



Those persons wishing to speak on any item included on the agenda should contact the Acting Sr. Administrative Assistant via email at [afernandez@cbwcd.org](mailto:afernandez@cbwcd.org) or contact the District Office at (909) 626-2711 at least two hours prior to the advertised starting time of the meeting. During the Public Communications Section, each person's name will be called.

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Link: <https://zoom.us/j/94158982008>

Call In: 408-638-0968  
669-900-6833

Meeting ID: 941 5898 2008

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**SPECIAL BOARD MEETING  
OF THE BOARD OF DIRECTORS**

**Chino Basin Water Conservation District  
4594 San Bernardino Street  
Montclair, CA 91763**

**Friday, February 12, 2021**

**6:30 p.m.**

**A G E N D A**

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**CALL TO ORDER**

**ROLL CALL**

Board Members: President Terry King, Vice President Margaret Hamilton, Treasurer Marc Gruposso, Directors Gil Aldaco, Hanif Gulmahamad, Mark Ligtenberg, and Ryan Sonnenberg.

### **ADDITIONS OR CHANGES TO THE AGENDA**

*In accordance with Section 54954.2 of the Government Code (Brown Act), a two-thirds vote (or unanimous vote if less than two-thirds are present), is required to add an item for action, provided that there is a need to take immediate action and that the need for action came to the attention of the agency after the agenda was posted.*

**PRESENTATIONS** – None.

### **PUBLIC COMMUNICATIONS**

*This is the time and place for the general public to address the Board of Directors. Due to Brown Act requirements, action will not be taken on any issues not on the Agenda; however, the Board may refer comments and concerns to staff or request the item be placed on a future agenda. In accordance with District Resolution No. 2020-05: Decorum During Public Meetings, each speaker shall be allotted five (5) minutes of time to address the Board of Directors.*

### **DISCUSSION ITEMS**

**1. Proposed Amendment to the Chino Basin Watermaster Peace Agreement.**

Report by: Elizabeth Skrzat, Executive Director

RECOMMENDATION: Review, discuss, and provide direction to staff regarding language for District comments on proposed changes to Program Element 8 of the Chino Basin Watermaster Peace Agreement.

**ORAL REPORTS** – None

### **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL. Pursuant to Government Code Government Code Section 54956.9(d)(2), (d)(4), discussion re potential litigation.

### **ADJOURN**

The Board of Directors will adjourn to the next Regular Meeting of the Chino Basin Water Conservation District, to be held on March 8, 2021 at 2:00 p.m. online at: <https://zoom.us/j/98961622935>.

I, Alicia Fernandez, Acting Sr. Administrative Assistant of the Chino Basin Water Conservation District, do hereby certify that a copy of this agenda has been posted by 6:30 p.m. on February 9, 2021.



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Alicia Fernandez, Acting Sr. Administrative Assistant







**STAFF REPORT  
CHINO BASIN WATER CONSERVATION DISTRICT  
SPECIAL BOARD MEETING**

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**MEETING DATE:** February 12, 2021 **AGENDA ITEM:** DI 1

**FROM:** Elizabeth Skrzat, Executive Director

**SUBJECT:** Proposed Amendment to the Chino Basin Watermaster Peace Agreement

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**RECOMMENDATION**

Review, discuss, and provide direction to staff regarding language for District comments on proposed changes to Program Element 8 of the Chino Basin Watermaster Peace Agreement.

**FISCAL IMPACT**

The proposed changes as they are written could present a potential loss of future revenue options for the District, which would likely be most accessible to the District after the year 2030.

**BACKGROUND**

The District received a letter from John Bosler of CVWD and Scott Burton of Ontario Municipal Utilities Company (Chair and Vice Chair of the Appropriative Pool at Watermaster, respectively) asking for commentary on proposed changes to the Peace Agreement by February 17, 2021.

The Chino Basin Watermaster (CBWM) Peace Agreement, signed in the year 2000, was entered into by parties to the 1978 CBWM Judgement allocating water use and water rights to stakeholders within the Chino Groundwater Basin. It set up a system whereby water could be stored and withdrawn by various parties, overseen by the Chino Basin Watermaster.

There are three main pools of parties in the Chino Basin Watermaster: the Appropriative Pool (the cities), the overlying Agricultural Pool (farmers), and the overlying Non-Agricultural Pool (largely industrial users).

The Appropriative Pool is asking to raise the storage cap (or the amount of water they are allowed to store in the Basin) without doing an Environmental Impact Report (EIR). The First Optimum Basin Management Plan (OBMP) set the storage cap at 500,000 acre-feet (AF) of water. Later, an amendment to the Environmental Impact Report associated with the OBMP allowed the storage

cap to be raised to 600,000 AF until June 20, 2021. If there is not another amendment to the EIR by June 30, 2021, the storage cap will be reset to 500,000 AF, erasing 100,000 AF of water stored by municipal water districts within the Chino Basin. The value of the 100,000 AF of water that will be lost can be estimated at between \$60 million - \$100 million, depending on the price of water per AF needed to replace it.

Appropriative Pool parties are currently storing approximately 600,000 AF in the basin and are on pace to exceed that cap quickly. They are asking for an amendment to the EIR to raise the cap above 600,000 AF. They point to a 2018 Storage Framework Investigation in which modeling anticipated that up to 800,000 AF of water could be stored in the basin without Material Physical Injury (MPI) to any party. MPI might occur because increasing the amount of water stored in the basin above a certain threshold might move plumes of pollution that exist in the basin – specifically, it might move plumes of polluted water beneath the wells of other producers (or those pumping water), be they retail water providers, farmers, or industrial users.

### **ISSUES & ANALYSIS**

Mr. Bosler and Mr. Burton have outlined proposed changes to Program Element 8 of the Optimum Basin Management Plan to allow them to raise the storage cap. Program Element 8 addresses local storage, or water kept in the basin for local cities, farmers, and industrial businesses with water rights. However, in their suggested changes, they are making a key proposal that would impact CBWCD's ability to make an application to store water in the Basin in our own storage account, which could represent future revenue for the District. It also would cut out the Agricultural Pool, or local farmers, from making new applications.

Additionally, the changes they propose would leave Section 9, which deals with the "Storage and Recovery" program, in limbo, which would impact several programs, including recycled water storage, imported water storage, the ability to use the basin to store water for outside entities, and also represents an area of potential revenue for the District.

While local parties mainly agree that the storage of imported and recycled water is of utmost importance and of benefit to the parties in the basin, there is disagreement among the parties as to whether water should be stored and recovered by entities outside the basin. For lack of a better term, external storage and recovery is a program that would allow a party to the Watermaster Peace Agreement to store water in the Chino Basin for an outside entity, such as Metropolitan Water District (MWD), San Diego, or Orange County, for a given length of time. Currently, the MWD has a Dry Year Yield program in which they have stored water in the Basin for use during dry years through 2029. Outside entities would be very interested to pay to store water in an aquifer, where it would not be subject to evaporation, for several years. However, local parties are competing for that storage space and have concerns about subsidence, should storage be allowed to go too high and then too low.

Special Board Meeting Date: February 12, 2021

Subject: Proposed Amendment to the Chino Basin Watermaster Peace Agreement

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The District is in a unique place as a party to the agreement. The agreement cannot be changed over the objections of any party, as long as the objections are considered reasonable. Therefore, the District has leverage to accept the change with reasonable conditions.