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 13 CHINO BASIN WATERMASTER

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 15 FOR THE COUNTY OF SAN BERNARDINO

16 CHINO BASIN MUNICIPAL WATER
 17 DISTRICT,

18 Plaintiff,

19 v.

20 CITY OF CHINO, ET AL.,

21 Defendants.

Case No. RCVRS51010

[Assigned for All Purposes to the
 Honorable Gilbert G. Ochoa]

**DECLARATION OF MARK WILDERMUTH
 P.E. IN SUPPORT OF WATERMASTER'S
 SUPPLEMENTAL BRIEF IN RESPONSE
 TO THE COURT'S ORDER REQUESTING
 FURTHER BRIEFING**

Date: August 14, 2026
 Time: 10:00 a.m.
 Dept: R17

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1 My name is Mark Wildermuth P.E.:

2 1. I was the principal founder and President of Wildermuth Environmental for 30
3 years and continued on as Principal Engineer of West Yost, a water resource management and
4 engineering firm for two years following their acquisition of Wildermuth Environmental. I make
5 this declaration in support of Watermaster’s Supplemental Brief in Response to the Court’s Order
6 Requesting Further Briefing (“Supplemental Brief”). The statements in this declaration are based
7 on my review of Watermaster records maintained in the ordinary course of Watermaster’s
8 operations. If called as a witness, I could and would competently testify to the matters stated
9 herein.

10 2. At the time of my retirement, I had more than 45 years of professional experience
11 in the groundwater field. For more than 20 of those years, I served has the Watermaster Engineer
12 for the Chino Basin Watermaster.

13 3. A full copy of my curriculum vitae is attached hereto as Exhibit “A”.

14 4. I am personally familiar with the Chino Basin Judgment, Watermaster operations,
15 and the conditions prevailing within the Chino Basin between 1995-2022 when I retired.

16 5. In coordination with Joe Scalmanini, the Special Assistant to the Special Referee
17 Anne Schnieder, I led scientific investigations and conducted technical analysis of prevailing
18 physical conditions in the Chino Basin and identified challenges and opportunities that could be
19 addressed in the first Chino Basin Optimum Basin Management Program. The records referenced
20 in this declaration were maintained by Watermaster in the ordinary course of its operations and
21 were not created for purposes of this declaration or the supplemental briefing.

22 6. I consulted with Joe Scalminini and party technical representatives, and became
23 the principal author of the first Chino Basin Optimum Basin Management Program (“OBMP”),
24 first published in 1998, and the Chino Basin Implementation Plan (“Implementation Plan”),
25 which is an Exhibit to the Peace Agreement executed by the represented parties to the Judgment
26 in June of 2000 and finally approved by the San Bernardino Superior Cout in September of 2000.

27 7. In all there were 9 Program Elements, two devoted to addressing the threat to Safe
28 Yield that would result from the increased salinity and reduced agricultural pumping in the

1 southerly end of the Basin. Based upon our investigations, I found and concluded and
2 Watermaster and the Court adopted our findings and recommendations to design, build and
3 operate groundwater desalters in a manner that would off set the decline in production I projected.

4 8. My estimate was that the Basin Safe Yield would decline by as much as 40,000
5 acre-feet per year and that desalting capacity would have to occur within the southerly portion of
6 the Basin in approximately that same out. In other words, to prevent a loss of 40,000 acre-feet per
7 year of Safe Yield, the desalters would be required to produce approximately 40,000 acre-feet per
8 year.

9 9. This presented an existential challenge to the parties as to whether they could
10 design, finance and construct the desalters in time to off set the threatened loss. However, the
11 cost of groundwater desalination was substantially higher than all other sources of water in the
12 region and the capital costs for the first 20,000 AFY were expected to exceed \$30M in 2000.

13 10. Consequently, I designed a pathway to proceed in phases, enabling the first
14 desalters to proceed with the adoption of the Peace Agreement and to schedule the construction of
15 the balance (called "Future Desalter") when funding became available.

16 11. Several years later, I conceptualized the concept of reoperating the Basin to
17 substantially increase groundwater pumping over the Safe Yield to intentionally lower water
18 groundwater levels to prevent groundwater outflow into the Santa Ana River. The Parties to the
19 Judgment presented the Court, with a recommendation to extract 400,000 AF in excess of the
20 Safe Yield over a twenty-year period through the Peace II Agreement (Peace 2) which the Court
21 approved.

22 12. Together the OBMP, the Implementation and the Peace Agreement and Peace 2
23 resulted in the completion of the Desalters and effectuation of the Project objective, producing
24 approximately 40,000 AFY from the Basin.

25 13. During this same period, I authored the OBMP Program Elements concerning
26 Storage Management and Conjunctive Use. I was also the author of the Implementation Plan
27 effort for Watermaster to more efficiently utilize storage space with the Basin to facilitate the
28 importance of Supplemental Water to achieve greater water supply reliability through conjunctive

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1 use.

2 14. I also personally investigated, directed, oversaw and completed the technical
 3 evaluations that led to my conceptualization of how the Chino Basin Storage and Recovery
 4 Project would be achieved and operated without causing Material Physical Injury to the Basin.

5 15. Ultimately, a storage and recovery project was formally proposed consistent with
 6 my design by the Metropolitan Water District (“MWD”) in concert with its member agencies,
 7 Three Valleys Municipal Water District and the Inland Empire Utilities Agency. This storage and
 8 recovery project was facilitated by MWD paying more than \$20M to retail agencies with the
 9 Basin to install capital facilities in exchange for their obligation to withdraw the stored water as
 10 directed by MWD. The Court approved our recommendation and approved the project which
 11 became known as the Dry-Year Yield Program.

12 16. I am intimately familiar with the OBMP, Desalters and the DYY Program. I was
 13 the conceptual leader, designer and investigator of all three. The only relationship between the
 14 desalters and the DYY Program is that they were both components of the OBMP and
 15 Implementation Plan and administered by Watermaster.

16 17. The Program Elements operate independently and serve entirely different
 17 purposes. They have different sponsors, different beneficiaries. The removal of Supplemental
 18 Water from the DYY account has no physical impact on the Basin or the desalters.

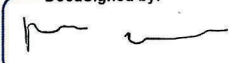
19 18. I recommended the desalters be installed as an innovative defensive measure to
 20 prevent the Basin from losing nearly 30% of its Safe Yield which was made more difficult by the
 21 capital and operating costs. This benefited members of the Appropriative Pool in relationship to
 22 their dependence on Operating Safe Yield. That is, the desalters saved the OSY from substantial
 23 diminishment.

24 19. I recommended the DYY Program because it was a great opportunity to use excess
 25 capacity in the Basin to draw funding and water supply from MWD. I never included supplemental
 26 water held in storage in the Basin as a component of Basin Water, Safe Yield or OSY, or considered
 27 it professionally proper to do so during my service as Engineer to Watermaster. I am not familiar
 28 with any Basin under management in California that does.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 10th day of July, 2026, at San Clemente , California.

DocuSigned by:

8917029BC90D440

MARK WILDERMUTH

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CHINO BASIN WATERMASTER

Case No. RCVRS 51010

Chino Basin Municipal Water District v. City of Chino, et al.

PROOF OF SERVICE

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the action within. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On July 10, 2026, I served the following:

1. DECLARATION OF MARK WILDERMUTH P.E. IN SUPPORT OF WATERMASTER'S SUPPLEMENTAL BRIEF IN RESPONSE TO THE COURT'S ORDER REQUESTING FURTHER BRIEFING

/X/ BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:
See attached service list: Mailing List 1

/ / BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

/ / BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

/X/ BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.
See attached service list: Master Email Distribution List

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 10, 2026, in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

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