

# Chino Basin Watermaster

---

WATERMASTER BOARD PURPOSE AND ROLE

BOARD WORKSHOP

APRIL 26, 2022



# Agenda



WELCOME



PUBLIC COMMENT



WORKSHOP

CHINO BASIN TRIVIA

WATERMASTER BOARD FUNCTION



PUBLIC COMMENT



ADJOURNMENT



# Workshop Goals

---

## Improve understanding of:

- The Chino Basin Adjudication and provisions of the Judgment
- The Watermaster Role
- The role and expectations of Board, Board Officers, and other Committees



# ADJUDICATION CONTEXT

What was the litigation environment preceding the 1978 adjudication?

What was the outcome of the third and final litigation of the Santa Ana River in 1969?

[a] it guaranteed the lower watershed area a minimum quantity and quality outflow

[b] it superseded the two previous litigation results

[c] it highlighted the need for Chino Basin pumping restraint and recharge

[d] all of the above

What was the litigation environment preceding the 1978 adjudication?

T/F: the prevailing groundwater rights doctrine at the time was mutual prescription from the Raymond Basin adjudication in the 1940s

True

False

What was the litigation environment preceding the 1978 adjudication?

When did the study of Chino Basin management first begin?

[a] in 1970,  
led by  
CBMWD and  
CBWA

[b] 1998

[c] 2007

What was the litigation environment preceding the 1978 adjudication?

T/F: A Negotiating Committee was formed including the State, PVMWD, and ag producer representatives

True

False

T/F: The Negotiating Committee concluded that management by a watermaster was the right way to go (local control)

True

False



What was the litigation environment preceding the 1978 adjudication?

When did funding to study basin management first become available?

[a] with the adoption of SB222 (Ayala) legislation

[b] Prop 1

[c] Adoption of SGMA

What was the litigation environment preceding the 1978 adjudication?

## What were the key provisions of SB222?

[a] created authority to levy a pump tax

[b] created an advisory committee and 3 producer subcommittees

[c] all of the above

What was the litigation environment preceding the 1978 adjudication?

T/F: The 3 producer subcommittees represented agricultural water users, non-agricultural water users, and water purveyors

True

False

T/F: the producer sub-committees became known as the Overlying (Agricultural) Pool Committee, the Overlying (Nonagricultural) Pool Committee, and the Appropriative Pool Committee

True

False

What was the litigation environment preceding the 1978 adjudication?

T/F: the parties agreed there was overdraft in the basin and the theory of adjudication

True

False

T/F: CBMWD filed a complaint with the Court in 1975 initiating the adjudication process

True

False

What was the litigation environment preceding the 1978 adjudication?

## The elements of the San Fernando Basin adjudication (1975) were:

[a] Water rights of overlying landowners were limited by beneficial use and correlative rights of other overlying landowners, and could not be lost by prescription

[b] Any landowner can refuse to go along with a mutual prescription plan

[c] Mutual prescription could not be imposed on public water purveyors

[d] all of the above

What was the litigation environment preceding the 1978 adjudication?

T/F: the San Fernando Basin adjudication pushed all toward stipulation

True

False

T/F: the Pool Committees became the framework for development of the stipulated judgment

True

False

T/F: The Appropriators stipulated that all appropriative rights were of equal priority

True

False

What was the litigation environment preceding the 1978 adjudication?

T/F: Individual agricultural producers rights were not specified & assessments were equitably allocated

True

False

T/F: the severe drought of 1976/77 was an added incentive for all to agree to a stipulated judgment

True

False



# Adjudication Context

---

DISCUSSION





# Adjudication Context

---

What, in your words, was the context for the Chino Basin adjudication?



# Adjudication Context

---

Chino Basin adjudication context – some thoughts:

- Santa Ana River litigation
- Significant overdraft
- Changes in groundwater law
- Drought
- Desire for local control



# JUDGMENT

What were the principles of the adjudication?

## What are the basic provisions of the Chino Basin Judgment?

[a]  
Declaration  
of rights;

[b]  
Continuing  
jurisdiction  
of the  
Court;

[c] Physical  
Solution:

[d] all of  
the above

What were the principles of the adjudication?

# The Judgment created:

[a] the Court's Watermaster "to administer and enforce provisions of this Judgment and any subsequent instructions or orders of the Court hereunder."

[b] the Watermaster Advisory Committee "to assist Watermaster in performance of its functions"

[c] the Pool Committees

[d] all of the above, to create a balance between protecting private rights and preserving the resource in the public interest

What were the principles of the adjudication?

The Judgment method for allocating replenishment costs is:

[a] different for each Pool

[b] the same for each Pool

[c] no one has to pay for replenishment

What were the principles of the adjudication?

## The Judgment allowed limited mining of the Chino Basin by the Appropriative Pool:

[a] to reduce the burden of assessments;

[b] to offset the burden of reductions in Safe Yield

[c] Both [a] and [b]

What were the principles of the adjudication?

T/F: The Chino Basin mining allowed by the Judgment is 200,000 acre-feet

True

False

T/F: The Judgment provided that all storage activities require storage agreements with Watermaster

True

False



What were the principles of the adjudication?

T/F: The Judgment contemplated that over time agricultural production could fall below the aggregate amount of Safe Yield right allocated to the Agricultural Pool and adopted a formula to allocate unpumped water to members of the Appropriative Pool.

True

False

T/F: The Judgment recognized recycled water as supplemental water.

True

False

What were the principles of the adjudication?

T/F: The Judgment granted Watermaster, with the advice of the Advisory and Pool Committees, discretionary powers to develop an Optimum Basin Management Program (OBMP) for Chino Basin, including both water quantity and water quality considerations.

True

False



# Judgment

---

DISCUSSION



# Judgment

---

What, in your words, is the essence of the Chino Basin Judgment?



# Judgment

---

The essence of the Chino Basin Judgment – some thoughts:

- Declaration of rights
- Continuing Court jurisdiction
- Physical Solution



# EVOLUTION OF CHINO BASIN MANAGEMENT

---

CHINO BASIN MILESTONES



# Watermaster Role and Function

---

DISCUSSION



# WATERMASTER ROLE AND FUNCTION

---

What, in your words, is the role of Watermaster according to the Judgment?





# WATERMASTER ROLE AND FUNCTION

---

The role of Watermaster according to the Judgment – some thoughts:

- Watermaster's function is to administer and enforce provisions of the Judgment and subsequent orders of the Court, and to develop and implement an Optimum Basin Management Program



# EVOLUTION OF CHINO BASIN MANAGEMENT

---

What, in your words, are the key “moments” in the history of Chino Basin Management?



# EVOLUTION OF CHINO BASIN MANAGEMENT

---

Key “moments” in the history of Chino Basin management – some thoughts:

- 1978 Adjudication
- 1998 Court Order creating nine-member Board and ordering the OBMP
- 2000 Peace Agreement Court Order
- 2007 Peace II Agreement Court Order; 2004 Basin Plan Amendment
- 2020 OBMP Update



# WATERMASTER OBLIGATIONS

---

What are the Watermaster Board obligations & requirements? Where do these come from?

There are various commitments that come from the Judgment and subsequent orders from the Court as well as fulfill regulatory commitments stemming from management actions.



# BOARD DECISIONS – BOARD MEMBERS’ CONSTITUENCY

---

What interest(s) do Board Members represent?

Board Members make decisions in the interest of enforcing the Judgment and subsequent Court Orders, and meeting Watermaster’s obligations regardless of the entity that has appointed them to the Watermaster Board.



# BOARD DECISIONS – BOARD MEMBERS’ SOURCES OF INFORMATION

---

How does the Watermaster Board get information on which to base its decisions?

The Board receives information, advice, and counsel from staff and legal counsel. Staff reports relay all relevant advice and assistance from the Pool Committees and from the Advisory Committee.



# BOARD DECISIONS – EFFECT OF ADVISORY COMMITTEE DECISIONS

---

What is the significance of an Advisory Committee decision to the Watermaster Board?

Depending on the subject, some actions by the Advisory Committee are recommendations and others binding (i.e. Budget approval, collaboration with other agencies.) The 1998 Order presented a clear summary of the types of actions and the role of Pool and Advisory Committee actions.

The Watermaster Board may, under certain circumstances, take adverse positions to AC.



# BOARD DECISIONS – CLOSED SESSIONS

---

Who participates in Watermaster Board Confidential Sessions?

Watermaster Board Members, Legal Counsel, GM, and at a minimum Pool Chairs.

All participants are bound by duty of confidentiality.





# BOARD DECISIONS – CONFLICT OF INTEREST

---

What are the guidelines for Watermaster Board Members' conflict of interest?

Conflict of interest comes up under narrow circumstances, only if there is significant personal financial interest. Legal Counsel is a resource to assist Board Members.



# BREAK

---



# FUNCTIONING OF WATERMASTER BOARD

---



# FUNCTIONING OF WATERMASTER BOARD

---

Annually the Watermaster Board elects Board Officers: Chair, Vice Chair, and Secretary/Treasurer;

Functions include:

- Presiding over Board meetings;
- Banking authority;
- Signing approved resolutions and minutes;
- Meeting with GM/Legal Counsel to provide perspective/sounding board;
- Meeting with Pool Committee Chairs to discuss contemporary issues;
- Assembling as the Personnel Committee (with Pool Chairs)



# FUNCTIONING OF WATERMASTER BOARD

---

The Personnel Committee includes the Officers and the Pool Chairs;

Functions include:

- Meet to review Watermaster org structure, personnel policies, compensation and to offer advice to Watermaster GM on related topics;
- Meet to review compiled GM Performance evaluation;
- Meet as needed to review any other personnel matters.



# FUNCTIONING OF WATERMASTER BOARD

---

The Watermaster Board gets advice:

- From the Officers;
- From the Personnel Committee;
- Other committees that may be formed ad hoc;



# FUNCTIONING OF WATERMASTER BOARD

---

Does the current way the Board functions make sense? Should it continue as is? Can it be improved?

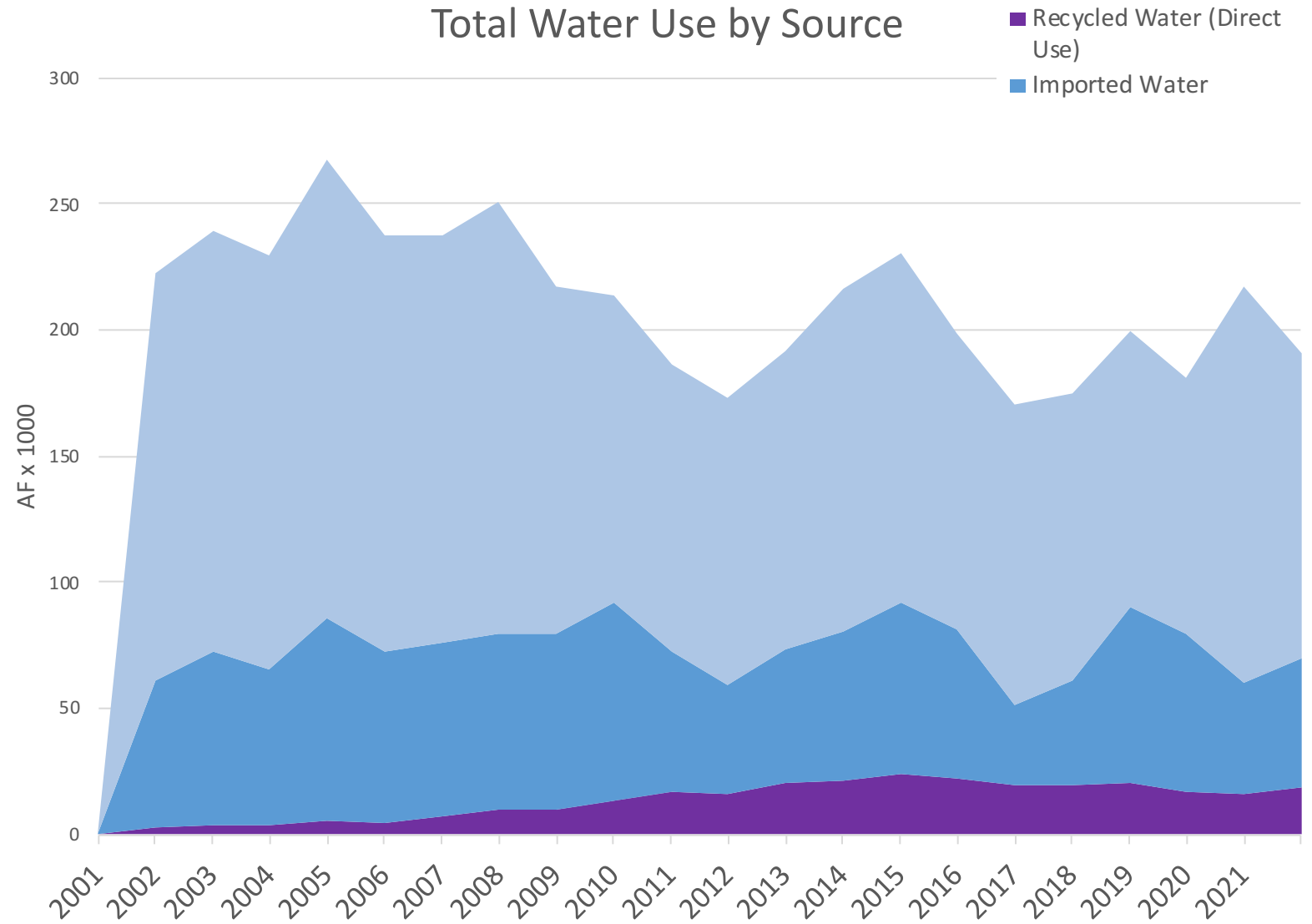


# CHINO BASIN MANAGEMENT

---

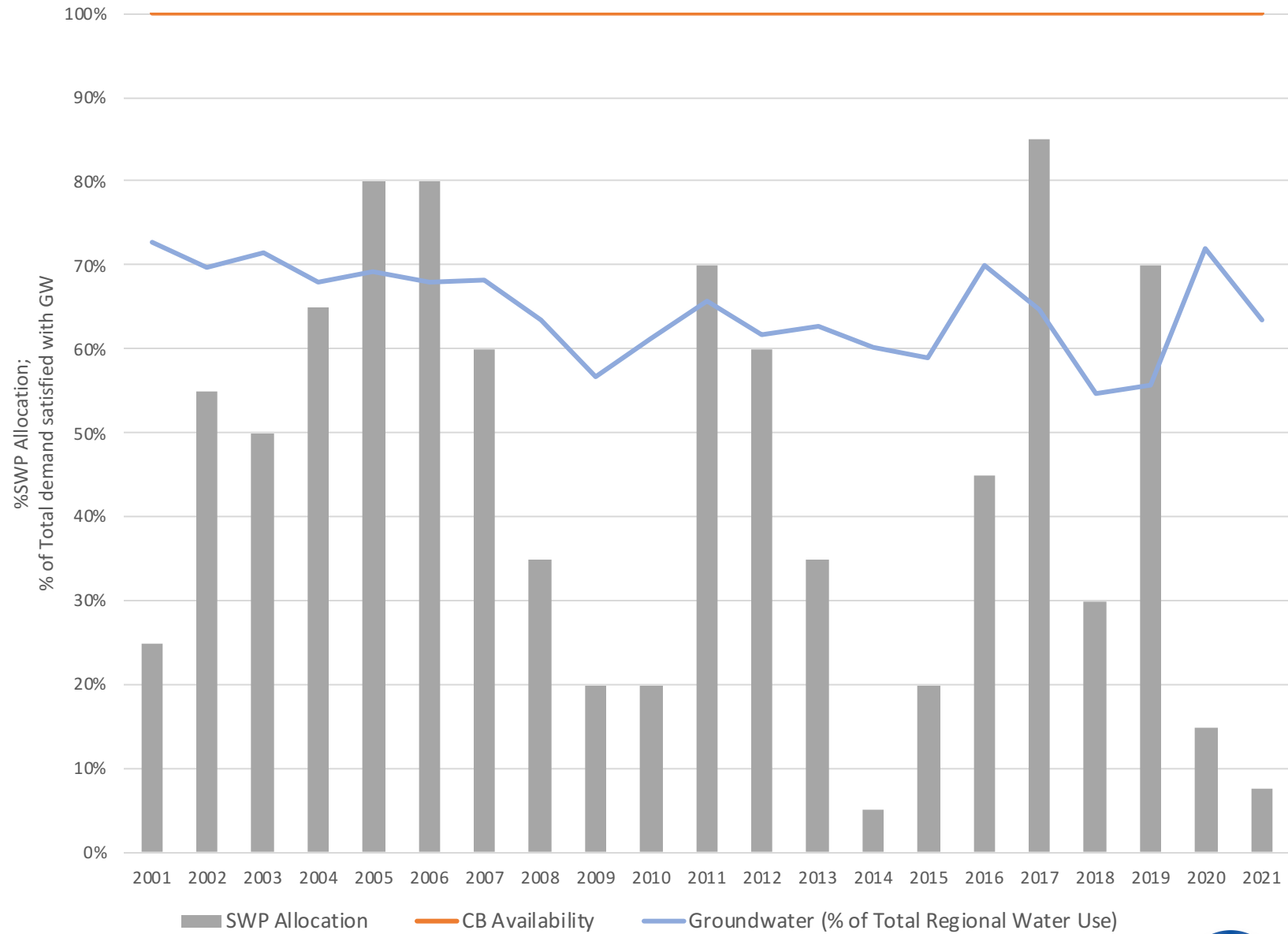


Chino Basin is...  
The largest source of  
water for the region:

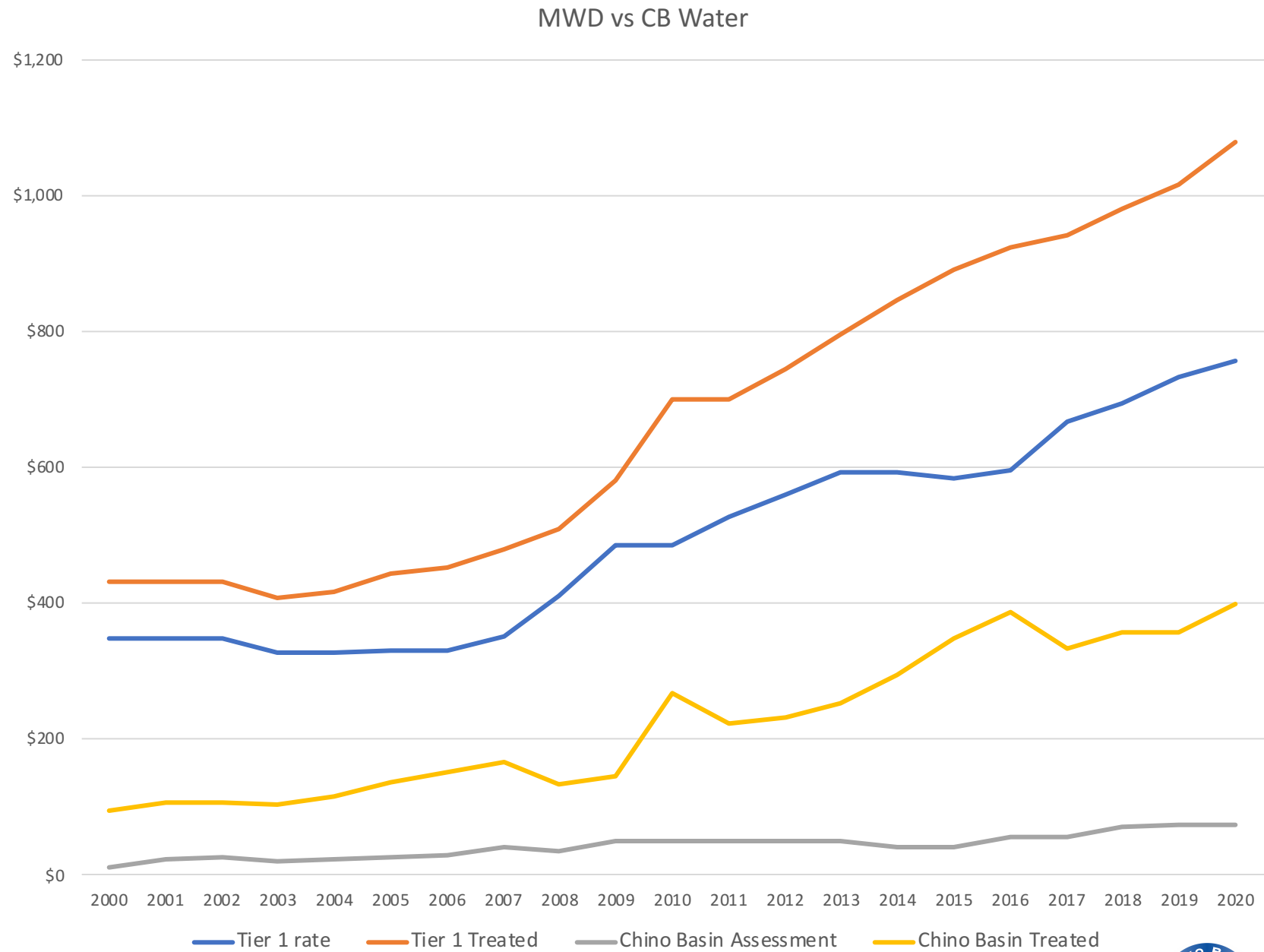


Chino Basin is...  
 A more reliable source  
 than imported water:

SWP Allocations vs GW Reliability



Chino Basin is...  
A less expensive source  
than imported water:





# CHINO BASIN MANAGEMENT

---

Chino Basin management has relied on the Judgment and the Optimum Basin Management Plan Implementation.

Key Elements:

1. Regional cooperation
2. Looking ahead
3. Study and understand the Basin



# CHINO BASIN MANAGEMENT

---

What, in your words, does future Chino Basin management success look like?  
What can we do collectively to continue our past successes?



# Workshop Goals

---

## Improve understanding of:

- The Chino Basin Adjudication and provisions of the Judgment
- The Watermaster Role
- The role and expectations of Board, Board Officers, and other Committees

# Thank you for your participation!

---

WATERMASTER BOARD PURPOSE AND ROLE  
BOARD WORKSHOP  
APRIL 26, 2022

