

MINUTES
CHINO BASIN WATERMASTER
WATERMASTER BOARD – SPECIAL MEETING (WORKSHOP NO. 1)

April 26, 2022

The Watermaster Board Special Meeting (Workshop No. 1) was held at the Frontier Project located at 10440 Ashford St., Rancho Cucamonga, CA on April 26, 2022.

WATERMASTER BOARD MEMBERS PRESENT

James Curatalo, Chair	Minor Representative
Jeff Pierson, Vice-Chair	Agricultural Pool – Crops
Bob Kuhn, Secretary/Treasurer	Three Valleys Municipal Water District
Bob Bowcock	CalMat Co.
Scott Burton	Monte Vista Water District
Steve Elie	Inland Empire Utilities Agency
Betty Folsom	Jurupa Community Services District
Mike Gardner	Western Municipal Water District

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT

Eduardo Espinoza	Cucamonga Valley Water District
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NON-AGRICULTURAL POOL COMMITTEE MEMBERS PRESENT

Brian Geye, Vice-Chair	California Speedway Corporation
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WATERMASTER STAFF PRESENT

Peter Kavounas	General Manager
Edgar Tellez Foster	Water Resources Mgmt. & Planning Dir.
Anna Nelson	Director of Administration
Justin Nakano	Water Resources Technical Manager
Frank Yoo	Data Services and Judgment Reporting Mgr.
Janine Wilson	Senior Accountant
Stephanie Viveros	Executive Assistant II/Board Clerk
Ruby Favela	Administrative Assistant
David Huynh	Senior Field Operations Specialist
Alonso Jurado	Senior Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT

Scott Slater	Brownstein Hyatt Farber Schreck, LLP
Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Andy Malone	West Yost
Tim Moore	West Yost

OTHERS PRESENT

Elizabeth Skrzat	Chino Basin Water Conservation District
Courtney Jones	City of Ontario
Chris Diggs	City of Pomona
Nicole deMoet	City of Upland
Braden Yu	City of Upland
Alan Frost	County of San Bernardino
Amanda Coker	Cucamonga Valley Water District
Eric Grubb	Cucamonga Valley Water District
John Bosler	Cucamonga Valley Water District
Jiwon Seung	Cucamonga Valley Water District
Kevin Kenley	Cucamonga Valley Water District
Mark Gibboney	Cucamonga Valley Water District
Randall Reed	Cucamonga Valley Water District
Marco Tule	Inland Empire Utilities Agency
Shivaji Deshmukh	Inland Empire Utilities Agency

Justin Scott-Coe
Justin Scott-Coe
Manny Martinez
Tariq Awan
Matt Litchfield
Laura Roughton
Richard Rees

Monte Vista Irrigation Company
Monte Vista Water District
Monte Vista Water District
State of California – CDCR
Three Valleys Municipal Water District
Western Municipal Water District
Wood plc

CALL TO ORDER

Chair Curatalo called the Watermaster Board Special Meeting (Workshop No. 1) to order at 5:00 p.m.

ROLL CALL

Ms. Nelson conducted the roll call and announced that a quorum was present.

PUBLIC COMMENTS

None

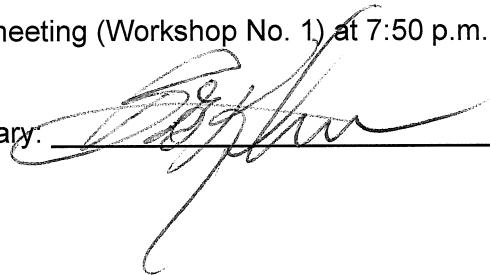
BOARD WORKSHOP – PURPOSE AND ROLE OF WATERMASTER BOARD

Messrs. Kavounas, Slater, and Tellez Foster gave a report and a presentation. A discussion ensued.

ADJOURNMENT

Chair Curatalo adjourned the Watermaster Board special meeting (Workshop No. 1) at 7:50 p.m.

Secretary: _____



Approved: _____ May 26, 2022

Attachments:

1. 20220426 Don Stark Post Trial Memo
2. 20220426 Board Workshop Charts
3. 20220426 What Every Californian Should Know About Groundwater
4. 20220426 SGMA Article Peter Interview
5. 20220426 Watermaster and the Advisory Committee Respective Roles (Laminated Sheet)
6. 20220426 Board Workshop Workbook (Excerpt)
7. 20220426 Presentation

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7 Attorneys for Plaintiff

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 FOR THE COUNTY OF SAN BERNARDINO

12	CHINO BASIN MUNICIPAL WATER)	
	DISTRICT,)	
13)	
	Plaintiff,)	No. 164327
14)	
	v.)	PLAINTIFF'S POST TRIAL
15)	MEMORANDUM
	CITY OF CHINO, et al.)	
16)	
	Defendants.)	
17)	

18

19 Pursuant to order of the Court issued January 27, 1978,
 20 Judgment was entered in this action whereby the Court retained
 21 continuing jurisdiction of the matter.

22 To assist the Court in such continuing jurisdiction the
 23 plaintiff, Chino Basin Municipal Water District, hereby submits
 24 this Post Trial Memorandum setting forth the statement of the
 25 nature of the action, and the principle characteristics of the
 26 Judgment.

27 - - - - -
 28 - - - - -

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I.

NATURE OF ACTION

This action is a plenary adjudication of all rights in and to the ground waters of Chino Basin and its storage capacity. The case is predicated on the fact that the basin is, and since at least 1953 has been, in a condition of overdraft.

The Judgment adjudicated the rights of several hundred overlying landowners, producing in the aggregate over sixty percent of the basin supply for agricultural use, as well as several substantial industrial and commercial producers of water for use on their overlying lands, cities, public water districts, utilities, and mutual water companies all of whom produce water from the basin.

Each of the defendants named in the Judgment is a water producer or other water claimant or public water district within the Chino Basin. Each such defendant has been identified as a member of one of the following three groups:

a. Overlying (Agricultural) Producers -- A party entitled to possession of lands overlying Chino Basin producing water from such basin for overlying agricultural use on said lands.

b. Overlying (Non-Agricultural) Producers -- A party entitled to possession of lands overlying Chino Basin producing water from such basin for overlying use on said lands for other than agricultural purposes.

c. Appropriator -- A party producing water from Chino Basin pursuant to an appropriative or prescriptive right, which right is protected from loss or diminution by prescription by the provisions of Section 1007 of the California Civil Code.

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1 II.

2 HIGHLIGHTS OF THE JUDGMENT

3 A. Declaration of Rights.

4 1. Overlying Agricultural Rights. Because of the nature
5 of the Physical Solution and the method of assessment proposed for
6 the exercise of overlying agricultural rights, it was not necessary
7 to declare individual overlying rights. This avoided a dual proble
8 First, the total number of parties in the category exceeded 1,200.
9 Second, the available records and measuring devices for precise
10 calculation of individual rights was less than adequate. Thus the
11 rights of all agricultural users have been declared in gross for
12 all necessary purposes of the Judgment.

13 2. State of California. Because of the several diverse
14 and complex interests of the State of California, and in view of
15 the willingness of the State to stipulate to be bound by the
16 Physical Solution of the Judgment, no attempt was made in the
17 Judgment to define or categorize the rights of the State of Cali-
18 fornia. The State and its agencies were subjected by Judgment, to
19 the Physical Solution, and their rights are treated in gross along
20 with the overlying agricultural rights.

21 3. Appropriative Rights. The twenty-two parties in the
22 "Appropriative Pool" have rights which are appropriative and pre-
23 scriptive in nature. Under full adjudication of such rights to
24 ground water each would have had differing priorities and quantitie
25 The complexity of such determination was avoided by resorting to
26 principles of mutual prescription in the Judgment. Thus, all of
27 the parties who are appropriators have been adjudged that their
28 rights have equal priority.

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1 B. Continuing Jurisdiction of Watermaster Provisions.

2 1. Exemptions from Continuing Jurisdiction. The Court,
3 with limited exceptions, retained continuing jurisdiction of the
4 case. Exempted (either entirely or for a specific period of time)
5 from the Court's continuing jurisdiction was the re-determination
6 of Safe Yield and modifications of assessment formulas in the
7 appropriate pool for a period of ten years.

8 2. Watermaster Organization and Powers. The public
9 interests in the preservation of the water resource was protected
10 and assured in the sense that the Court's Watermaster is an over-
11 lying district, which holds no rights to produce ground water but
12 is the importing agency bringing supplemental water into the basin.
13 At the same time, the Watermaster Advisory Committee was created
14 and given broad powers to review, advise and consent to the actions
15 of the Watermaster, subject to more detailed actions by pool com-
16 mittees formed to advise, consent and administer the affairs of the
17 several pools established under the Physical Solution. In these
18 many provisions, there is a balance created to assure the protection
19 of the private rights of the parties and the general public interest
20 in the preservation of the resource.

21 C. Physical Solution. The Physical Solution is the heart of
22 the Judgment. It is essential to understanding of the Physical
23 Solution that it be recognized that there is sufficient water to
24 meet the needs of all of the parties. This is because there are
25 significant imported water supplies available to supplement the
26 native Safe Yield of the basin. However, the supplemental waters
27 are significantly more expensive than local ground waters. Accord-
28 ingly, the function of the Judgment, and of its Physical Solution,

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1 is to provide an equitable and feasible method of assuring that a
2 parties share in the burden of the costs of importing the necessa
3 supplemental water to achieve a hydrologic balance within Chino
4 Basin.

5 The Physical Solution provides the mechanics by which the
6 management plan is implemented. The basic concept of the Physical
7 Solution is similar to that adopted in the prior ground water
8 adjudications in Southern California, i.e., the parties are entitl
9 to produce their requirements for ground water from the basin,
10 provided that they contribute, by Watermaster assessments, suffici
11 money to assure purchase of supplemental water to replace any
12 aggregate production in excess of the Safe Yield. It is in the
13 detailed formulation of that Physical Solution that some of the
14 most interesting features of the Judgment were developed.

15 1. Multiple Pool Plans. All of the parties have been
16 categorized into three major pools. The total Safe Yield of the
17 basin has been allocated as between the three pools with each pool
18 assuming a level of reduction in aggregate rights below current
19 levels of production. Within each pool, by utilizing this format,
20 the Judgment grouped parties with distinct economic and social
21 concerns in a manner allowing them to provide the necessary funding
22 within their particular needs and requirements. For example, it is
23 of importance to agricultural operations that the total cost of
24 water be kept to a minimum. It is also important to the entire
25 area that the Physical Solution be structured so as to encourage
26 continued commitment of land to agricultural or "green belt" activi
27 Accordingly, approximately 60% of the Safe Yield of the basin is
28 committed, in gross, to the Overlying (Agricultural) Pool. Over

1 production by that pool, in the aggregate, is to be replaced by a
2 gross assessment on all production by all parties within the pool
3 The net effect of the use of this assessment technique, under cur-
4 rent conditions, is an assessment in the magnitude of \$5.00 per
5 acre foot for replenishment water.

6 On the other hand, overlying industrial and commercial
7 users do not find the cost of water to be as critical a factor.
8 Accordingly, the more traditional "net assessment" formula was
9 used with rights being allocated among the twelve members of the
10 Overlying (Non-Agricultural) Pool. In this assessment mode, over-
11 production is replenished on the basis of an assessment for the
12 full cost of excess water produced on an acre foot per acre foot
13 basis.

14 In the case of the Appropriators, the Judgment developed
15 formula whereby the total over-production by that pool is met by
16 a gross assessment as to 15% of the cost and a net assessment as t
17 the remaining 85% of the cost.

18 The Judgment then leaves the assessment pattern within
19 each pool under the continuing jurisdiction provisions subject to
20 review and modification by the Court. Thus, each category of
21 producers retains the maximum flexibility to meet future and
22 developing circumstances. In this regard, the Judgment specifically
23 recognizes the impact of social-economic conditions and provides
24 for continuing study of those factors.

25 2. Operating Safe Yield. The concept of operating Safe
26 Yield was applied with regard to the Appropriative Pool. The net
27 effect of the concept was to allow limited mining of water in
28 storage in excess of Safe Yield during the early period of the

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1 Physical Solution in order to reduce the burden of assessment. As
2 a result, provision was made for limited extractions by the Approp-
3 priative Pool in excess of that pool's share of the Safe Yield.
4 Offsetting that right is the fact that the Appropriative Pool take
5 the full burden of reductions in the Safe Yield if such reductions
6 should occur in the future. A maximum limit of 200,000 acre feet
7 has been placed upon the aggregate mining of water authorized under
8 this provision of the Judgment.

9 3. Ground Water Storage Contracts. The utilization of
10 excess ground water storage capacity has been recognized in the
11 Judgment. The administration of activities of storing water to
12 utilize that capacity are provided for in underground storage
13 agreements pursuant to Watermaster regulations. This is an enormo
14 significant aspect of the adjudication, in view of the existence of
15 approximately 2,000,000 acre feet of unused storage capacity withi
16 the basin, the largest resource of its kind in Southern California.

17 4. In Lieu Areas. The element of water quality, hereto-
18 fore only peripherally approached in ground water adjudication, was
19 accommodated in the Judgment by provision for "in lieu areas."
20 Therein producers may obtain compensation for water left in the
21 ground in lieu of its production pursuant to adjudicated rights.
22 Provision is made within the Judgment for "in lieu areas" to be
23 established by action of the Court.

24 5. Facilities Equity Assessment. In the Appropriative
25 Pool, provision has been made for implementation of a "facilities
26 equity assessment" as an aid to a gross assessment if that was
27 ultimately adopted by the pool. These provisions are generally
28 patterned on the statutory solution involved in the Basin Equity

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1 Assessment provisions of the Orange County Water District Act.

2 6. Agency Contracts for Exercise of Overlying (Non-
3 Agricultural) Rights. The overlying rights of the Non-Agricultura
4 Pool may be well exercised ultimately by municipal systems of
5 parties within the Appropriative Pool. Inasmuch as the overlying
6 right by its nature is appurtenant to the land and cannot be trans-
7 ferred, provision is made for an appropriator to enter into and
8 approve an agency agreement to produce water for delivery to the
9 overlying land pursuant to its overlying right.

10 7. Unallocated Safe Yield Water. It is contemplated tha
11 over a long period of years, agricultural production may well fall
12 substantially below the aggregate amount of the Safe Yield right
13 allocated to the pool. That Safe Yield right will remain availabl
14 for agricultural use, but in a given year or a series of years
15 there may be a substantial amount of Safe Yield water which is not
16 pumped by Overlying Agricultural Pool parties. The Judgment adopt
17 a formula for allocating that unpumped water among the members of t
18 Appropriative Pool by first, replacing any reductions in Safe Yiel
19 (the full impact of which falls on the Appropriative Pool), and
20 then to recognize the conversion of agricultural land to municipal
21 and domestic purposes.

22 8. Use of Reclaimed Water. Reclaimed water is recognized
23 as part of supplemental water subject to use for replenishment by
24 Watermaster or for storage by any party.

25 9. Export. The Judgment did not limit or prohibit export
26 of ground water production, but such export over base export
27 quantities was made subject to a full net assessment. That is, a
28 party producing "new" water for export must pay an assessment

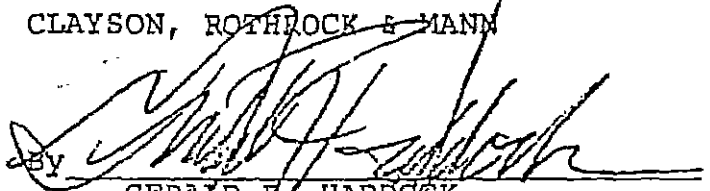
1 sufficient to buy or replenishment water to replace exported wa
2 acre foot for acre foot.

3 10. Unlawful Pumping Practices. The Judgment does not
4 preclude the prosecution of any cause of action which may arise
5 with relation to the location on the extent of pumping between
6 neighboring well owners which may constitute a wrongful interfer
7 The subject matter of the Judgment is the determination and allo
8 cation of rights in the gross quantity of water representing the
9 Safe Yield of the ground water basin.

10 DATED: July 11, 1978.

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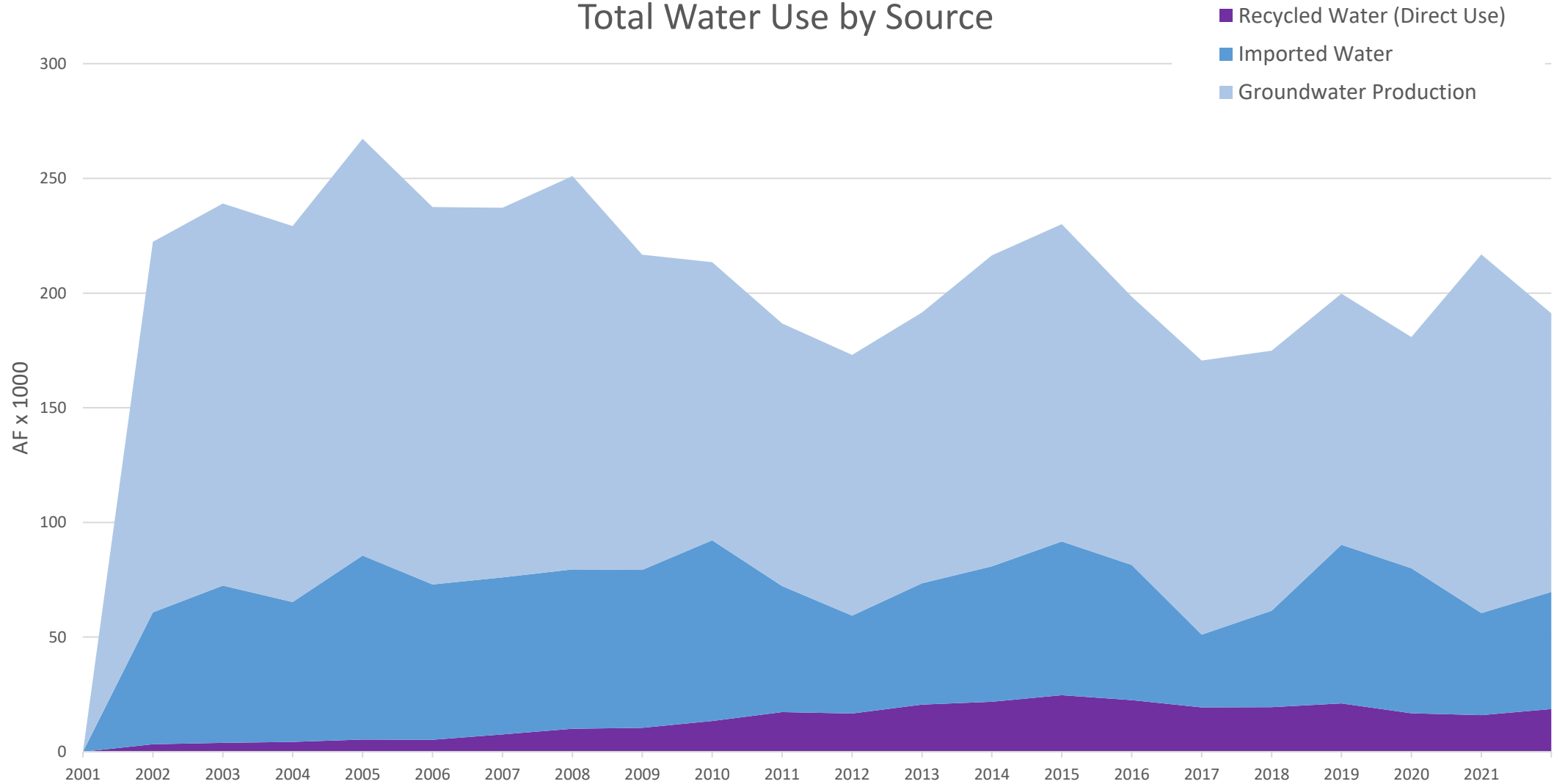
13 CLAYSON, ROTHROCK & MANN

14 
15 By _____
16 GERALD K. HADDOCK
17 Attorneys for Plaintiff

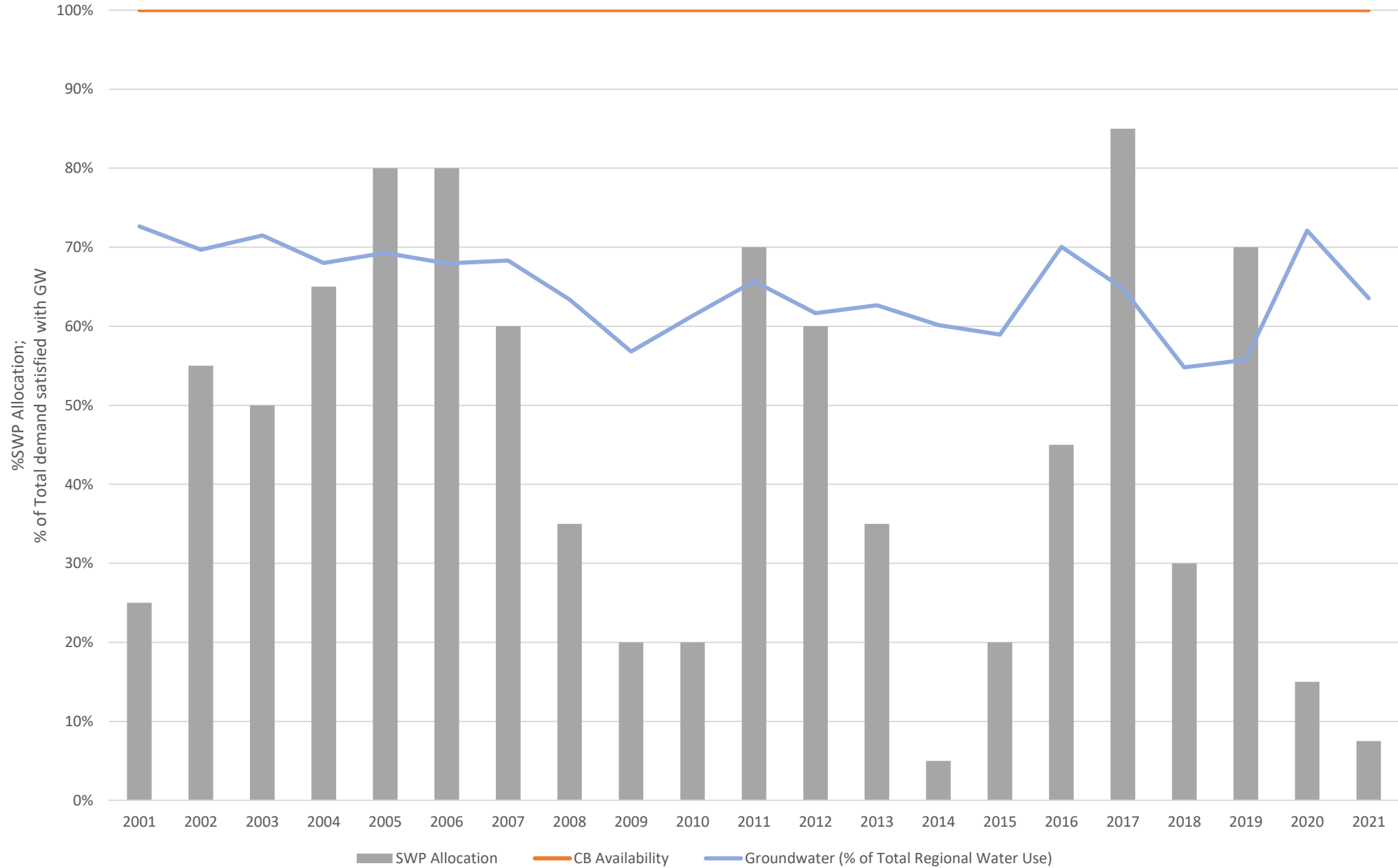
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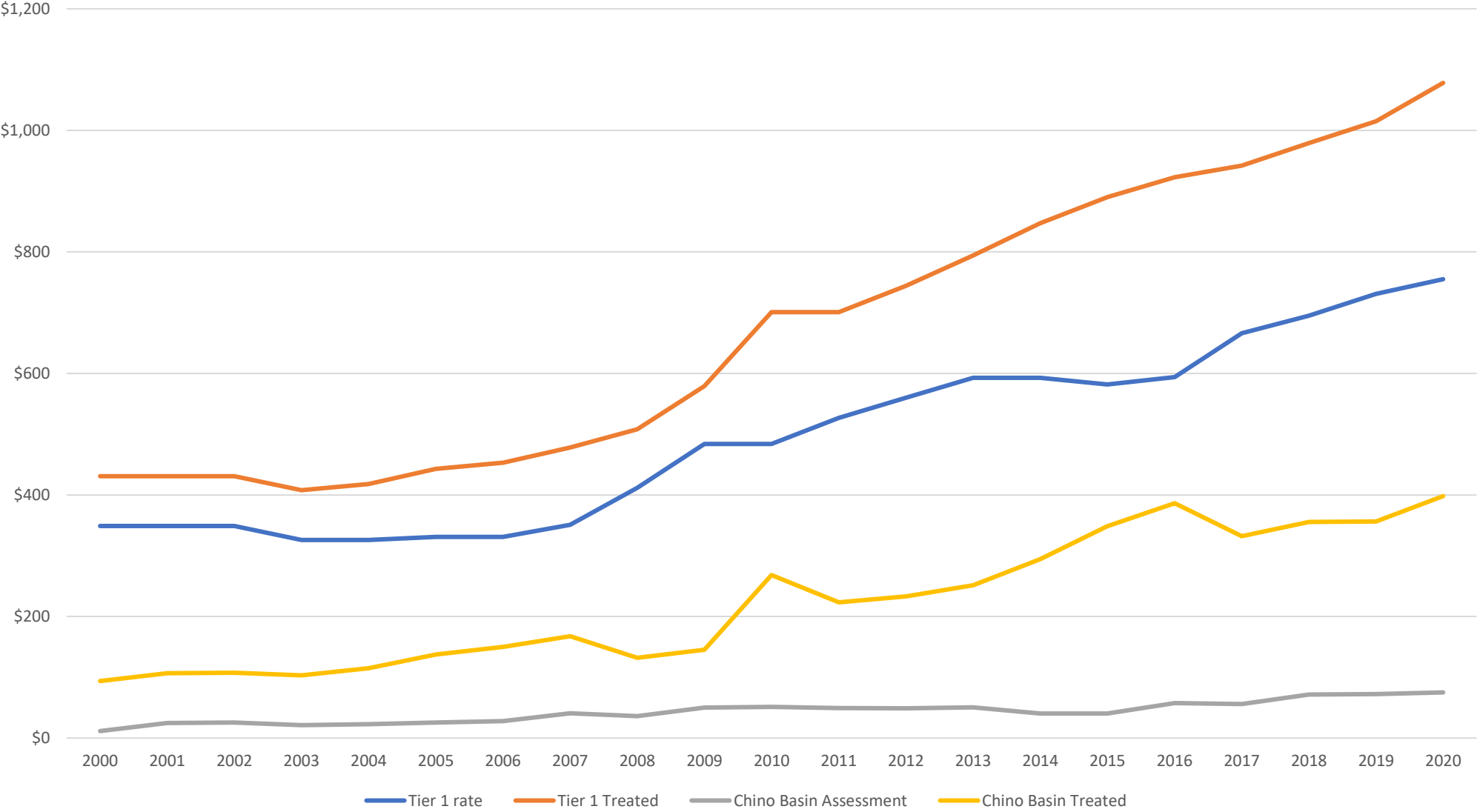
Total Water Use by Source



SWP Allocations vs GW Reliability



MWD vs CB Water



BLOG POST · MARCH 22, 2022

What Every Californian Should Know About Groundwater

Sarah Bardeen



In honor of [World Water Day](#)—its theme is “Groundwater—making the invisible visible”—we asked a handful of PPIC Water Policy Center senior staff to discuss groundwater and drought in California.

What should every Californian know about groundwater?

Jeff Mount: Groundwater is our drought reserve, but we tend to treat it like a regular part of our water supply. It's usually 30% of our water supply, but during drought it's more than 60%. The problem is that we don't reserve enough for droughts and use too much during wetter periods.

Andrew Ayres: For a long time we treated groundwater like a property right, but it was a pretty lousy property right. A property right not only entitles you to access it but also excludes others from accessing it. That's not what groundwater rights do in California. That is the source of many, if not all, of our groundwater problems.

JM: Now we've got the Sustainable Groundwater Management Act (SGMA), which requires that you use that property right in a sustainable way. This is certainly the most important change to the water code in a generation, if not the last hundred years.

Alvar Escriva-Bou: Yes, and it comes a hundred years after the state's water code—which focused on surface water—was adopted. That code didn't address groundwater—precisely because it was invisible! We've mismanaged groundwater for a hundred years. There's a misperception that climate change is responsible for California's water challenges, but while warming is making things worse, California's groundwater problem started well before the climate began changing.

JM: The mismanagement started with the invention of more powerful groundwater pumps. We used to live on the water we had, which is why you had so much dryland farming in the San Joaquin Valley. Once we got new pumps, everything changed. From the 1920s on, we've managed groundwater unsustainably.

AEB: A California [Department of Public Works document from 1927](#) shows that hundreds of thousands of acres were relying on unsustainable groundwater back then.

Ellen Hanak: That's why we built the Central Valley Project, and then the State Water Project. Land was sinking! The San Joaquin Valley was a good place to farm if you could get water there, but the groundwater pumping got really unsustainable, really quickly.

Caity Peterson: I keep thinking about the World Water Day frame of “making the invisible visible.” One of the underlying reasons why groundwater's been managed poorly over the past hundred years is because we can't see it. One challenge is setting appropriate baselines for groundwater to know where our sustainable yields are. That's hasn't really been done very well in the past, except in basins that were adjudicated after everyone started suing each other. Measuring groundwater is a way of making it more visible.

AEB: Caity makes a great point. California has [vast groundwater basins that](#) can hold 20 times more water than our surface reservoirs, but most of this shouldn't be tapped. We've taken out a lot more water than we've replaced.

EH: That's how we've gotten to overdraft. There are places in the world that don't have our groundwater reserves, so you run out of steam pretty quickly. Whereas in California, if you sink a well a little deeper, in most places you can find more water. That's both a blessing and curse.

What do you wish for the future of California's groundwater?

CP: I wish that, rather than viewing our efforts to attain sustainable groundwater as a burden, water users would view this as a time to reevaluate how we manage water and look towards more creative and functional solutions going forward. Can we bite the bullet and do it now, or will we wait until later, when it'll really hurt?

AA: We need to account for water in the ground, monitor it, and understand what's there. But we also need to make the currently invisible costs of withdrawing groundwater visible. That means pricing it, creating groundwater markets, and having institutional mechanisms that signal when we're using too much.

JM: I wish we had the wet years of 1995-99 again. We need a breather. This has been such a brutal 22 years—climate change is hitting us so hard that it's making it very difficult to bring groundwater basins into balance.

EH: But maybe there's a silver lining here. Scarcity is going to push folks to put in place the formal mechanisms that make groundwater visible. It would have been impossible for local agencies to do that if we were in a really wet period. If they get groundwater allocation, monitoring, and pricing systems in place, and *then* we get some good wet years, so much the better. Those same tools will help agencies implement more effective groundwater recharge projects, too.

AEB: Eight years ago there was virtually no regulation of groundwater in California. Now we're in this big, bad drought, and a lot of folks are complaining that we've passed SGMA and nothing's been done. Actually, this is not correct. In just seven years, we've been able to put together groundwater sustainability agencies and develop and begin to implement groundwater plans. A few of these agencies even had groundwater pumping restrictions in 2021, and that's a big step.

TOPICS

- climate change
- Drought
- Floods
- Freshwater Ecosystems
- groundwater
- Safe Drinking Water
- San Joaquin Valley
- SGMA
- Water Supply
- Water, Land & Air

CONVERSATION

Four decades of sustainable groundwater management

An interview with Peter Kavounas, General Manager, Chino Basin Watermaster



Peter Kavounas

Peter Kavounas is the General Manager of Chino Basin Watermaster, the nine-person entity created in 1978 by a state Superior Court adjudication judgment. The Watermaster is charged by the Court to sustainably manage groundwater in the 235-square-mile Chino Basin in San Bernardino, Riverside and Los Angeles counties.

Under the oversight of a board that represents the basin's groundwater users, Watermaster monitors groundwater extraction so that it does not exceed the basin's safe yield. In some ways, the roles and responsibilities of the Watermaster are similar to those of the groundwater sustainability agencies (GSAs) formed recently around the state under the Sustainable Groundwater Management Act.

California Agriculture spoke with Kavounas about the challenges that the Chino Basin Watermaster has faced and potential lessons that the agency's experience may offer for GSAs around the state as they prepare and implement groundwater sustainability plans (GSPs).

What have been the key elements to making sustainable groundwater management work in the Chino Basin?

I would say that the most important element has been willingness and commitment to cooperate on the part of the stakeholders, starting with the 1978 judgment, which was a stipulation, an agreement by all, that was ordered by the Court. The basin experienced overdraft, and everybody recognized that some kind of allocation of water rights made more sense.

The second element is continuously getting everybody to the point of awareness and agreement about the issues — that takes political leadership. It is essential for long-term success that the stakeholders stay engaged. You have to have management and oversight systems that adapt and evolve over time.

One of the most interesting things about the Chino Basin judgment was that it looked at what was likely to happen in the future, which was that agricultural use was likely to decrease and urban development was likely to expand, and provided for an orderly transfer of unused rights from agriculture to appropriators. So, it needs to be more than “let's just manage for what's happening to today.” We have to ask whether and how cities and agriculture are likely to change, and plan for that.

How has the management of the basin changed over the years to respond to changing conditions?

The first step was to determine the safe yield in 1978 and adjust as the land use has changed. Also, the judgment ordered Watermaster to create an optimum basin management plan that drives data collection, better understanding of hydrology and water budget, development of water supply plans, storage management, and subsidence management. This plan was adopted in the year 2000 and has been actively implemented since.

In round numbers, the safe yield was originally set at 140,000 acre-feet per year; the overlying land owners' (agricultural and nonagricultural users) share is 90,000, and the appropriators' share is 50,000. Since then, because the basin has been so closely monitored and studied, our understanding has improved, particularly with respect to surface water-groundwater interactions. So, we are in the process of adopting a new safe yield of 135,000 acre-feet per year. That will mean that the appropriators' share drops from 50,000 to 45,000 acre-feet per year.

One of the reasons the safe yield has dropped is that, in the Chino Basin, land use has completely reversed. In 1978, more than 70% of the land overlying the groundwater basin was actively farmed. Now more than 70% of it is developed. Land has been paved over, stream channels have been lined with concrete — so we have less recharge from percolation. Because we have the advantage of decades of extensive data collection and very robust computer simulations, we can model how various scenarios of future land-use changes would affect recharge rates and the safe yield.

However, communicating this reduction in the safe yield has been hard — why it is happening, what methods we used to determine what the new safe yield should be. Our lesson learned is that it can be hard to communicate about groundwater models and other technical tools. We have decided that we are going to re-evaluate the safe yield every 10 years — and to address the issue of communication, we have already made clear to the basin water users exactly which methods are going to be used.

How are conflicts among water users resolved in the Chino Basin?

Traditionally, conflicts among users are resolved through discussion and negotiation, and on occasion

litigation. In case there is a difference of opinion among users or with Watermaster about the judgment, the user can be in front of the judge within 30 days. There's a very appealing cleanliness to that. The Court is not affected by politics, and the procedures that have to be followed are clear.

What are the most important lessons you've learned about governing a groundwater management agency?

When I've been invited to speak on panels about SGMA implementation, the point I've made is that GSAs will be called on to produce GSPs, and many GSAs will hire staff to do that, as well as technical and legal consultants. Two points about that:

It's really critical for the governing members of the agency (the board members, the people empowered to make decisions) to be actively engaged in the issues and decisions. It shouldn't be treated as just another committee assignment. Also, the issues — technical, legal and political — are so complex that it can take a year or two for a new board member to get up to speed. So the people appointed to GSA boards should be given some stability — for instance, 5-year terms that are renewable.

Second, is the relationship between the GSA board and GSA management and staff. Inevitably, the staff are going to have to come back and say to the board members, "you can't pump as much as you used to." The staff can't be worried about the politics of that — simply giving the GSA unwelcome news should not be an offense. Groundwater management is a complicated problem — it has money, politics, all the dimensions. So it just has to be approached from a higher perspective.

What are some innovative engineering solutions the Watermaster has implemented?

Chino Basin has had one engineer for 30 years. His understanding of the basin has become almost supernatural, and he's been able to come up with great solutions — for instance for salinity management.

Our basin is a tilted, flow-through basin. The basin naturally empties into its southwest corner, where it connects with the Santa Ana River. We have a lot of high-salinity groundwater in that part of the basin, and as that infiltrated in the river it was increasing the salinity for downstream users of Santa Ana River water — like the Orange County Water District.

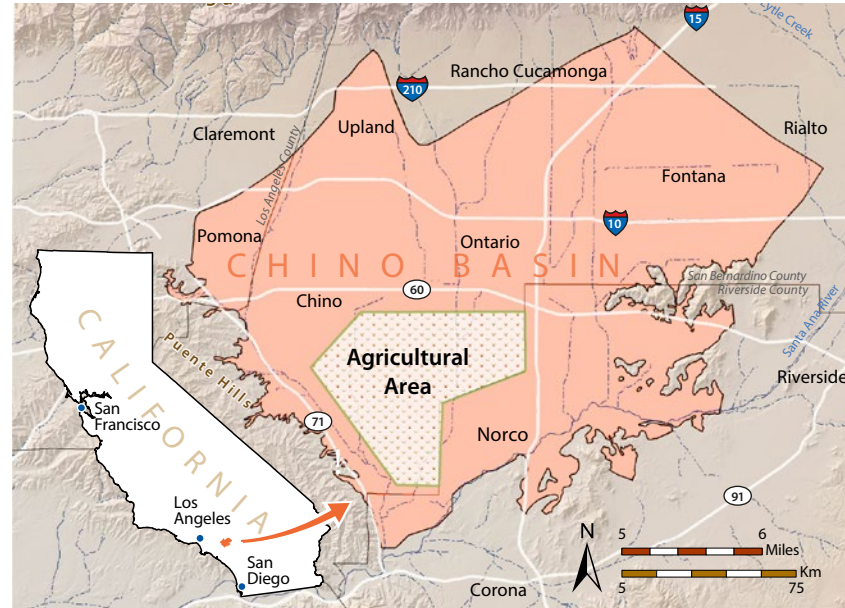
We have implemented a groundwater desalination system in that portion of the basin. Two treatment plants — capacity of 40,000 acre-feet per year — remove the salts, and the water goes into the municipal supply systems of water providers in our basin.

The [Santa Ana] Regional Water Quality Control Board was so satisfied with that as an overall salinity control plan that it allowed using recycled water upstream for direct use in farming or groundwater recharge. Flows in the Santa Ana River have remained above the levels required in the adjudication of that river (an adjudication separate from the Chino Basin adjudication). And Orange County is grateful for the reduced salinity.

Any closing thoughts?

In the Chino Basin, we have a plan that we call the Optimum Basin Management Program. It really corresponds to a GSP — and, having seen it work, I'm a believer in SGMA. It will help the state advance to

better groundwater management. Having said that, the ultimate goal is having the state look at water — surface water as well as groundwater — as a singular resource. There's a disconnect now. The existing projects — the State Water Project and the Central Valley Project — are magnificent surface water projects. In the future, their operation will have to be very much integrated with sustainable groundwater management. We'll have to shift from sustainable groundwater management in every basin to sustainable water management statewide. [CA](#)



The Chino Basin

One of the largest groundwater basins in Southern California, the Chino Basin has a total storage capacity of roughly 6 million acre-feet. It currently holds about 5 million acre-feet of water. A substantial fraction of the basin's land area has shifted from agricultural to urban uses in recent decades, and the population continues to grow rapidly.

In the 1960s and '70s, the basin was being overpumped by more than 50,000 acre-feet per year, and water levels were dropping rapidly, as much as 7 feet per year in some areas. This chronic overdraft, combined with disagreements about groundwater allocation, led to adjudication hearings in San Bernardino Superior Court. The adjudication judgment issued in January 1978 established a safe yield of 140,000 acre-feet per year, allocated among overlying agricultural users (82,800 acre-feet per year); overlying nonagricultural users, mainly industry (7,366 acre-feet per year); and appropriative users, mainly municipal water suppliers (49,834 acre-feet per year).

Today, multiple approaches are used in the basin to increase the amount of water available without exceeding the safe yield — including extensive groundwater recharge, water recycling (an increasingly important source of water for aquifer recharge), and desalination of groundwater (see article).

Watermaster and Advisory Committee Respective Roles

	I. Watermaster Board Duties and Powers	II. Watermaster Board Discretionary Function	III. Upon Advisory Committee Recommendation or Advice, or Pool Committee Requirement	IV. Other Watermaster Functions
Type of Actions	<p>Administer, Enforce & Implement the Judgment and Physical Solution.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Control and regulate storage • Establish procedures and administer withdrawal and supplemental water replenishment <p>Steward the Basin's resources</p>	<p>Develop an Optimum Basin Management Program</p>	<p>Recommendation or advice on items like:</p> <ul style="list-style-type: none"> • Adoption of rules and regulations; • Acting jointly with other agencies of the United States or the State of California • Adoption of administrative budget • Levy and collect annual assessments <p>Required actions like:</p> <ul style="list-style-type: none"> • Allocation of special project expenses 	<p>Normal Course of Business</p> <p>Examples:</p> <ul style="list-style-type: none"> • Acquire facilities and equipment • Employ or retain staff and consultants <p>Administering the Pools</p> <ul style="list-style-type: none"> • Levy and collect annual assessments <p>Administering the Physical Solution</p> <p>Example:</p> <ul style="list-style-type: none"> • Accomplish replenishment of overproduction
Pools and Advisory Committee Role	Advice and assistance	Advice and assistance	Recommendation or Advice; approval required; OR Required Action; approval required	Advice
Watermaster Board Role	Approval; must notify the Advisory Committee	Approval; must notify the Advisory Committee	Watermaster must act consistently with an AC recommendation that has been approved by 80 or more votes, but has the right to bring the issue before the Court. In case an AC recommendation does not have the 80 vote mandate, Watermaster may take a different action after a public hearing followed by written findings and a decision.	Approval; must notify the Advisory Committee

The above table is a brief summary; the full text can be found in Part III of Special Referee Report and Recommendation entitled "Watermaster Roles and Review of Watermaster Actions" found on pages 10 through 22. This was adopted and incorporated by the Court in its February 19, 1998 Order establishing the 9-member Watermaster Board

Watermaster Board Purpose and Role

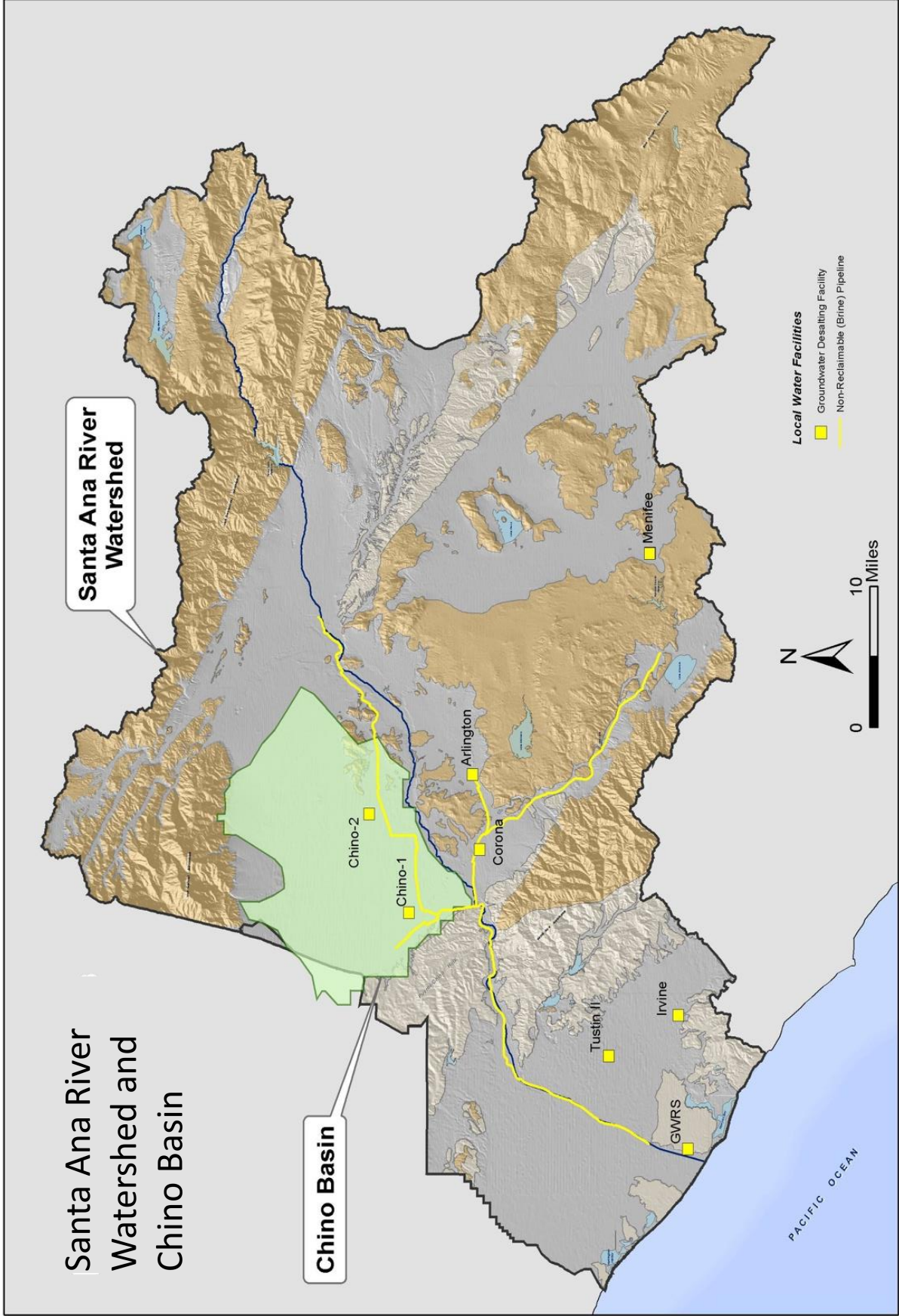


BOARD MEMBER WORKBOOK
APRIL 26, 2022

Santa Ana River Watershed and Chino Basin

Chino Basin

Santa Ana River Watershed



Local Water Facilities
Groundwater Desalting Facility
Non-Reclaimable (Brine) Pipeline

0 10 Miles

PACIFIC OCEAN



Chino Basin Watermaster Watermaster Board Purpose and Role Workshop

ADJUDICATION CONTEXT

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

JUDGMENT

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

WATERMASTER ROLE

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

EVOLUTION OF CHINO BASIN MANAGEMENT

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



Chino Basin Watermaster Watermaster Board Purpose and Role Workshop

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.

The Commitments are shown on Page 4.

The key Court Orders and other regulatory commitments are shown on Page 5.

BOARD DECISIONS

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

How does the Watermaster Board get information on which to base it's 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

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.

See page 6.

BOARD DECISIONS

Who participates in Watermaster Board Confidential Sessions?

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

BOARD DECISIONS

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.



Chino Basin Watermaster Watermaster Board Purpose and Role Workshop

FUNCTIONING OF WATERMASTER BOARD

What is your expectation of Watermaster Board Officers and other committees?

CHINO BASIN MANAGEMENT

What, in your words, does Chino Basin management success look like?



Chino Basin Watermaster Watermaster Board Purpose and Role Workshop

WATERMASTER BOARD OBLIGATIONS

Commitments	How Often	Court	SWRCB	DWR	RWQCB	DFW	Board
Annual Watermaster Report	annual	o					
Hearing Officer Panel Appointment	annual	o					
Plume Status Reports	semi annual						o
Ground Level Status Reports	semi annual						o
GLMC Annual Report	annual	o					
OBMP Implementation Status Reports	semi annual	o					
SGMA Annual Report	annual		o				
Max Benefit Annual Report	annual				o		
CASGEM Update	semi annual			o			
PBHSC Annual Report	annual						o
Water Right Permits filing (SWRCB)	annual		o				
Permit 021225 filing (DFW)	annual		o			o	
Finding of Substantial Compliance	annual	o					
Ambient Water Quality Report	triennial				o		
Safe Yield Recalculation	decennial	o					
State of the Basin Report	biennial	o					
Recharge Master Plan Update	quinquennial	o					
Watermaster Reappointment	quinquennial	o					



Chino Basin Watermaster
Watermaster Board Purpose and Role Workshop

MOST RELEVANT COURT ORDERS (TOP 6)

1. 1978 Judgment Adjudication
2. 1998 Court Order (Appointment of the Nine-Member Board and development of the OBMP)
3. 2000 Court Order (Adoption of the OBMP)
4. 2007 Court Order (Approval of Peace II Agreement and Expansion of the CDA)
5. 2017 Court Order (Safe Yield Recalculation Methodology and SY reset to 135k AF/year)
6. 2020 Court Order (Safe Yield reset to 131k AF/AF)

OTHER REGULATORY REQUIREMENTS (see page 4)

1. Regional Board: Ambient Water Quality, Max Benefit Reporting, etc.
2. Department of Water Resources: CASGEM, SGMA Reporting
3. State Board: Diversion Permit Reporting
4. California Department of Fish and Wildlife: Annual Streamflow Report
5. CEQA: Prado Basin Habitat Sustainability Report



Chino Basin Watermaster
Watermaster Board Purpose and Role Workshop

DON STARK POST-TRIAL MEMO

ORIGINAL FILED

JUL 12 1978
V. DENNIS WARDLE
COUNTY CLERK

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SAN BERNARDINO

11

12 CHINO BASIN MUNICIPAL WATER)
DISTRICT,)

13)
Plaintiff,)

14)
v.)

15)
CITY OF CHINO, et al.)

16)
Defendants.)

17

No. 164327

PLAINTIFF'S POST TRIAL
MEMORANDUM

18

19 Pursuant to order of the Court issued January 27, 1978,
20 Judgment was entered in this action whereby the Court retained
21 continuing jurisdiction of the matter.

22 To assist the Court in such continuing jurisdiction the
23 plaintiff, Chino Basin Municipal Water District, hereby submits
24 this Post Trial Memorandum setting forth the statement of the
25 nature of the action, and the principle characteristics of the
26 Judgment.

27

28

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I.

NATURE OF ACTION

This action is a plenary adjudication of all rights in and to the ground waters of Chino Basin and its storage capacity. The case is predicated on the fact that the basin is, and since at least 1953 has been, in a condition of overdraft.

The Judgment adjudicated the rights of several hundred overlying landowners, producing in the aggregate over sixty percent of the basin supply for agricultural use, as well as several substantial industrial and commercial producers of water for use on their overlying lands, cities, public water districts, utilities, and mutual water companies all of whom produce water from the basin.

Each of the defendants named in the Judgment is a water producer or other water claimant or public water district within the Chino Basin. Each such defendant has been identified as a member of one of the following three groups:

a. Overlying (Agricultural) Producers -- A party entitled to possession of lands overlying Chino Basin producing water from such basin for overlying agricultural use on said lands.

b. Overlying (Non-Agricultural) Producers -- A party entitled to possession of lands overlying Chino Basin producing water from such basin for overlying use on said lands for other than agricultural purposes.

c. Appropriator -- A party producing water from Chino Basin pursuant to an appropriative or prescriptive right, which right is protected from loss or diminution by prescription by the provisions of Section 1007 of the California Civil Code.

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1 II.

2 HIGHLIGHTS OF THE JUDGMENT

3 A. Declaration of Rights.

4 1. Overlying Agricultural Rights. Because of the nature
5 of the Physical Solution and the method of assessment proposed for
6 the exercise of overlying agricultural rights, it was not necessary
7 to declare individual overlying rights. This avoided a dual proble
8 First, the total number of parties in the category exceeded 1,200.
9 Second, the available records and measuring devices for precise
10 calculation of individual rights was less than adequate. Thus the
11 rights of all agricultural users have been declared in gross for
12 all necessary purposes of the Judgment.

13 2. State of California. Because of the several diverse
14 and complex interests of the State of California, and in view of
15 the willingness of the State to stipulate to be bound by the
16 Physical Solution of the Judgment, no attempt was made in the
17 Judgment to define or categorize the rights of the State of Cali-
18 fornia. The State and its agencies were subjected by Judgment, to
19 the Physical Solution, and their rights are treated in gross along
20 with the overlying agricultural rights.

21 3. Appropriative Rights. The twenty-two parties in the
22 "Appropriative Pool" have rights which are appropriative and pre-
23 scriptive in nature. Under full adjudication of such rights to
24 ground water each would have had differing priorities and quantitie
25 The complexity of such determination was avoided by resorting to
26 principles of mutual prescription in the Judgment. Thus, all of
27 the parties who are appropriators have been adjudged that their
28 rights have equal priority.

LAW
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1 B. Continuing Jurisdiction of Watermaster Provisions.

2 1. Exemptions from Continuing Jurisdiction. The Court,
3 with limited exceptions, retained continuing jurisdiction of the
4 case. Exempted (either entirely or for a specific period of time)
5 from the Court's continuing jurisdiction was the re-determination
6 of Safe Yield and modifications of assessment formulas in the
7 appropriate pool for a period of ten years.

8 2. Watermaster Organization and Powers. The public
9 interests in the preservation of the water resource was protected
10 and assured in the sense that the Court's Watermaster is an over-
11 lying district, which holds no rights to produce ground water but
12 is the importing agency bringing supplemental water into the basin.
13 At the same time, the Watermaster Advisory Committee was created
14 and given broad powers to review, advise and consent to the action
15 of the Watermaster, subject to more detailed actions by pool com-
16 mittees formed to advise, consent and administer the affairs of the
17 several pools established under the Physical Solution. In these
18 many provisions, there is a balance created to assure the protection
19 of the private rights of the parties and the general public interest
20 in the preservation of the resource.

21 C. Physical Solution. The Physical Solution is the heart of
22 the Judgment. It is essential to understanding of the Physical
23 Solution that it be recognized that there is sufficient water to
24 meet the needs of all of the parties. This is because there are
25 significant imported water supplies available to supplement the
26 native Safe Yield of the basin. However, the supplemental waters
27 are significantly more expensive than local ground waters. Accord-
28 ingly, the function of the Judgment, and of its Physical Solution,

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1 is to provide an equitable and feasible method of assuring that a
2 parties share in the burden of the costs of importing the necessa
3 supplemental water to achieve a hydrologic balance within Chino
4 Basin.

5 The Physical Solution provides the mechanics by which the
6 management plan is implemented. The basic concept of the Physical
7 Solution is similar to that adopted in the prior ground water
8 adjudications in Southern California, i.e., the parties are entitl
9 to produce their requirements for ground water from the basin,
10 provided that they contribute, by Watermaster assessments, suffici
11 money to assure purchase of supplemental water to replace any
12 aggregate production in excess of the Safe Yield. It is in the
13 detailed formulation of that Physical Solution that some of the
14 most interesting features of the Judgment were developed.

15 1. Multiple Pool Plans. All of the parties have been
16 categorized into three major pools. The total Safe Yield of the
17 basin has been allocated as between the three pools with each pool
18 assuming a level of reduction in aggregate rights below current
19 levels of production. Within each pool, by utilizing this format,
20 the Judgment grouped parties with distinct economic and social
21 concerns in a manner allowing them to provide the necessary funding
22 within their particular needs and requirements. For example, it is
23 of importance to agricultural operations that the total cost of
24 water be kept to a minimum. It is also important to the entire
25 area that the Physical Solution be structured so as to encourage
26 continued commitment of land to agricultural or "green belt" activi
27 Accordingly, approximately 60% of the Safe Yield of the basin is
28 committed, in gross, to the Overlying (Agricultural) Pool. Over

1 production by that pool, in the aggregate, is to be replaced by a
2 gross assessment on all production by all parties within the pool
3 The net effect of the use of this assessment technique, under cur-
4 rent conditions, is an assessment in the magnitude of \$5.00 per
5 acre foot for replenishment water.

6 On the other hand, overlying industrial and commercial
7 users do not find the cost of water to be as critical a factor.
8 Accordingly, the more traditional "net assessment" formula was
9 used with rights being allocated among the twelve members of the
10 Overlying (Non-Agricultural) Pool. In this assessment mode, over-
11 production is replenished on the basis of an assessment for the
12 full cost of excess water produced on an acre foot per acre foot
13 basis.

14 In the case of the Appropriators, the Judgment developed
15 formula whereby the total over-production by that pool is met by
16 a gross assessment as to 15% of the cost and a net assessment as t
17 the remaining 85% of the cost.

18 The Judgment then leaves the assessment pattern within
19 each pool under the continuing jurisdiction provisions subject to
20 review and modification by the Court. Thus, each category of
21 producers retains the maximum flexibility to meet future and
22 developing circumstances. In this regard, the Judgment specifically
23 recognizes the impact of social-economic conditions and provides
24 for continuing study of those factors.

25 2. Operating Safe Yield. The concept of operating Safe
26 Yield was applied with regard to the Appropriative Pool. The net
27 effect of the concept was to allow limited mining of water in
28 storage in excess of Safe Yield during the early period of the

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1 Physical Solution in order to reduce the burden of assessment. As
2 a result, provision was made for limited extractions by the Approp-
3 priative Pool in excess of that pool's share of the Safe Yield.
4 Offsetting that right is the fact that the Appropriative Pool take
5 the full burden of reductions in the Safe Yield if such reductions
6 should occur in the future. A maximum limit of 200,000 acre feet
7 has been placed upon the aggregate mining of water authorized under
8 this provision of the Judgment.

9 3. Ground Water Storage Contracts. The utilization of
10 excess ground water storage capacity has been recognized in the
11 Judgment. The administration of activities of storing water to
12 utilize that capacity are provided for in underground storage
13 agreements pursuant to Watermaster regulations. This is an enormo
14 significant aspect of the adjudication, in view of the existence of
15 approximately 2,000,000 acre feet of unused storage capacity withi
16 the basin, the largest resource of its kind in Southern California.

17 4. In Lieu Areas. The element of water quality, hereto-
18 fore only peripherally approached in ground water adjudication, was
19 accommodated in the Judgment by provision for "in lieu areas."
20 Therein producers may obtain compensation for water left in the
21 ground in lieu of its production pursuant to adjudicated rights.
22 Provision is made within the Judgment for "in lieu areas" to be
23 established by action of the Court.

24 5. Facilities Equity Assessment. In the Appropriative
25 Pool, provision has been made for implementation of a "facilities
26 equity assessment" as an aid to a gross assessment if that was
27 ultimately adopted by the pool. These provisions are generally
28 patterned on the statutory solution involved in the Basin Equity

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1 Assessment provisions of the Orange County Water District Act.

2 6. Agency Contracts for Exercise of Overlying (Non-
3 Agricultural) Rights. The overlying rights of the Non-Agricultura
4 Pool may be well exercised ultimately by municipal systems of
5 parties within the Appropriative Pool. Inasmuch as the overlying
6 right by its nature is appurtenant to the land and cannot be trans-
7 ferred, provision is made for an appropriator to enter into and
8 approve an agency agreement to produce water for delivery to the
9 overlying land pursuant to its overlying right.

10 7. Unallocated Safe Yield Water. It is contemplated tha
11 over a long period of years, agricultural production may well fall
12 substantially below the aggregate amount of the Safe Yield right
13 allocated to the pool. That Safe Yield right will remain availabl
14 for agricultural use, but in a given year or a series of years
15 there may be a substantial amount of Safe Yield water which is not
16 pumped by Overlying Agricultural Pool parties. The Judgment adopt
17 a formula for allocating that unpumped water among the members of t
18 Appropriative Pool by first, replacing any reductions in Safe Yiel
19 (the full impact of which falls on the Appropriative Pool), and
20 then to recognize the conversion of agricultural land to municipal
21 and domestic purposes.

22 8. Use of Reclaimed Water. Reclaimed water is recognized
23 as part of supplemental water subject to use for replenishment by
24 Watermaster or for storage by any party.

25 9. Export. The Judgment did not limit or prohibit export
26 of ground water production, but such export over base export
27 quantities was made subject to a full net assessment. That is, a
28 party producing "new" water for export must pay an assessment


1 sufficient to buy or replenishment water to replace exported wa
2 acre foot for acre foot.

3 10. Unlawful Pumping Practices. The Judgment does not
4 preclude the prosecution of any cause of action which may arise
5 with relation to the location on the extent of pumping between
6 neighboring well owners which may constitute a wrongful interfer
7 The subject matter of the Judgment is the determination and allo
8 cation of rights in the gross quantity of water representing the
9 Safe Yield of the ground water basin.

10 DATED: July 11, 1978.

11 DONALD D. STARK
12 A Professional Corporation

13 CLAYSON, ROTHROCK & MANN

14 
15 By _____
16 GERALD K. HADDOCK
17 Attorneys for Plaintiff

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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:

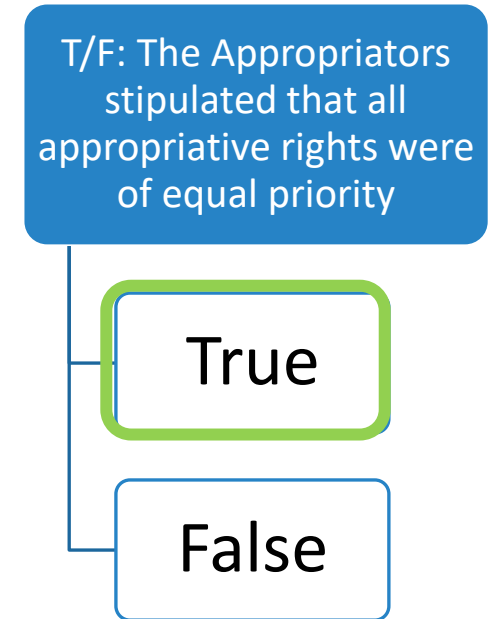
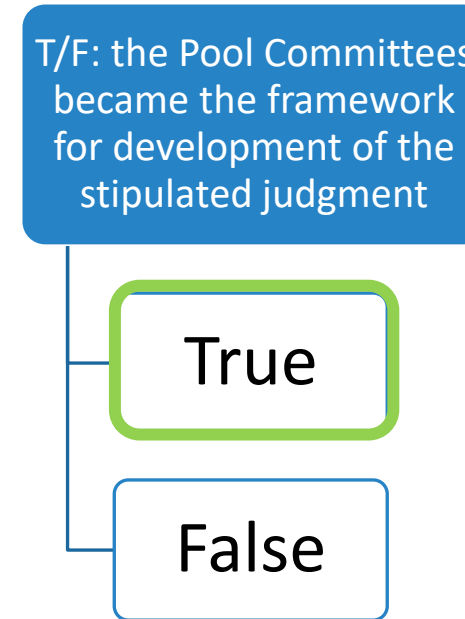
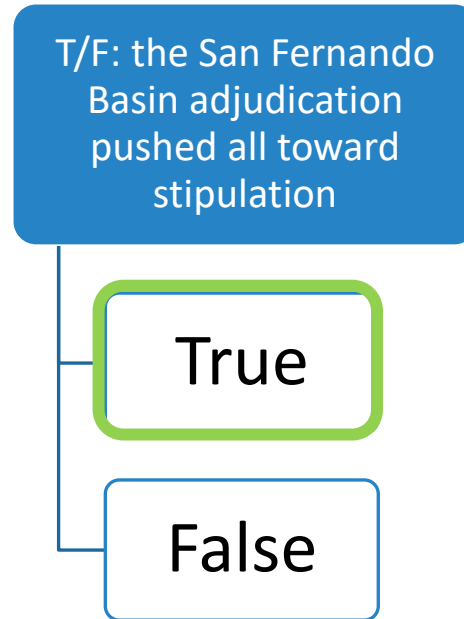
[a] Water rights of overlying landowners were limited by beneficial use and correlative rights of other overlying landowners, and could not be lost by prescription

[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?



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 are the basic provisions of the Chino Basin Judgment?

What were the principles of the adjudication?

[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;



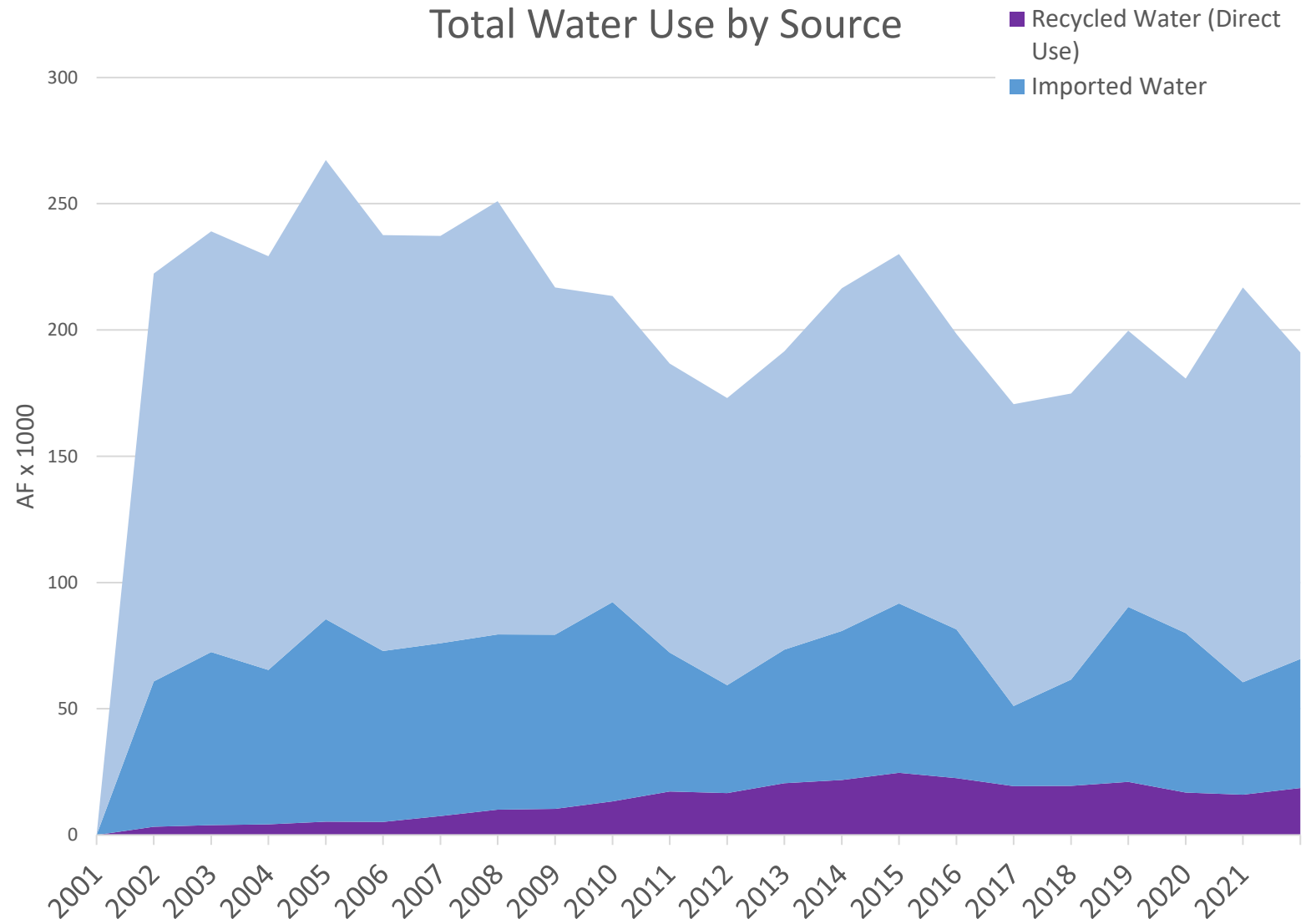
FUNCTIONING OF WATERMASTER BOARD

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

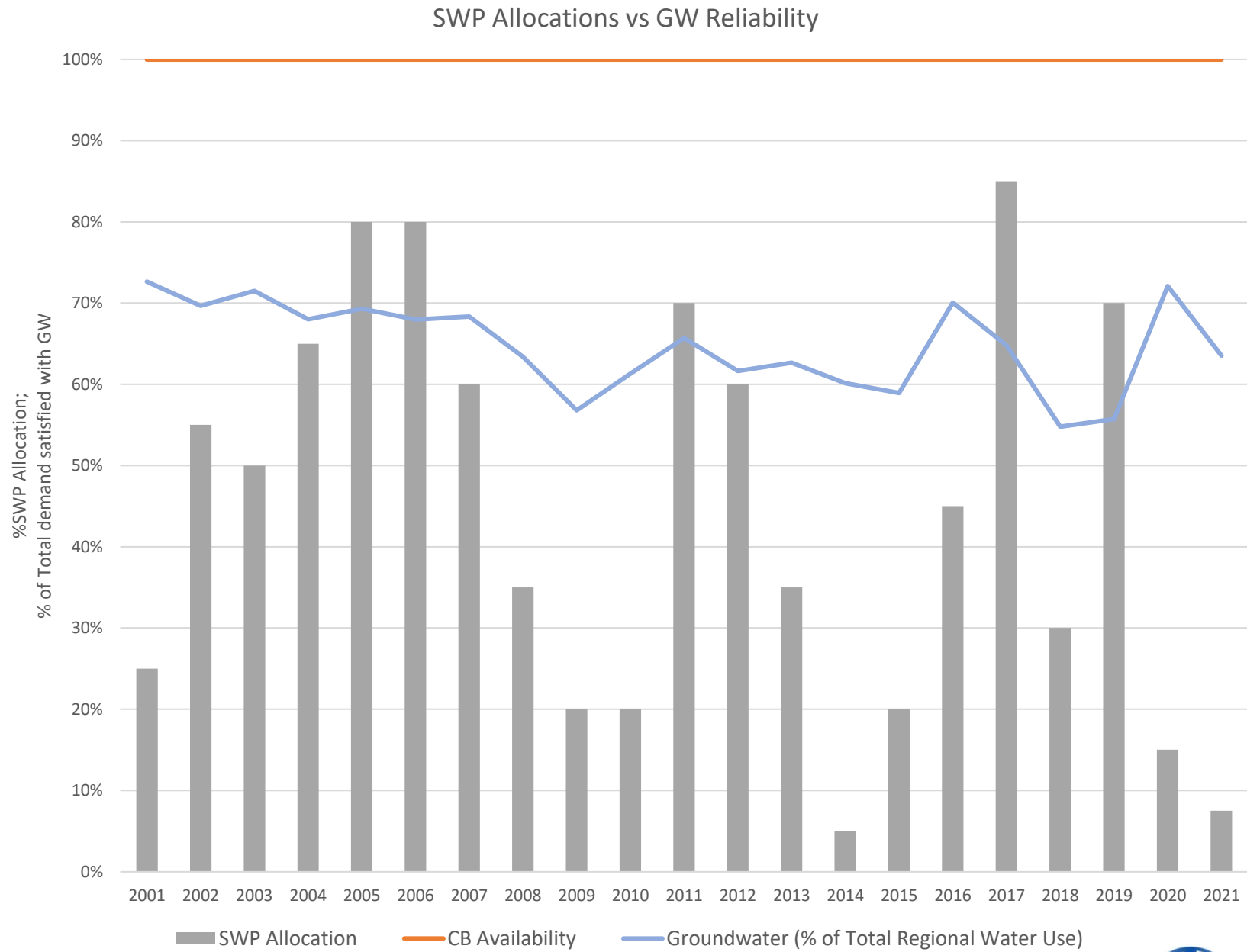


CHINO BASIN MANAGEMENT

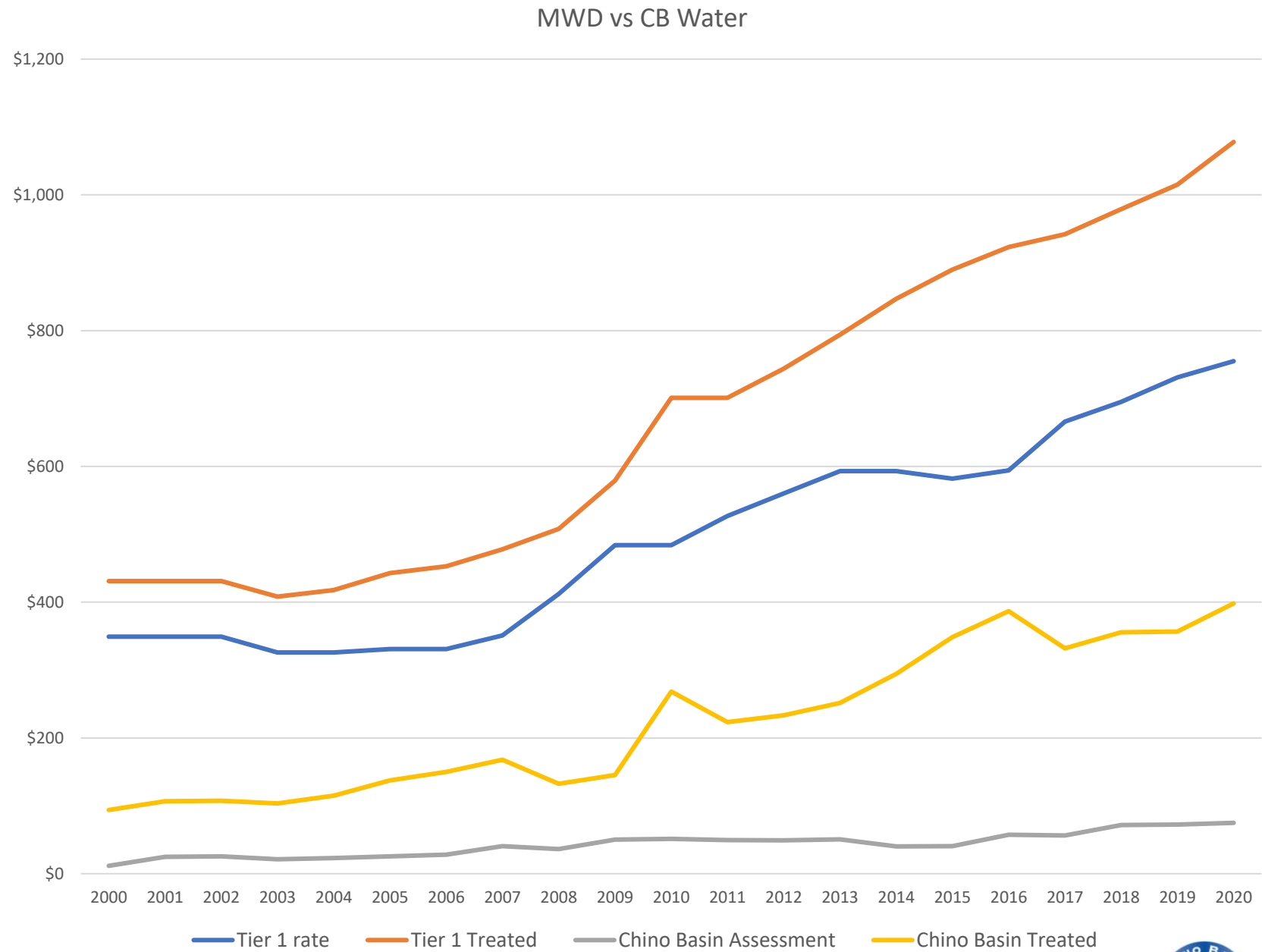
Chino Basin is...
The largest source of
water for the region:



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



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

