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CHINO BASIN WATERMASTER

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

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, ET AL.,

Defendants.

Case No. RCVRS51010

(Assigned for All Purposes to the
Honorable Carlos M. Cabrera)

**NOTICE OF MOTION AND MOTION
REGARDING 2025 SAFE YIELD
REEVALUATION, AMENDMENT OF
RESTATED JUDGMENT, PARAGRAPH
6**

Date: November 13, 2026
Time: 10:00 a.m.
Dept.: S24

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NOTICE OF MOTION

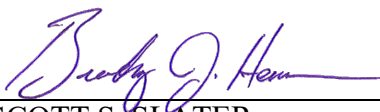
TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 13, 2026, at 10:00 a.m., or as soon thereafter as the matter may be heard, in Department S35 of the above-entitled Court located at 247 West Third Street, San Bernardino, California 92415, Chino Basin Watermaster (“Watermaster”) will and hereby does move the Court for an order: (1) finding that Watermaster has complied with the applicable Court orders governing the 2025 Safe Yield Reevaluation; and (2) amending Paragraph 6 of the Restated Judgment to reset the Safe Yield of the Chino Basin (“Basin”) to 121,200 acre-feet per year (“AFY”) for the period July 1, 2026 through June 30, 2030.

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the concurrently filed Declarations of Garrett Rapp and Todd M. Corbin, all documents on file herein, and such oral and documentary evidence as may be presented at the time of the hearing on this matter.

Dated: October 14, 2026

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: 

SCOTT S. SLATER
BRADLEY J. HERREMA
BENJAMIN J. MARKHAM
Attorneys for CHINO BASIN
WATERMASTER

1 **I. INTRODUCTION**

2 Watermaster sits as the Court’s administrator of the Judgment in this case, originally by
3 stipulation, and by further orders of the Court under its continuing jurisdiction. The administrative
4 function of Watermaster was first established by the Judgment and the Board and its representative
5 composition was modified by order of this Court on February 19, 1998.¹ Since that time, the Board
6 has continued the implementation of its prescribed responsibilities pursuant to re-appointments.

7 The parties to the Judgment hold rights and responsibilities established under the Judgment
8 and a series of Court approved management agreements and prior orders.² One of the primary
9 purposes of the Judgment, and one of Watermaster’s principal responsibilities, is to manage the
10 Chino Basin (“Basin”) and optimize the beneficial use of Basin water resources under an optimum
11 basin management program (“OBMP”). Central to that responsibility is the protection of the Basin
12 by avoiding adverse impacts to the Basin commonly referred to as “Material Physical Injury” by
13 calculating an accurate Safe Yield, which establishes a baseline that must be preserved through
14 prescribing management actions.

15 The Judgment defines Safe Yield as the long-term average annual quantity of groundwater
16 that can be produced from the Basin without causing an undesirable result. The initial Safe Yield
17 was set in 1978, and the Court retained continuing jurisdiction to adjust it as conditions in the Basin
18 change. In 2000, the parties entered into the “Peace Agreement,” which provided for a
19 redetermination of Safe Yield in 2010. The Background section below traces how that commitment
20 evolved over time and was formalized into the process now before the Court, which resulted in the
21 Watermaster Board action underlying this motion, which was unopposed at the Watermaster
22 Board’s August 4, 2026 hearing.

23 In short summary, in 2017, the Court reset the Safe Yield for the first time and established
24 a schedule and process for future reevaluations. In 2020, the Court reset the Safe Yield to 131,000
25 acre-feet per year (“AFY”) for the ten-year period ending June 30, 2030. In 2022, the Court

26 ¹ Ruling Appointing Nine-Member Board (Feb. 19, 1998).

27 ² A history of Watermaster and its role in managing the Basin can be found in William A.
28 Blomquist, *The Realities of Adaptive Groundwater Management: Chino Basin, California*
(Global Issues in Water Policy, vol. 27, Springer 2021. Watermaster has copies available and
would be happy to lodge a copy with the Court at the Court’s request.

1 approved an updated methodology for reevaluating the Safe Yield, and in 2025, the Court extended
2 Watermaster's deadline to complete the current reevaluation so that it could incorporate
3 independent peer review.

4 Watermaster has now completed that reevaluation. Applying the updated methodology to
5 an updated groundwater model, and following independent peer review and extensive engagement
6 with the parties, Watermaster's engineering consultant, West Yost Associates ("West Yost" or
7 "Watermaster Engineer"), estimated the Basin's Safe Yield for production years 2021 through 2030
8 to be 121,200 AFY, 9,800 AFY less than the present Safe Yield, and recommended it to be reset
9 accordingly by Watermaster. After review by the Pool Committees and the Advisory Committee
10 and a public hearing, the Watermaster Board unanimously resolved to seek a reset to that amount
11 for the period of July 1, 2026 through June 30, 2030.

12 Watermaster therefore requests that the Court (1) find that Watermaster has complied with
13 the applicable Court orders governing the 2025 Safe Yield Reevaluation; and (2) order amendment
14 of Paragraph 6 of the Restated Judgment to reset the Safe Yield of the Chino Basin ("Basin") to
15 121,200 acre-feet per year ("AFY") for the period July 1, 2026 through June 30, 2030.

16 **II. BACKGROUND**

17 **A. The Judgment Established Safe Yield and Reserved Continuing Jurisdiction**

18 The Judgment defines Safe Yield as "[t]he long-term average annual quantity of
19 groundwater (excluding replenishment or stored water but including return flow to the Basin from
20 use of replenishment or stored water) which can be produced from the Basin under cultural
21 conditions of a particular year without causing an undesirable result." (Judgment, ¶ 4(x).) The
22 Judgment initially set the Safe Yield of the Basin at 140,000 AFY. (Judgment, ¶ 6.) The Court
23 retained continuing jurisdiction to redetermine the Safe Yield of the Basin after the first ten years
24 of operation of the Physical Solution. (Judgment, ¶ 15(a).)

25 **B. The Court's 2017 Order Established the Process for Future Safe Yield** 26 **Evaluations and Resets**

27 On April 28, 2017, the Court entered an order after hearing on Watermaster's motion
28

1 regarding the 2015 Safe Yield Reset Agreement³ (“2017 Order”). (Orders for Watermaster’s
2 Motion Regarding 2015 Safe Yield Reset Agreement, Amendment of Restated Judgment,
3 Paragraph 6, dated April 28, 2017, ¶ 2.) The 2017 Order reset the Safe Yield of the Basin to 135,000
4 AFY effective July 1, 2010, continuing through June 30, 2020⁴. (2017 Order, § 4.1, p. 15.) In doing
5 so, the Court adopted provisions governing future Safe Yield evaluations and resets. (*Id.*, §§ 4.2-
6 4.7, pp. 15-18.) The 2017 Order directed Watermaster to initiate a process to evaluate and reset the
7 Safe Yield by July 1, 2020, and provided that the Safe Yield reset effective July 1, 2020 would
8 continue until June 30, 2030, subject to the interim correction process. (*Id.*, § 4.2, p. 15.)

9 The 2017 Order also required Watermaster to annually collect and evaluate data concerning
10 Basin cultural conditions and to undertake a more significant evaluation, including modeling, where
11 available data suggests that there has been or will be a material change from existing and projected
12 conditions or threatened undesirable results. (2017 Order, § 4.5, pp. 16-17.) The 2017 Order
13 specifically required Watermaster to update the Basin Model and initiate a model evaluation of
14 Safe Yield no later than January 1, 2024, in order to ensure that the same could be completed by
15 June 30, 2025. (2017 Order, § 4.6, pp. 17-18; Declaration of Garrett Rapp (“Rapp Decl.”), ¶ 4;
16 Declaration of Todd M. Corbin (“Corbin Decl.”), ¶ 3.)

17 **C. The Court’s 2020 Order Reset Safe Yield to 131,000 AFY for the Current Reset**
18 **Period**

19 On July 31, 2020, the Court entered its Order Re Motion Regarding 2020 Safe Yield Reset,
20 Amendment of Restated Judgment, Paragraph 6 (“2020 Order”). The 2020 Order found that
21 Watermaster had complied with the 2017 Order, amended Paragraph 6 of the Restated Judgment
22

23 ³ Several parties appealed the 2017 Order, and the matter was ultimately remanded so the Court
24 could consider a proposed settlement. As part of resolving the issues raised on appeal, the Court
25 entered a 2019 order ratifying the Safe Yield reset methodology adopted in the 2017 Order and
26 directing that “Watermaster shall proceed to redetermine Safe Yield as set forth on pages 15-18 of
the Court’s [2017 Order].” (Findings and Order Regarding Amendments to the Restated
Judgment, Peace Agreement, Peace II Agreement, and Re-Operation Schedule, dated March 15,
2019 (“2019 Order”), p. 2.)

27 ⁴ The Court did not, however, require the allocations already made for the intervening years to be
redone. It ordered that, “[n]otwithstanding that the initial Safe Yield reset...shall be effective as of
July 1, 2010, Watermaster will not, in any manner, including through the approval of its
28 Assessment Packages, seek to change prior accounting of the prior allocation of Safe Yield and
Operating Safe Yield among the Parties to the Judgment for production years prior to July 1,
2014.” (*Id.*, § 4.8, pp. 17-18.)

1 to set the Safe Yield at 131,000 AFY, and made the amendment effective July 1, 2020.⁵ (2020
2 Order, pp. 14-15.)

3 **D. The Court Approved the 2022 Safe Yield Reset Methodology**

4 In 2021, Watermaster initiated a process to update the methodology to address comments
5 received during peer review of the 2020 reset regarding uncertainty in the groundwater model and
6 the data used in future projections. (Rapp Decl., ¶ 3.) Following extensive review, the Watermaster
7 Engineer developed an updated methodology (the “2022 Safe Yield Reset Methodology”). (*Ibid.*)
8 On December 16, 2022, the Court approved it in its Order Granting Chino Basin Watermaster’s
9 Motion Regarding the Update to Watermaster’s Safe Yield Reset Methodology (“2022
10 Methodology Order”). The 2022 Safe Yield Reset Methodology sets out a nine-step process
11 covering data collection, model recalibration, uncertainty analysis, projection of cultural conditions
12 and climate, development of a projection ensemble, simulation of future water budget and
13 groundwater conditions, determination of a tentative Safe Yield, and evaluation of whether
14 production at that tentative Safe Yield would cause or threaten undesirable results or Material
15 Physical Injury. (Rapp Decl., ¶ 5.)

16 **E. The Court’s 2025 Extension Order Permitted Completion of the 2025 Safe**
17 **Yield Reevaluation with Peer Review**

18 In performing the 2025 Safe Yield Reevaluation, Watermaster’s Engineer followed the
19 Court-approved 2022 Safe Yield Reset Methodology. (Rapp Decl., ¶¶ 3-5.) During this evaluation,
20 preliminary model estimates identified a potentially significant decline in recharge to the Basin
21 compared to the current Safe Yield approved in 2020. (Rapp Decl., ¶ 6; Corbin Decl., ¶ 4.) The
22 preliminary findings indicated that the magnitude of the unanticipated decline in recharge could be
23

24 ⁵ The 2020 Order also directs that, if the State Water Resources Control Board develops water
25 conservation measures before June 30, 2030 that are reasonably likely to materially reduce
26 recharge to the Basin, Watermaster shall reevaluate the Safe Yield and, if those measures would
27 change the Safe Yield by more than 2.5 percent, promptly move the Court to reset it. (2020 Order,
28 p. 15.) That provision is not the basis for this Motion. The 2025 SYR Report found that the State
Board's conservation regulation, which took effect in 2025, is not reasonably likely to materially
reduce recharge by enough to change the Safe Yield by more than 2.5 percent for fiscal years
2021 through 2030, and that the primary drivers of the difference are recent historically dry
conditions and declines in urban outdoor water use independent of that regulation. (2025 SYR
Report, § 7.3.2.2, pp. 7-47–7-48; Rapp Decl., ¶ 7, Ex. A.)

1 expected to impact the estimation of Safe Yield by between 12,000 and 15,000 AFY. (Rapp Decl.,
2 ¶ 6.)

3 Given the magnitude of those preliminary findings and the importance of the model to
4 establishing Safe Yield, the Watermaster Board directed staff to engage an independent peer review
5 of the hydrologic model work being performed for the 2025 Safe Yield Reevaluation. (Rapp Decl.,
6 ¶ 6; Corbin Decl. ¶ 4.) Watermaster then sought input from the Pools and stakeholders regarding
7 the process for selecting and engaging a peer reviewer, and the Advisory Committee recommended
8 a process for soliciting firms from a select list of bidders based on a uniform scope of work. (Corbin
9 Decl., ¶ 5.)

10 Watermaster moved the Court for an extension of time to complete the 2025 Safe Yield
11 Reevaluation so that peer review could be incorporated into the process. (Corbin Decl., ¶ 6.) On
12 September 12, 2025, the Court granted the unopposed motion in its Order Granting Chino Basin
13 Watermaster's Motion for Extension of Time to Complete Safe Yield Evaluation ("2025 Extension
14 Order"). The Court found that Watermaster had complied to date with the provisions of the 2017
15 Order, Watermaster's Rules and Regulations, and the OBMP Implementation Plan to update the
16 Chino Valley Model and undertake the required 2025 Safe Yield Reevaluation. (2025 Extension
17 Order, p. 2.) The Court further found that, given the potential impacts to recharge to the Basin
18 identified in the 2025 Safe Yield Reevaluation process, it was reasonable to incorporate peer review
19 into the evaluation. (*Ibid.*) The Court extended the deadline for Watermaster's completion of the
20 2025 Safe Yield Reevaluation to October 31, 2025. (*Ibid.*)

21 **III. WATERMASTER COMPLETED THE 2025 SAFE YIELD REEVALUATION IN**
22 **ACCORDANCE WITH THE 2022 SAFE YIELD RESET METHODOLOGY**

23 **A. Watermaster Updated the Basin Model and Applied the Court-Approved**
24 **Methodology**

25 The 2017 Order required Watermaster to update the Basin Model and conduct a model
26 evaluation of Safe Yield consistent with the Reset Technical Memorandum. (2017 Order, §§ 4.4,
27 4.6, pp. 16-18.) Watermaster did so through the work of the Watermaster Engineer, using the 2022
28 Safe Yield Reset Methodology and the updated Chino Valley Model to evaluate Safe Yield for
fiscal years 2021 through 2030. (Rapp Decl., ¶¶ 4-5.)

1 The Watermaster Engineer evaluated the Basin’s Safe Yield using updated data, model
2 refinements, and the 2022 Safe Yield Reset Methodology’s approach to uncertainty. The
3 Watermaster Engineer documented the data, model refinements, uncertainty analysis, and results
4 of that work, together with the independent peer review and West Yost's responses to it, in its June
5 2026 2025 Safe Yield Reevaluation, Final Report (“2025 SYR Report”), which is attached as
6 Exhibit A to the Rapp Declaration. (Rapp Decl., ¶ 8, Ex. A.) The 2025 SYR Report explains that
7 the resulting evaluation followed the 2022 Safe Yield Reset Methodology and determined a
8 reevaluated Safe Yield of 121,200 AFY for fiscal years 2021 through 2030. (Rapp Decl., ¶ 7.)
9 Watermaster Evaluated Current and Projected Cultural Conditions and Long-Term Hydrology

10 The 2017 Order requires Watermaster, in estimating the Basin’s Safe Yield, to rely on long-
11 term hydrology and evaluate both existing and projected future cultural conditions, including
12 conditions affecting recharge, groundwater production, and the ability to avoid undesirable results
13 and Material Physical Injury. (2017 Order, § 4.4, p. 16.) Consistent with that framework, the 2025
14 SYR Report evaluated current and projected cultural conditions, including urban outdoor water use,
15 recharge conditions, groundwater-level responses, pumping sustainability, subsidence, and
16 hydraulic control. (2025 SYR Report, §§ 6-7, pp. 6-1 to 7-48; Rapp Decl., ¶ 5.)

17 Applying this methodology, the 2025 SYR Report identified reductions in historical and
18 projected recharge, including reductions associated with changes in urban outdoor water use, as a
19 principal factor explaining the difference between the existing Court-approved Safe Yield and the
20 reevaluated Safe Yield. (2025 SYR Report, § 7.3.2.1, p. 7-46; *id.*, § 7.4.1, p. 7-49; Rapp Decl., ¶
21 7.) These findings provide the technical basis for Watermaster’s recommendation that the Court
22 reset Safe Yield to reflect the Basin conditions analyzed through the 2025 Safe Yield Reevaluation
23 process. (2025 SYR Report, § 7.3.2, p. 7-45; Rapp Decl., ¶ 7.)

24 **1. Watermaster Incorporated Independent Peer Review and** 25 **Responses to Peer Review Comments**

26 In response to the preliminary model estimates indicating a potentially significant decline
27 in Basin recharge, Watermaster sought and obtained additional time to incorporate independent
28 peer review into the 2025 Safe Yield Reevaluation. (2025 Extension Order, p. 2.) Watermaster then

1 incorporated the peer-review process into the final evaluation. The independent peer reviewer
2 presented findings and recommendations to the Board, the draft 2025 SYR Report and peer-review
3 report were distributed to the parties, the Watermaster Engineer responded to peer-review
4 recommendations, and the Pools provided advice and assistance on the draft report and peer-review
5 recommendations. (Corbin Decl., ¶ 7-8; Rapp Decl. ¶ 8, Ex. B.)

6 **B. The 2025 Safe Yield Reevaluation Was Reviewed by the Pool Committees,**
7 **Advisory Committee, and Watermaster Board**

8 Watermaster provided the Pool Committees and Advisory Committee opportunities to
9 review and provide advice and assistance on the 2025 Safe Yield Reevaluation, the peer-review
10 recommendations, the additional technical work, and the final report. After the additional model
11 refinements were completed, peer reviewed, and documented, the final 2025 SYR Report was
12 presented to the Pools and Advisory Committee in June 2026 for review and final comments.
13 Watermaster staff summarized that process in its June 25, 2026 staff report to the Board (“June 25
14 Staff Report”), which is attached as Exhibit A to the Corbin Declaration. (June 25 Staff Report, pp.
15 1–2.)

16 On June 25, 2026, the Watermaster Board accepted the 2025 SYR Report as complete and
17 final in compliance with all Court orders, including the 2022 Safe Yield Reset Methodology. (June
18 25 Staff Report, p. 1.) Following that acceptance, Watermaster requested the advice and assistance
19 of the Pool Committees regarding a potential Board motion requesting that the Court amend
20 Paragraph 6 of the Restated Judgment to set the Safe Yield at 121,200 AFY, consistent with the
21 conclusions of the 2025 SYR Report, for the period July 1, 2025 through June 30, 2030
22 (Watermaster’s staff’s August 4, 2026 report to the Board for a public hearing regarding the 2025
23 Safe Yield Evaluation (“August 4 Staff Report”) attached as Exhibit C to the Corbin Declaration,
24 p. 2; Corbin Decl., ¶ 11.)

25 At their July 9, 2026 meetings, the Pool Committees considered Watermaster’s proposal.
26 The Appropriative Pool Committee unanimously recommended that the Safe Yield be reset to
27 121,200 AFY for the period July 1, 2026 through June 30, 2030. (August 4 Staff Report, pp. 1;
28 Corbin Decl., ¶ 11.) The Overlying (Agricultural) Pool Committee unanimously supported the

1 Appropriate Pool Committee’s recommendation, and the Overlying (Non-Agricultural) Pool
2 Committee, while not taking formal action, expressed support for the Appropriate Pool
3 Committee’s action. (*Ibid.*)

4 At its July 16, 2026 meeting, the Advisory Committee, by a 52 percent vote, requested that
5 the Watermaster Board send this item back to the Appropriate Pool to develop a new motion to
6 be brought forward through the Pool Committees, Advisory Committee, and Board. (Corbin Decl.,
7 ¶ 12.) The Advisory Committee did not identify or provide any new technical information or
8 evidence calling into question the accuracy of the Safe Yield estimate. (August 4 Staff Report, p.
9 3; Corbin Decl., ¶ 12.)

10 At its July 23, 2026 meeting, the Watermaster Board, by an 8-1 vote, determined to hold a
11 public hearing, pursuant to paragraph 38(b)(2) of the Restated Judgment, on August 4, 2026, to
12 consider taking action to move the Court to reset the Safe Yield at 121,200 AFY for the period July
13 1, 2026 through June 30, 2030. (August 4 Staff Report, p. 1; Corbin Decl., ¶ 13.)

14 On July 30, 2026, the Appropriate Pool Committee convened a special meeting, where it
15 approved by a majority vote, with two votes to “abstain” and one “no” vote, a motion
16 recommending amending the Restated Judgment to reset the Safe Yield to 121,200 AF per year
17 effective July 1, 2026. (August 4 Staff Report, p. 4; Corbin Decl., ¶14.)

18 On August 4, 2026, the Watermaster Board convened a duly noticed special meeting and
19 conducted a public hearing regarding the 2025 Safe Yield Reevaluation and the proposed adoption
20 of Resolution No. 2026-03. (Corbin Decl., ¶ 15.) During the hearing, the Watermaster Board
21 considered staff’s recommendation that the Board determine that the Court should amend
22 Paragraph 6 of the Restated Judgment to reset the Safe Yield of the Chino Basin to 121,200 acre-
23 feet per year effective July 1, 2026, based on the findings and recommendations set forth in the
24 2025 SYR Report. (*Ibid.*) Staff further recommended that Watermaster continue evaluating and
25 implementing prudent management measures identified in the 2025 SYR Report, including
26 recharge planning, storage management planning, and operational optimization measures, and that
27 Watermaster legal counsel be directed to prepare and file a motion with the Court to reset the Safe
28 Yield in accordance with the Resolution. (*Ibid.*) During the public hearing, the sole public comment

1 was provided by the Chair of the Appropriative Pool, who advised the Board that the Appropriative
2 Pool supported the staff recommendation. (*Ibid.*) No person appeared or requested that the Board
3 take action different from the staff recommendation. (*Ibid.*) Following the close of the public
4 hearing and Board deliberation, the Watermaster Board unanimously adopted Resolution No. 2026-
5 03, a copy of which is attached as Exhibit B to the Corbin Declaration, finding that the Court should
6 amend Paragraph 6 of the Restated Judgment to establish the Safe Yield of the Chino Basin at
7 121,200 acre-feet per year effective July 1, 2026 and directing Watermaster legal counsel to prepare
8 and file a motion seeking Court approval of that Safe Yield reset. (Corbin Decl., ¶ 15 & Ex. B.)

9 **IV. SUBSTANTIAL EVIDENCE SUPPORTS RESETTING SAFE YIELD TO 121,200**
10 **AFY FOR THE PERIOD OF JULY 1, 2026 THROUGH JUNE 30, 2030**

11 **A. The 2025 SYR Report Supports a Safe Yield of 121,200 AFY**

12 The 2025 SYR Report applied the 2022 Safe Yield Reset Methodology and determined the
13 Safe Yield of the Basin to be 121,200 AFY for production years 2021 through 2030. (2025 SYR
14 Report, § 7.3.2, p. 7-46; Rapp Decl., ¶ 7.) As the final step of that methodology, West Yost
15 evaluated whether production at that amount would cause or threaten undesirable results or Material
16 Physical Injury, considering groundwater levels, pumping sustainability, land subsidence, and
17 hydraulic control. (2025 SYR Report, §§ 7.3.1–7.3.2, pp. 7-44–7-46; Rapp Decl., ¶ 9.) The report
18 found that any such potential is localized and driven mainly by future extractions from managed
19 storage rather than by production at the Safe Yield. It identified management measures to address
20 those conditions, which the Board, through Resolution No. 2026-03, directed staff to continue
21 evaluating and implementing. (*Ibid.*; Corbin Decl., ¶ 15.)

22 **B. The Proposed Reset Is Proper Under the Interim Correction Standard in the**
23 **2017 Order**

24 Paragraph 4.2 of the 2017 Order provides that the Safe Yield reset effective July 1, 2020
25 will continue until June 30, 2030, “[s]ubject to the provisions of Paragraph 4.3.” (2017 Order, §
26 4.2, p. 15.) Paragraph 4.3, titled “Interim Correction” provides that, in addition to the scheduled
27 reset set forth in Paragraph 4.2, “the Safe Yield may be reset in the event that, with the
28 recommendation and advice of the Pools and Advisory Committee and in the exercise of prudent
management discretion described in Paragraph 4.5(c), . . . Watermaster recommends to the court

1 that the Safe Yield must be changed by an amount greater (more or less) than 2.5% of the then-
2 effective Safe Yield.” (*Id.*, § 4.3, pp. 15–16.)

3 The present proposed reset is proper pursuant to that standard, as it has proceeded through
4 the Pool Committees and Advisory Committee, a duly noticed public hearing, and via the Board’s
5 unanimous adoption of Resolution No. 2026-03, as described in Section III.B above. (Corbin Decl.,
6 ¶¶ 11-15 & Ex. B.) The reevaluated Safe Yield of 121,200 AFY is 9,800 AFY, or approximately
7 7.5 percent, less than the current Safe Yield of 131,000 AFY. (2025 SYR Report, § 7.3.2.2, p. 7-
8 47; Rapp Decl., ¶ 7.)

9 **C. The Reset Would Apply Prospectively for the Remaining Four Years of the**
10 **Current Period**

11 The 2025 SYR Report evaluated the Safe Yield for fiscal years 2021 through 2030 and
12 determined it to be 121,200 AFY. The presently requested reset is only for the period July 1, 2026
13 through June 30, 2030. This is consistent with the timing of the scheduled 2025 reevaluation and
14 the Court’s prior orders resetting the Safe Yield. The 2017 Order established a 135,000 AFY Safe
15 Yield effective July 1, 2010, and also ordered that, “[n]otwithstanding that the initial Safe Yield
16 reset . . . shall be effective as of July 1, 2010,” Watermaster “will not, in any manner, including
17 through the approval of its Assessment Packages, seek to change prior accounting of the prior
18 allocation of Safe Yield and Operating Safe Yield among the Parties to the Judgment for production
19 years prior to July 1, 2014.” (*Id.*, § 4.8, pp. 17–18.) The reduction in Safe Yield therefore operated
20 prospectively and applied only to ensuing production years.

21 In a world of evolutionary changes in climate and the transitioning landscape at adjacent
22 physical infrastructure, historical trend is not necessarily indicative of future conditions. The Safe
23 Yield process incorporates both hindcast data and information as well as known changes that will
24 have measurable impacts on forward availability of water. However, it is also true that
25 Watermaster, the parties and the optimal management of the Basin resources are also predicated on
26 the foundation of Safe Yield. The determination drives planning, investment and decision-making
27 on water supply portfolios of each party to the Judgment. A retroactive application would implicate
28 a “claw-back” and a threatened unraveling of these collective decisions thereby chilling forward

1 planning, investment and beneficial use and result in less than optimal management of the Basin
2 resources. In a Basin with the current magnitude of available water in storage, this result would be
3 unnecessary and untenable.

4 Watermaster's present request would prudently carry forward the same approach.
5 Groundwater produced during fiscal years 2021 through 2026 was produced under the 131,000
6 AFY Safe Yield established by the Court in the 2020 Order. The parties have planned production,
7 transfers, and storage based on the Safe Yield in effect for each year. Nothing in the 2017 Order or
8 the 2020 Order calls for those years to be revisited. Paragraph 4.3 of the 2017 Order applies "[i]n
9 addition to the scheduled reset set forth in Paragraph 4.2" and provides only that the Safe Yield
10 "may be reset," but does not provide for retroactive application of the Safe Yield to the years
11 already completed.⁶ (2017 Order, § 4.3, pp. 15–16.) Paragraph 4.1 likewise provides that the Safe
12 Yield set by the Court governs "[f]or all purposes arising under the Judgment . . . without exception,
13 unless and until Safe Yield is reset . . . and determined by the Court." (*Id.*, § 4.1, p. 14.) Groundwater
14 produced during fiscal years 2021 through 2026 was produced under the then-prevailing 131,000
15 AFY Safe Yield the Court established for that period in the 2020 Order.

16 A reset to 121,200 AFY effective July 1, 2026 would conform Paragraph 6 of the Restated
17 Judgment to the most current determination of Safe Yield under the 2022 Methodology Order for
18 the remainder of the current period, without disturbing the allocations made under the 2020 Order
19 for fiscal years 2021 through 2026.

20 **V. REQUESTED RELIEF**

21 For the reasons stated above, Watermaster respectfully requests that the Court grant this
22 Motion, find that Watermaster complied with the applicable Court orders governing the 2025 Safe
23 Yield Reevaluation, reset the Safe Yield of the Basin to 121,200 AFY effective July 1, 2026 through
24 June 30, 2030, and amend Paragraph 6 of the Restated Judgment accordingly.

25 ⁶ The Court further addressed the concept of a prospective Safe Yield methodology in 2020. At
26 that time, the Overlying (Agricultural) Pool argued that the Safe Yield had been over-allocated
27 during the prior reset period and should be adjusted to account for it. The Court held that "[t]he
28 prospective long range model is the one the court must consider" (2020 Order, p. 10) that a reset
Safe Yield was not intended to precisely match actual net recharge over a 10 year period (*Id.*, p.
11), and concluded that the prospective Safe Yield projection based on long term hydrology "does
not require a 'true up' related to a prior reset period." (*Id.*, p. 12.)

Dated: October 14, 2026

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By: 

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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 October 14, 2026, I served the following:

1. NOTICE OF MOTION AND MOTION REGARDING 2025 SAFE YIELD REEVALUATION, AMENDMENT OF RESTATED JUDGMENT, PARAGRAPH 6

/ 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 October 14, 2026, in Rancho Cucamonga, California.


By: Kirk Richard C. Dolar
Chino Basin Watermaster

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