

**WATERMASTER RESOLUTION  
NO. 2013-06**

**RESOLUTION OF THE CHINO BASIN WATERMASTER  
REGARDING THE ADOPTION OF THE 2013 AMENDMENT  
TO THE 2010 UPDATE TO THE CHINO BASIN RECHARGE MASTER PLAN**

1. **WHEREAS**, in 2000, the Chino Basin Watermaster adopted a Recharge Master Plan which established the technical foundation for the development of the recharge facilities and practices in the Chino Basin; and
2. **WHEREAS**, in 2001, Watermaster, in cooperation with the Inland Empire Utilities Agency ("IEUA"), initiated the Chino Basin Facilities Improvement Project ("CBFIP") which implemented facilities recommendations in the Recharge Master Plan; and
3. **WHEREAS**, in 2006, Watermaster, in cooperation with IEUA, initiated Phase II of the CBFIP in order to implement additional facilities recommendations in the Recharge Master Plan; and
4. **WHEREAS**, on December 21, 2007, the Court approved the Peace II Measures which set forth a modified approach to management of the Chino Basin known as Basin Re-Operation, the ultimate goal of which is the achievement of Hydraulic Control; and
5. **WHEREAS**, Section 8.1 of the Peace II Agreement, the relevant portions for purposes of this Resolution are attached as Exhibit A hereto, approved by the Court, included the requirement that Watermaster and IEUA must each approve the Recharge Master Plan; and
6. **WHEREAS**, pursuant to Section 8.3 of the Peace II Agreement, Watermaster is obligated to make an annual finding that it is in substantial compliance with the Recharge Master Plan, as it is revised. This requirement exists to ameliorate any long-term risk attributable to reliance upon un-replenished groundwater production by the Desalters, and is a condition on the annual availability of any portion of the 400,000 acre-feet set aside as controlled overdraft; and
7. **WHEREAS**, as a condition of approval of Basin Re-Operation and Hydraulic Control, the Court required Watermaster to update the Recharge Master Plan to account for the new Basin management regime and to account for other changes that had occurred since the creation of the original Recharge Master Plan; and
8. **WHEREAS**, during 2009 through 2010, Watermaster staff and technical consultants, in cooperation with IEUA and the Chino Basin Water Conservation District, developed an updated Recharge Master Plan ("2010 RMPU"); and
9. **WHEREAS**, during the spring of 2010, Watermaster staff and technical consultants held numerous technical workshops and recognized that changing conditions within the Chino Basin including the impacts of the economic recession, drought, mandatory regional conservation, increased recycled water recharge capability and the adoption of new regulatory requirements for stormwater capture significantly modified planning assumptions in the 2010 RMPU; and

10. **WHEREAS**, due to intervening state legislation enacted subsequent to the Court's December 2007 Order, a delay in finalizing the Update was required. The legislation extended the time for completion of 2010 Urban Water Management Plans ("UWMPs") until July of 2011; and
11. **WHEREAS**, IEUA deferred its right to approval of the 2010 RMPU until after the completion of the appropriators' UWMPs, because IEUA believed that the water demand and production assumptions were overly conservative and should be re-evaluated with the completion of the parties UWMPs to avoid unnecessary expense to the parties; and
12. **WHEREAS**, on June 30, 2010, Watermaster submitted its 2010 RMPU to the Court; and
13. **WHEREAS**, on October 8, 2010, the Court issued an *Order Approving Watermaster's Compliance with Condition Subsequent Number Eight and Approving Procedures to be Used to Allocate Surplus Agricultural Pool Water in the Event of a Decline in Safe Yield*, attached hereto as Exhibit B, finding the 2010 RMPU was responsive to its prior Orders. The October 8, 2010 Order ordered Watermaster to convene the committee described in Item 3 of Section 7.1 of the 2010 RMPU to develop the monitoring, reporting, and accounting practices that will be required to estimate local project stormwater recharge and new yield (October 8, 2010 Order, at 4:9-11); and
14. **WHEREAS**, the Court also ordered Watermaster to conduct further analyses, as described in section 7.2 of the 2010 RMPU, of the Phase I through III recharge projects to refine the projects, to develop a financing plan, and to develop an implementation plan. The Court further ordered Watermaster to report to the Court on any changes to the 2010 RMPU Update necessitated by information received through the UWMPs by December 17, 2011, and to report on the status of IEUA's approval of the updated Recharge Master Plan (October 8, 2010 Order, at 4:12-18); and
15. **WHEREAS**, on December 15, 2011, the Watermaster Board directed the completion of the update to the 2010 RMPU and an implementation and funding plan within the following year; and
16. **WHEREAS**, on December 16, 2011, the Court granted a request by Watermaster to extend the time for which Watermaster was required to file a Status Report on further updates to the Recharge Master Plan, and on May 31, 2012, Watermaster filed a Recharge Master Plan Status Report, a copy of which is attached hereto as Exhibit C, informing the Court of the progress made toward amending the 2010 RMPU, as required by Section 8.3 of the Peace II Agreement; and
17. **WHEREAS**, at its November 15, 2012 regular meeting, after reviewing progress made toward completion of the amendment of the 2010 RMPU, the Board unanimously approved a schedule providing for the completion of compliance with Court's October 2010 Order, and its filing with the Court by October 2013; and
18. **WHEREAS**, at its December 20, 2012 regular meeting, the Board reviewed an opinion from Wildermuth Environmental, Inc. ("WEI") regarding the adequacy of replenishment capacity. The Board adopted the findings in the WEI report, a copy of which is attached hereto as Exhibit D, which found that, as there is sufficient recharge capacity to meet future replenishment obligations identified in the 2010 Recharge Master Plan Update and that if Basin Re-Operation were terminated prior to 2030, that Watermaster would be able to increase its replenishment activity in order to maintain hydrologic balance within the Basin, and, accordingly, Watermaster was in substantial compliance with the Recharge Master Plan, as required; and

19. **WHEREAS**, a Recharge Master Plan Update Steering Committee ("Steering Committee") was convened, and, using updated estimates of stakeholders' groundwater production and projections of replenishment obligations, the Steering Committee evaluated changed circumstances (legislative, regulatory, etc.) that were not addressed in the 2010 Recharge Master Plan Update and how these changes affect the Recharge Master Plan; and

20. **WHEREAS**, since mid-2011, the Steering Committee has generally met twice each month, and includes stakeholders, inclusive of IEUA as required by the Peace II Agreement. The evaluation by the Steering Committee has incorporated updated groundwater production estimates and replenishment obligation projections, calculations of water in storage, and information regarding the projected availability of replenishment water; and

21. **WHEREAS**, in finalizing the 2013 Amendment to the 2010 Recharge Master Plan Update, attached hereto as Exhibit E, the Steering Committee identified the possible recharge options available to meet current and projected recharge and replenishment needs. This included the analysis of potential recharge associated with Municipal Separate Storm Sewer Systems ("MS4s"), the identification of areas within the Basin with the potential for production sustainability challenges and other water management challenges that can be addressed by recharge or production management, the identification of options ensuring production sustainability through the term of the Peace Agreements, including increased recharge at existing facilities, new recharge facilities, new recharge sources, adjustment in production patterns, and other options. These potential projects were generally described as projects that could address sustainability challenges within the Basin ("Sustainability Projects") and projects designed to increase stormwater and Supplemental Water recharge to the Basin ("Yield Enhancement Projects"), and went beyond the Phase I through III recharge projects included in the 2010 Recharge Master Plan Update; and

22. **WHEREAS**, the Steering Committee developed criteria by which the Sustainability Projects and Yield Enhancement Projects were analyzed and ranked for potential implementation, and, pursuant to such ranking, certain projects were recommended for implementation. The Yield Enhancement Projects selected by the Steering Committee for recommended implementation through the 2013 Amendment are estimated to increase stormwater recharge to the Basin by up to 6,781 acre-feet per year and recycled water recharge to the Basin by up to 4,936 acre-feet per year; and,

23. **WHEREAS**, the Steering Committee has developed an implementation and financing plan for the implementation of the recommended projects as part of the 2013 Amendment, which the Court will be asked to approve and with which it will be asked to direct Watermaster to proceed in accordance; and

24. **WHEREAS**, the 2013 Amendment includes an analysis of changed conditions in the Basin at section 2, including legislative and regulatory changes and groundwater level changes; section 5 of the 2013 Amendment includes an analysis of monitoring, reporting, and accounting practices to estimate long-term average annual net new stormwater recharge, section 6 of the 2013 Amendment considers recharge options to improve yield and assure sustainability, section 7 contains the evaluation criteria used to meet recharge goals and recommends criteria, and section 8 of the 2013 Amendment includes the recommended 2013 Recharge Master Plan for the Basin, including the implementation and financing plan for the recommended projects; and

25. **WHEREAS**, Section 8.1 of the Peace II Agreement provides that the Recharge Master Plan will be updated no less frequently than once every five years; and

**26. WHEREAS**, the Watermaster Board has received periodic updates as to the progress made by the Steering Committee in the development of the 2013 Amendment to the 2010 Recharge Master Plan Update, and has previously approved the individual sections that compose the Amendment; and

**27. WHEREAS**, in its May 2012 Recharge Master Plan Status Report, Watermaster reported that because IEUA had been an active participant in the Amendment process, Watermaster reasonably anticipated that IEUA would be more readily disposed to approve the Amendment. Since that time, IEUA has continued to participate in the development of the Amendment and it is reasonably expected that the IEUA Board of Directors will approve the 2013 Amendment at its October 16, 2013 regular meeting.

**NOW, THEREFORE**, on the basis of the staff reports, expert opinions and substantial evidence presented, Watermaster finds that:

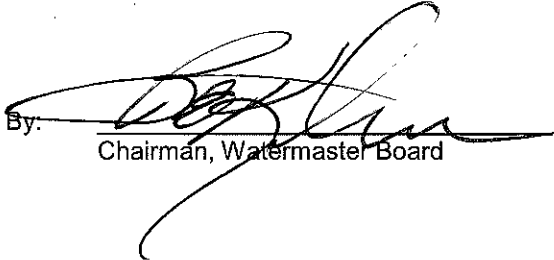
1. There exists sufficient recharge capacity to meet future replenishment obligations identified in the 2010 Recharge Master Plan Update. If Basin Re-Operation were terminated prior to 2030, Watermaster would be able to increase its replenishment activity in order to maintain hydrologic balance within the Basin, in compliance with the Recharge Master Plan.
2. Watermaster has completed the 2013 Amendment to the 2010 Recharge Master Plan Update in compliance with the Board's approved schedule providing for the completion of compliance with Court's October 2010 Order, and its filing with the Court by October 2013.
3. Watermaster and interested parties, through the Steering Committee, thoroughly evaluated changed circumstances (legislative, regulatory, etc.) that were not addressed in the 2010 Recharge Master Plan Update and how these changes affect the Recharge Master Plan, and this evaluation is included in section 2 of the 2013 Amendment.
4. The Steering Committee developed the monitoring, reporting, and accounting practices and criteria necessary to estimate and evaluate local project stormwater recharge and New Yield, as described in section 5 of the 2013 Amendment.
5. The Steering Committee facilitated the technical evaluation of the Sustainability Projects and Yield Enhancement Projects, which exceeded the scope of the 2010 RMPU's Phase I – III projects, and their ranking pursuant to agreed upon criteria, as described in sections 6 and 7 of the 2013 Amendment.
6. The Steering Committee's recommended Yield Enhancement Projects are estimated to increase stormwater recharge to the Basin by up to 6,781 acre-feet per year and recycled water recharge to the Basin by up to 4,936 acre-feet per year.
7. The Steering Committee developed an implementation and financing plan for the 2013 Amendment's recommended projects, as described in section 8 of the 2013 Amendment, that will further the goals and requirements of the Recharge Master Plan.
8. The development of the 2013 Amendment was substantially a further update to the Recharge Master Plan.

**NOW, THEREFORE, BE IT RESOLVED**, by the Chino Basin Watermaster that:

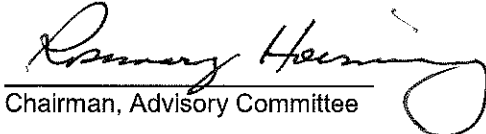
1. The 2013 Amendment to the 2010 Recharge Master Plan Update is based on sound technical analysis and adequately amends the 2010 Recharge Master Plan Update in light of changed economic, legislative, and hydrologic conditions within the State of California.
2. The 2013 Amendment to the 2010 Recharge Master Plan Update is responsive to the Court's order to develop the monitoring, reporting, and accounting practices that will be required to estimate local project stormwater recharge and new yield, and contains sufficient analysis responsive to the Court's direction to develop a financing plan and an implementation plan.
3. Watermaster adopts the 2013 Amendment to the 2010 Recharge Master Plan Update as the guidance document for the further development of the recharge facilities within the Chino Basin.
4. Pursuant to the Peace II Agreement Section 8.1, Watermaster and IEUA will update the Recharge Master Plan not less frequently than once every five years. As the development of the 2013 Amendment was, in effect, an update to the Plan, the Plan will be updated no later than 2018.

**APPROVED** by the Advisory Committee this 19th day of September 2013.


**ADOPTED** by the Watermaster Board on this 26th day of September 2013.

By:   
Chairman, Watermaster Board

APPROVED:

  
Chairman, Advisory Committee

ATTEST:

  
Board Secretary  
Chino Basin Watermaster

STATE OF CALIFORNIA                     )  
  ) ss  
COUNTY OF SAN BERNARDINO        )

I, Peter Rogers, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Revised Resolution being No. 2013-\_\_, was adopted at a regular meeting of the Chino Basin Watermaster Board by the following vote:

AYES:           0

NOES:           0

ABSENT:        0

ABSTAIN:       0

CHINO BASIN WATERMASTER

  
Secretary

Date: 11/12/2013