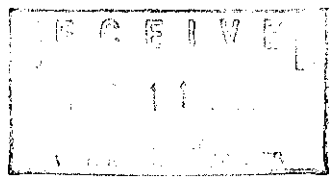


3/3/97



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8 SUPERIOR COURT OF CALIFORNIA
 9 COUNTY OF SAN BERNARDINO, WEST JUDICIAL DISTRICT

10
 11 CHINO BASIN MUNICIPAL WATER DISTRICT
 12
 13 Plaintiff,
 14 vs.
 15 CITY OF CHINO,
 16 Defendants.

CASE NO. RCV 51010
 DECLARATION OF SENATOR
 RUBEN S. AYALA IN OPPOSITION
 TO THE APPOINTMENT OF A
 NINE (9) MEMBER
 WATERMASTER BOARD
 Date: March 3, 1997
 Time: 8:30 a.m.
 Dept.: "H"

17 I, RUBEN S. AYALA, hereby declare as follows:

18 1. I am a California State Senator, representing the 32nd Senatorial District,
 19 which includes portions of the Chino Water Basin. I have served in the state
 20 legislature for over twenty years.

21 2. I served as the chairman and currently am vice-chairman of the State
 22 Senate Standing Committee on Agriculture and Water Resources. In that capacity I
 23 have sponsored legislation involving the peripheral canal. I have been involved in
 24 water law and water law policy issues pertaining to the State of California throughout
 25 the entire time period.

26 3. In 1975, I authored Senate Bill 222 at the request of Ray Ferguson who
 27 served as a director and general manager of the Chino Basin Municipal Water District.
 28

1 The purpose of Senate Bill 222 was to initiate and facilitate the adjudication of the
2 Chino Water Basin by granting specified powers and duties to develop and implement
3 "a management plan for the water resources of the Chino Basin" to the Chino Basin
4 Municipal Water District, the Western Municipal Water District and the Pomona
5 Valley Municipal Water District. Senate Bill 222 also provided a production
6 assessment to pay for the costs and expenses of administration incurred by these water
7 districts and an advisory committee. Senate Bill 222 added Chapter 165 to the
8 Statutes of 1995 which became effective on June 28, 1975 and added Chapter 4 to Part
9 9 to Division 20 of the California Water Code (Sections 72140 through 72146). As
10 stated in Water Code Section 72140.2, the overriding purpose of the legislation was to
11 bring about the adjudication of the Chino Water Basin for "the protection of the
12 ground water supplies of the Chino Basin for the public health, safety and welfare"
13 and it was intended to benefit "all members of the public who rely directly or
14 indirectly upon such ground water supplies."

15 4. As a result of the above, I am intimately familiar with and
16 knowledgeable of water resources issues involving the State of California, especially
17 in Southern California .

18 5. Article X, Section 2 of the California Constitution specifically prohibits
19 the waste and/or unreasonable use of water. In my opinion, uses that cause or
20 intensify water degradation are unreasonable uses of water.

21 6. In order to uphold this Constitutional mandate, it is essential that all
22 public entities and water producers attempt good groundwater management. It is
23 essential to good groundwater management that we take advantage of groundwater
24 storage and conjunctive uses.

25 7. Degradation of groundwater supply eliminates the ability to take
26 advantage of groundwater storage or conjunctive use, and, thus, precludes good
27
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1 groundwater management. With regard to the Chino Water Basin, the groundwater
2 has suffered significant degradation.

3 8. Generally speaking, groundwater producers have a great incentive to use
4 and to over-use groundwater resources because it is less expensive to them than
5 importing water. Their goal is to keep water costs down. This motivation of
6 individual producers is not always consistent with the public's interest in assuring that
7 groundwater resources are properly managed. While the interests of the individual
8 producers should be recognized, that interest should be kept separate from the
9 management of the Chino Basin.

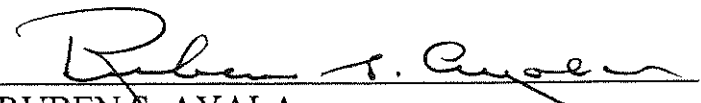
10 9. When I authored Senate Bill 222, I separated the interests of the
11 individual producers from the administration of the provisions of the legislation,
12 namely Chapter 4 of Part 9 of Division 20 of the Water Code, by giving them an
13 advisory role only. Specifically, Water Code Section 72144.2 states that "the
14 Advisory Committee shall review all proposed studies, programs, expenditures on
15 proceeds of production assessments under this Chapter and shall advise and consult
16 with the board in the administration of this Chapter." It was my intent to keep the
17 producers out of the administration of the legislation but to give them a voice since
18 their interests were affected.

19 10. In my opinion, no individual producer should be the Watermaster or
20 serve on a Watermaster Board. The Watermaster's obligation is not only to the
21 producers, but to the public at large. It is simply too much to ask any producer(s) with
22 a financial interest in the groundwater of the Chino Water Basin to put aside its own
23 self-interest and to act as a neutral watermaster. For this reason, I vigorously oppose
24 the current motion that would replace an independent watermaster with individual
25 producers whose self-interest would bias them against "the protection of the
26 groundwater supplies for the Chino Basin for the public health, safety and welfare."
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1 11. Given this legislative history about the adjudication of the Chino Water
2 Basin, it is imperative that any future watermaster appointed by the court in this
3 adjudication be neutral and impartial so as to protect the interests of the public and the
4 producers as well as to fairly arbitrate any conflicts among those varied interests.

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

7 DATED: February 28, 1997

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9 RUBEN S. AYALA
10 CALIFORNIA STATE SENATOR

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is: 695 Town Center Drive, Suite 1400, Costa Mesa, California 92626-1924.

On March 4, 1997, I served the foregoing document described as DECLARATION OF SENATOR RUBEN S. AYALA IN OPPOSITION TO THE APPOINTMENT OF A NINE (9) MEMBER WATERMASTER BOARD on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

/ X / BY MAIL:

/ X / As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 4, 1997, at Costa Mesa, California.

/ X / (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Nora M. Blair
NORA M. BLAIR, PLS

McCORMICK, KUDMAN & BERTRENS LLP
LAWYERS