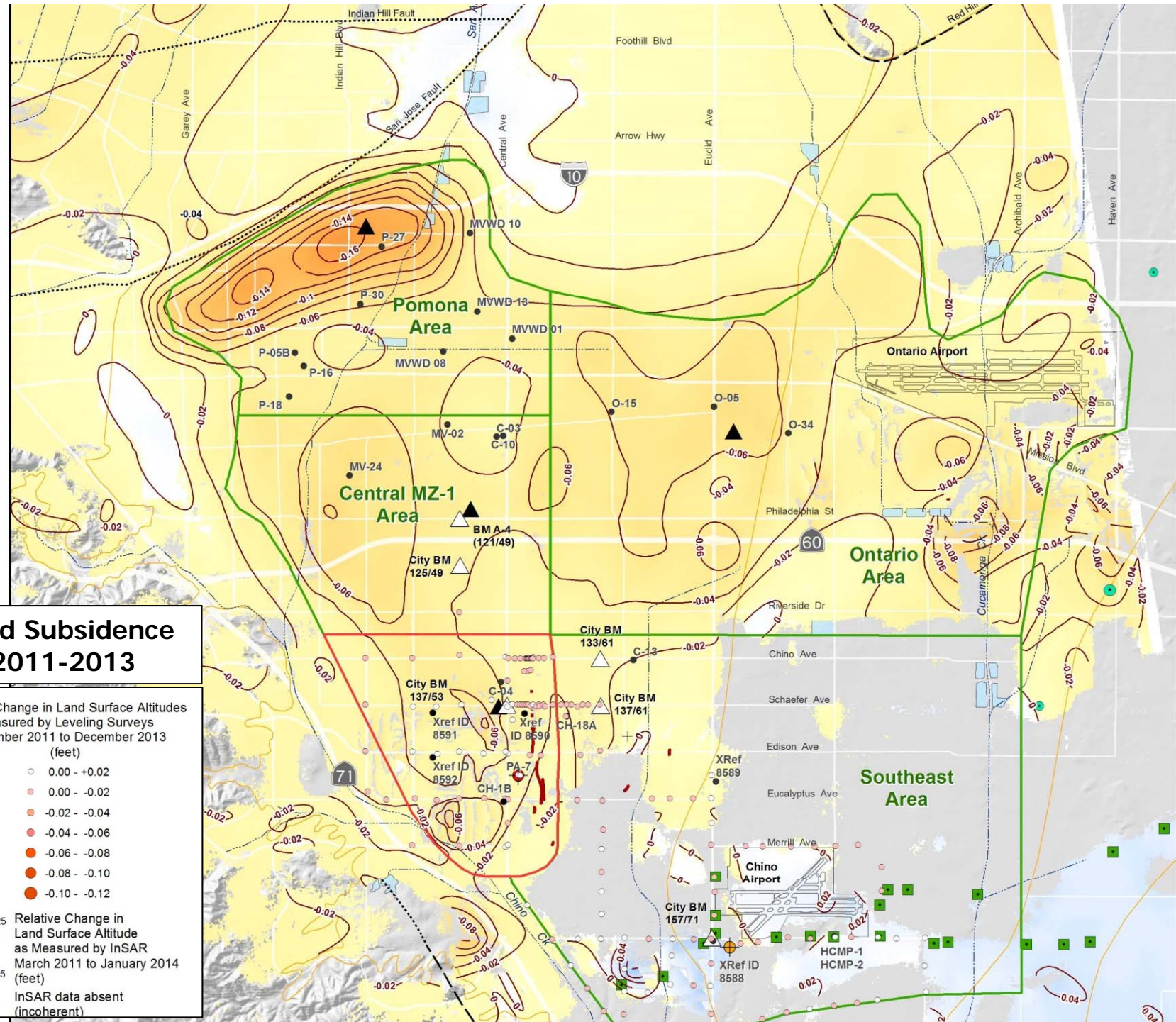
Relative Change in Land Surface Altitudes  
Measured by Leveling Surveys  
November 2011 to December 2013  
(feet)

- 0.00 - +0.02
- 0.00 - -0.02
- -0.02 - -0.04
- -0.04 - -0.06
- -0.06 - -0.08
- -0.08 - -0.10
- -0.10 - -0.12

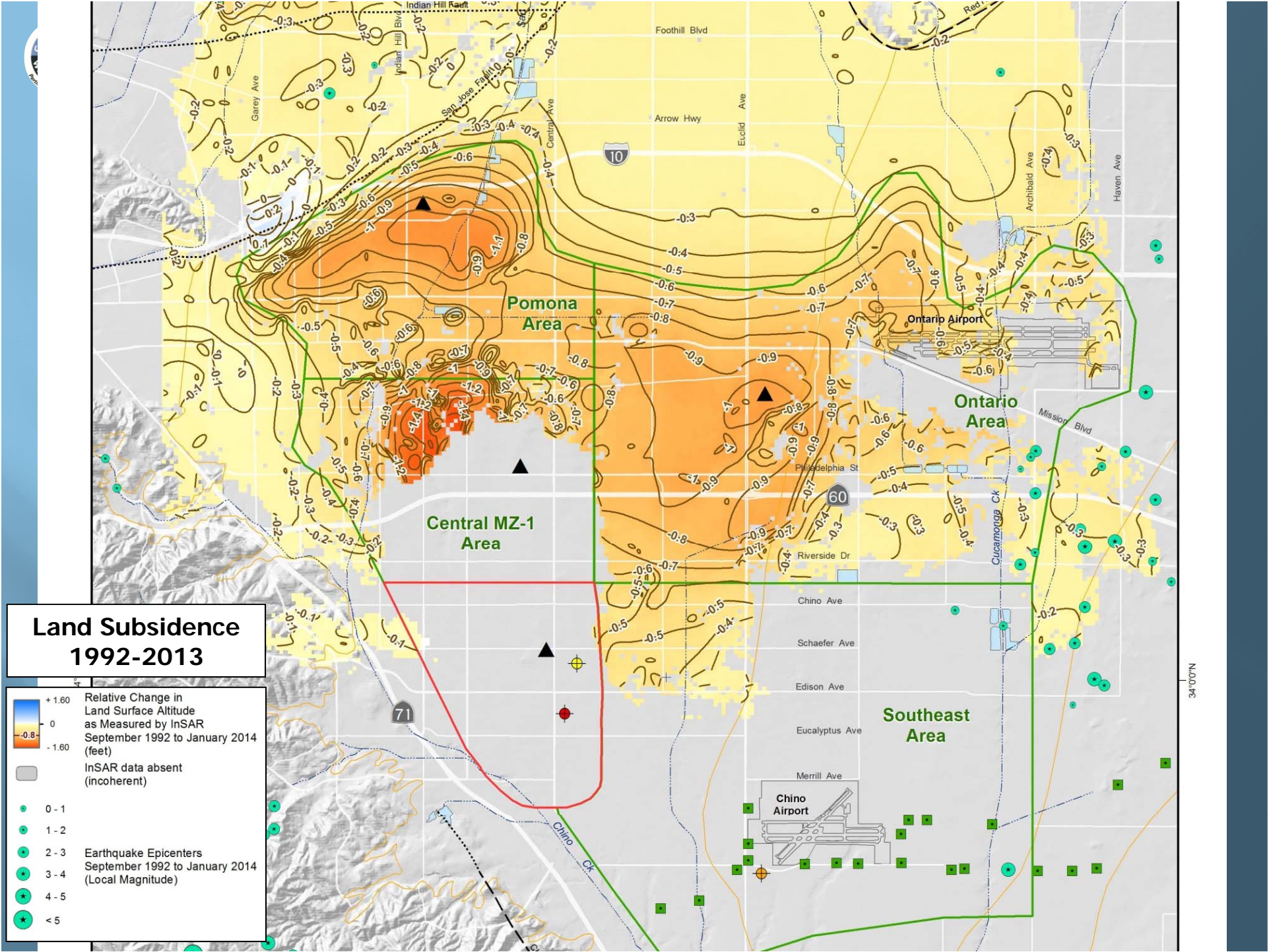
Relative Change in Land Surface Altitude  
as Measured by InSAR  
March 2011 to January 2014  
(feet)












InSAR data absent  
(incoherent)





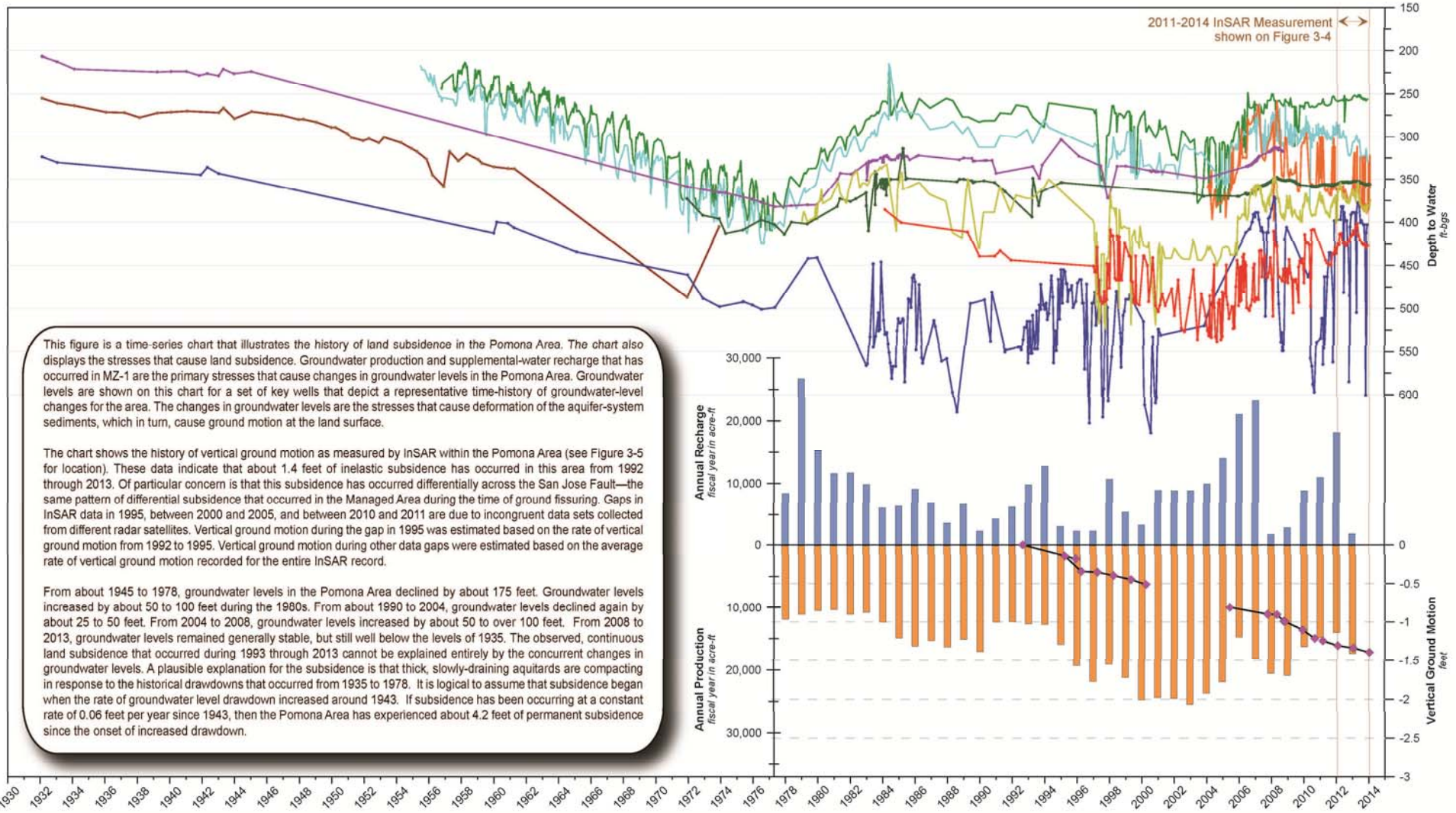


## Land Subsidence 1992-2013

- 
 +1.60 Relative Change in Land Surface Altitude as Measured by InSAR September 1992 to January 2014 (feet)
  - 
 InSAR data absent (incoherent)
  - 
 0 - 1
  - 
 1 - 2
  - 
 2 - 3
  - 
 3 - 4
  - 
 4 - 5
  - 
 < 5
- 
 Earthquake Epicenters September 1992 to January 2014 (Local Magnitude)

34°00'N





Prepared by: **WEI** WILDERMUTH ENVIRONMENTAL, INC. www.wilderemuthenvironmental.com  
 Author: TCR  
 Date: 20140519  
 File: Figure\_3-10\_2013\_Pomona.gif

Groundwater Levels at Wells (Top-Bottom Screen Interval)		Vertical Ground Motion	Recharge and Production	
MV-01 (245-472 ft-bgs)	P-5B (457-615 ft-bgs)	Pomona Area InSAR	Recharge of Recycled Water, Storm Water*, and Imported Water at the College Heights, Upland, Montclair, and Brooks Basins; and at MVWD ASR Wells	Groundwater Production from Wells in the Pomona Area
MV-08 (225-447 ft-bgs)	P-16 (270-328 ft-bgs)		<small>*Storm Water is an estimated amount prior to Fiscal Year 04/05</small>	
MV-10 (520-1084 ft-bgs)	P-18 (307-660 ft-bgs)			
MV-13 (203-475 ft-bgs)	P-27 (472-849 ft-bgs)			
P-30 (565-875 ft-bgs)				

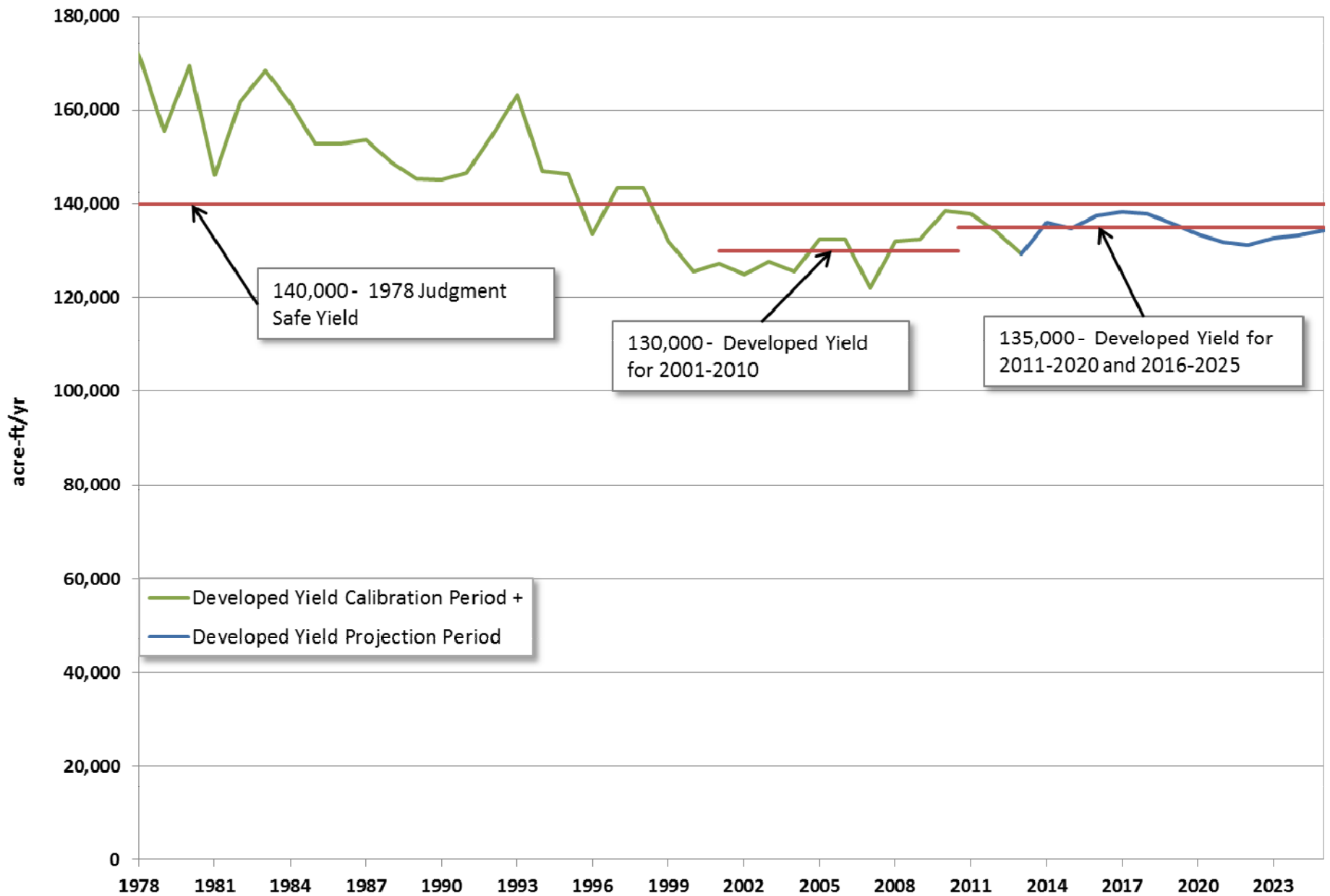
**Land Subsidence Committee**  
2013 Annual Report

**The History of Land Subsidence in the Pomona Area**

Figure 3-10

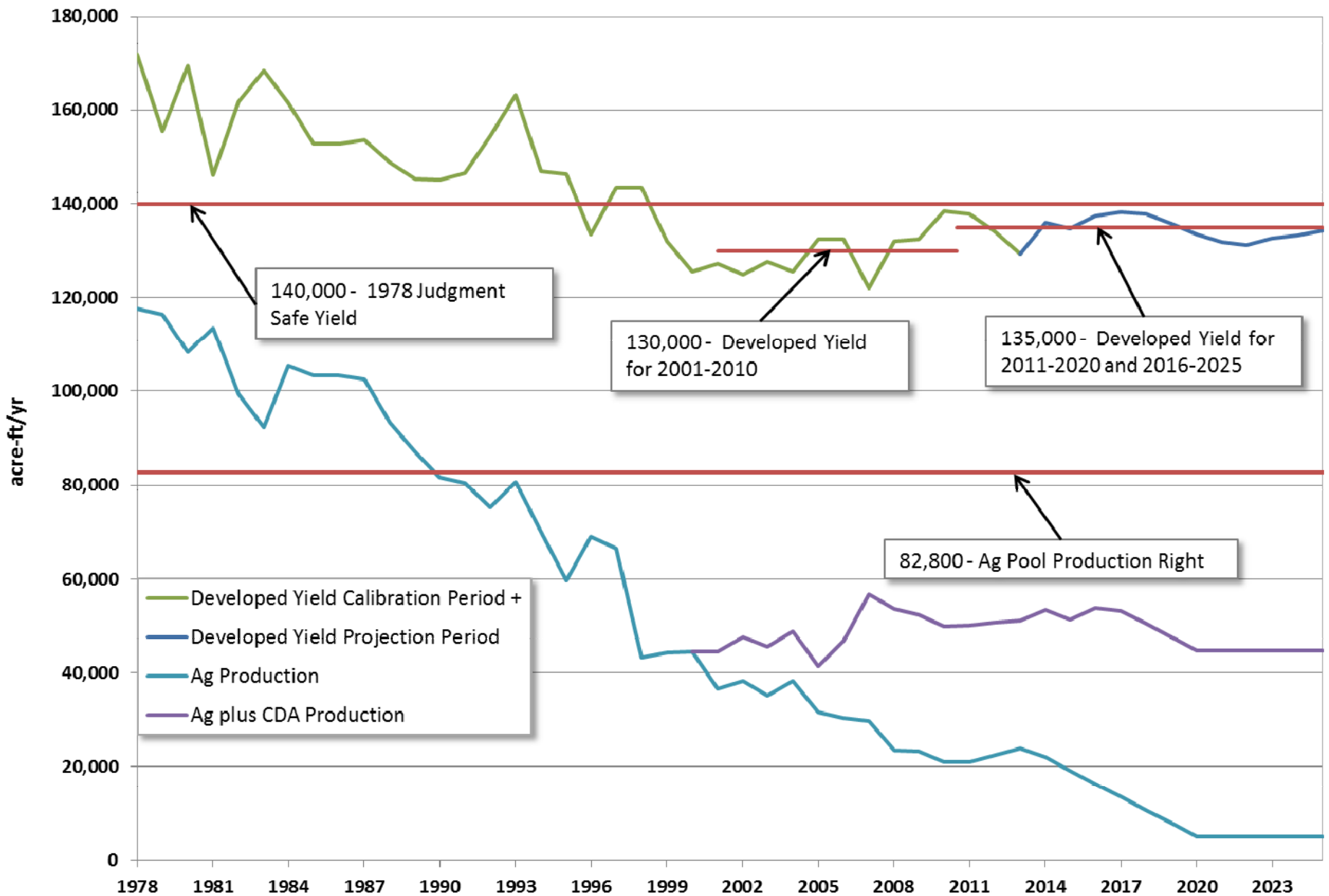
# Developed Yield

1978 through 2025



# Developed Yield

## 1978 through 2025





End



**CHINO BASIN WATERMASTER**  
**SAFE YIELD RECALCULATION AND RESET**  
**PROCESS TO COMPLETION**

**September 2014**

- September 11: Pools receive status report
- September 16: Board holds Workshop
- September 18: Advisory receives status report
- September 18: Watermaster staff provides recap of Board Workshop during Open Discussion following Advisory Committee
- September 25: Board receives any further information requested during the 9/16/14 Workshop; offers any further direction

**October 2014**

- October 2: Open Discussion, topics TBD
- October 9: Pool receive presentation of Recalculated SY and implementation date
- October 16: Advisory Committee receives presentation of Recalculated SY and implementation date
- October 16: Open Discussion following Advisory Committee, topics TBD
- October 23: Board receives presentation of Recalculated SY and implementation date

**November 2014**

- November 6: Open Discussion
- November 13: Pool consideration
- November 20: Advisory consideration/adoption
- November 20: Board consideration/adoption
- Watermaster files Recalculated SY with the Court