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 8 MONTE VISTA WATER DISTRICT

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

11
 12 CHINO BASIN MUNICIPAL WATER)
 13 DISTRICT,)
 14 Plaintiff,)
 15 v.)
 16 CITY OF CHINO, et al.,)
 17 Defendants.)
 18

CASE NO. RCV 51010
 MEMORANDUM OF POINTS AND
 AUTHORITIES OF MONTE VISTA
 WATER DISTRICT IN PARTIAL
OPPOSITION TO CHINO BASIN
 WATERMASTER'S MOTION FOR
 APPOINTMENT OF NINE-MEMBER
 BOARD AS WATERMASTER;
 DECLARATION OF P. JOSEPH
 GRINDSTAFF

19 DATE: March 3, 1997
 20 TIME: 8:30 a.m.
 21 DEPT: H

22 SPECIALLY ASSIGNED TO THE
 23 HONORABLE JUDGE J. MICHAEL GUNN

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 25 ///
 26 ///
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MCCORMICK, KIDMAN & BEHRENS, LLP
 LAWYERS

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LAWYERS

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McCORMICK, KIDMAN & BEHRENS, LLP
LAWYERS

MEMORANDUM OF POINTS AND AUTHORITIES

I

INTRODUCTION

The motion by the Advisory Committee for the appointment of a nine-member panel as Chino Basin Watermaster is the epitome of gall. The law firm representing the Advisory Committee begins the motion by misrepresenting itself as counsel for the Chino Basin Watermaster. The Advisory Committee then concedes in the first page of its Memorandum of Points and Authorities that, contrary to the Court's prior order appointing the Chino Basin Municipal Water District (CBMWD) as interim Watermaster, the Advisory Committee has taken "steps necessary to transition the staff away from the Chino Basin Municipal Water District." Apparently, the only step remaining in this coup d'etat by the Advisory Committee is to convince the Court to allow Basin groundwater producer representatives to serve on a panel.

This motion by the Advisory Committee is the final step in its flagrant usurpation of the power and the authority originally granted to the Watermaster by this Court. This usurpation of power began with the Advisory Committee, consisting entirely of Basin groundwater producers, unilaterally hiring the law firm of Nossman, Gunther, Knox & Elliott, LLP, and, thereafter, that law firm representing itself as counsel for the Watermaster in the myriad of motions filed by the Advisory Committee seeking to have itself appointed as Watermaster and/or seeking to undermine the authority of the current Watermaster. The net affect of this usurpation of power has been unchecked, financial irregularities in Watermaster accounts¹, flagrant disregard of the mandates of the Judgment by many of the North Chino Basin groundwater

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¹ The Audit Report documenting these irregularities was attached as Exhibit D to CBMWD's Opposition to the Advisory Committee's Motion for Order of Court That Audit Commission by CBMWD is Not a Watermaster Expense.

Joe's motion
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1 producers, and a continuing degradation of the overall quality of the water of the Chino Basin,
2 especially in the southern portion.

3 Each of the motions brought by the Advisory Committee seeking the appointment of a
4 new Watermaster has also sought elimination of the independent status of the Watermaster and
5 elimination of the checks and balances between groundwater producers through the Advisory
6 Committee and the Watermaster, established by the Judgment. Absent such independent status
7 and such checks and balances, the Court's Judgment will be left to be administered by the
8 groundwater producers in the Chino Basin, without any regard for the rights or interests of the
9 minority producers or for the public interest. The only recourse for those individuals and
10 entities will be to seek court intervention following each act of misfeasance or malfeasance
11 committed by the controlling producers through the Advisory Committee, now also wearing its
12 proposed new hat of Watermaster Board member.

13
14
15 MONTE VISTA WATER DISTRICT ("Monte Vista") does not oppose the appointment
16 of a new and independent Watermaster. Rather, Defendant objects to any attempts to modify
17 the Judgment by eliminating either the independent status of the Watermaster or the checks and
18 balances between the Watermaster and the groundwater producers through Advisory Committee.

19 Monte Vista previously raised these concerns a year ago when a similar motion was
20 brought by the Advisory Committee. The Court ordered all parties to meet and confer, and to
21 attempt to resolve these concerns. Rather than engaging in a meaningful discussion, the majority
22 members of the Advisory Committee used filibustering tactics to eliminate any potential
23 resolution of this issue, and now disingenuously asserts that all efforts at meeting and conferring
24 on this issue have been made. Monte Vista asserts that no such meaningful efforts have been
25 made, and respectfully proposes to the Court appoint a mediator to help the parties resolve these
26

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1 issues. The net result has not been consensus but rather an actual decline in the percentage
2 approval of the Advisory Committee's attempted coup d'etat compared to a year ago.

3 II

4 THE MOTION BY THE ADVISORY COMMITTEE TO
5 APPOINT A 9-MEMBER BOARD AS WATERMASTER SEEKS
6 TO IMPROPERLY MODIFY SUBSTANTIVE ASPECTS OF THE JUDGMENT
7

8 A water right's adjudication by definition is an equitable proceeding. In a water right's
9 adjudication, where competing demands exceed the available supply, courts have developed
10 "physical solutions" to address the numerous problems associated with overproduction of limited
11 water resources. A physical solution involves the application of general equitable principals to
12 achieve reasonable allocation of water to competing interests so that an equitable accommodation
13 of demands upon a water source can be achieved. (Imperial Irrigation Dist. v. State Water
14 Resources Control Bd. (1990) 25 Cal.App.3d 558, 562.) Each physical solution is different and
15 must be crafted to fit the unique circumstances existing in any given basis.
16

17 This litigation involved a general adjudication for water rights of the Chino Basin, a large
18 basin involving many hundreds of producers. After several years of negotiations, judgment was
19 entered on January 27, 1978.

20 A. **Overriding Policy of the Judgment.**
21

22 The overall purpose and objective of the Judgment is specified on page 23, paragraph 39.
23 That is to comply with the mandate of Article X, Section 2 of the California Constitution. That
24 section provides in part that:
25

26 "[T]he general welfare requires that the water resources of the State be put to
27 beneficial use to the fullest extent of which they are capable, and that the waste
28 or unreasonable use or unreasonable method of use of water be prevented, and
that the conservation of such water is to be exercised with a view to the

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reasonable and beneficial use thereof in the interest of the people and for the public welfare"

California Constitution, Art. X, §2.

In order to accomplish this mandate, the Judgment established a physical solution which divides the pumpers into three groups or "pools." These pools consist of (1) agricultural pumpers; (2) certain overlying industrial pumpers; and (3) appropriative pumpers serving water for municipal use. These pools, in turn, jointly form the Advisory Committee to assist the Watermaster in performing certain of its function under the physical solution. (Paragraph 41 of the Judgment.)

The parties to this action have had and continue to have competing interest in the groundwater of the Chino Basin. Recognizing the existence of these competing interests, as well as the overall needs of the public interest, as articulate in Article X, the Judgment establishes numerous checks and balances. The checks and balances preclude any one producer or group of producers from taking action which could be detrimental to the remaining producers, the integrity of the Basin, or the public interest. The most important of these checks and balances is the establishment of a neutral and unbiased Watermaster to administer and enforce the physical solution.

The rationale to create an independent and unbiased Watermaster stems from the Court's finding that the various producers had, in the past, created an overdraft situation, which was ". . . open, notorious, continuous, adverse, hostile and under claim of right by producers." (Paragraph 7 of the Judgment.) These producers cannot be expected to administer the Judgment objectively, free from the bias of financial interests in producing cheap water from the Basin.

Thus, the office of Watermaster was created to administer the day to day management of the Chino Basin's water resources. Examples of the administrative and enforcement powers of the Watermaster include acquisition of necessary facilities and equipment (Paragraph 19 of

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1 the Judgment), employment of experts and agents (Paragraph 20 of the Judgment), levy and
 2 collection of assessments (Paragraph 22 of the Judgment), investment of Watermaster funds
 3 (Paragraph 23 of the Judgment), and the negotiation and execution of contracts for the
 4 performance of any powers granted by the Judgment (Paragraph 25 of the Judgment). Applica-
 5 tion of these duties and powers of the Watermaster are only reviewable upon proper petition to
 6 the court (Paragraph 31 of the Judgment).

8 Additionally, the Judgment vests the Watermaster with "discretionary" powers to develop
 9 "an optimum basin management program for Chino Basin, including both water quantity and
 10 quality considerations." (Paragraph 41 of the Judgment). While use of these discretionary
 11 powers require Advisory Committee recommendation and/or approval before the Watermaster
 12 acts, it does not allow the Advisory Committee to substitute itself as the Watermaster. Rather,
 13 the purpose of the Advisory Committee involvement in these nonadministrative, discretionary
 14 matters is to allow those who are financially interested in water in the Chino Basin to have input
 15 into the Watermaster's decision making on these issues, and on these issues alone.

17 The Judgment specifically recognizes the fact that the Watermaster and the Advisory
 18 Committee are separate and distinct bodies, and that these bodies will have conflicting interests
 19 and differences of opinions on issues concerning the Basin. It provides for an elaborate method
 20 for resolution of conflicts on issues regarding nonadministrative, discretionary issues.
 21 (Paragraph 38 of the Judgment.) The Judgment also allows for the Pooling Committees and the
 22 Advisory Committee to obtain counsel under certain circumstances to challenge in court
 23 nondiscretionary, administrative action by the Watermaster. (Paragraph 38(c) of the Judgment.)

25 If the groundwater producers are allowed to serve on both the Advisory Committee,
 26 either discretionary or nondiscretionary, such conduct would threaten the very integrity of the
 27 Judgment. (See Cohan v. City of Thousand Oaks (1994) 30 Cal.App.4th 547, 559 ["A biased
 28

1 decision maker is constitutionally unacceptable The right to a fair procedure includes the
2 right to impartial adjudicators."])

3 **B. The Advisory Committee's Suggested Modifications Undermine The Stated Purpose**
4 **and Objective of the Judgment**

5 The panel with a voting majority of Basin producer representatives act as the
6 Watermaster would eliminate both the neutrality of the position of Watermaster and would
7 effectively eliminate the checks and balances between the Watermaster and the Advisory
8 Committee. These two central tenants to the Judgment are crucial to safeguard the sole purpose
9 and objective of the Judgment, i.e., to enforce the mandate of Article X, Section 2 of the
10 California Constitution. (See Declaration of Senator Ruben Ayala.) This proposed modification
11 is nothing less than a substantive modification of the Judgment, and is, consequently,
12 impermissible. (Witkin, California Procedure (3d ed. 1985) Judgment, § 81, p. 516-517, citing
13 Orban Lumber Co. v. Fearrien (1966) 240 Cal.App.2d 853, 856)

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15
16 The motion by the Advisory Committee does not even address the issue of neutrality of
17 the Watermaster. Apparently, it concedes that this provision of the Judgment will be eliminated
18 by its proposed modification. While the Advisory Committee's motion does address the checks
19 and balances issue, its claim that its proposal preserves this portion of the Judgment is neither
20 theoretically nor practically correct.

21
22 The Advisory Committee argues that the voting power on the proposed Watermaster
23 Board will be completely different than the voting power in the Advisory Committee. This
24 claim is nonsense. Although the proposal prevents the same person from serving both on the
25 Watermaster panel and on the Advisory Committee, nothing prevents a groundwater producer
26 from having two different officers, agents or employees serve, one on the Watermaster panel
27 and the other on the Advisory Committee.
28

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1 The Advisory Committee is currently controlled by producers who draw water from the
 2 northern portion of the Basin. Many, but not all, of these controlling producers are
 3 appropriators that control a substantial percent of the voting power due to the large amount in
 4 assessments paid. (See Declaration of P. Joseph Grindstaff.) Should the Advisory Committee's
 5 proposed modification be implemented today, not only would these northern producers have the
 6 three appropriator votes on the proposed Watermaster Board, but they would also likely control
 7 the votes of the one member from the Overlying (Non-Agricultural) Pool, the one member from
 8 the Board of Three Valleys Municipal Water District, and the one member from the Board of
 9 Western Municipal Water District. Consequently, these northern producers, who currently
 10 control the Advisory Committee, would have a six to three vote control of the proposed
 11 Watermaster Board.
 12

13 Absent the Judgment, these same northern producers have absolutely no incentive to clean
 14 up the Chino Water Basin. The portion of the Basin from which they draw is clean. The result
 15 of their overdrafting, however, has created low quality water in the southern portion of the
 16 Basin, from which the minority producers pump groundwater. (See Declaration of P. Joseph
 17 Grindstaff.) Given the costs of importing water, these northern producers have no financial
 18 reason to curtail their activities. Additionally, as the groundwater in the northern portion of the
 19 Basin remains clean, these northern producers have no incentive to share in the costs of cleaning
 20 the Basin. With control of both the Advisory Committee and the proposed Watermaster Board,
 21 these northern groundwater producers will be allowed to ride roughshod over the minority
 22 producers, as well as the mandates of the Judgement.
 23

24 Furthermore, even if the Advisory Committee's assertions are correct and control of the
 25 Advisory Committee by one set of producers does not guarantee control of the proposed
 26 Watermaster Board by the same set of producers, no one on the proposed Watermaster Board
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1 will protect the public interest in proper groundwater management. In other words, without a
2 neutral Watermaster, who is not controlled by the producers, there is no one to protect the
3 public interests. (Declaration of Senator Ruben Ayala.)

4 For the last two years, the current Watermaster has essentially been rendered powerless
5 by the actions of the Advisory Committee. At the same time the Advisory Committee has
6 attempted to take over and perform the Watermaster's duties. It is no coincidence that during
7 this same period of time the expenses of the Watermaster have increased dramatically, financial
8 irregularities have occurred, and the quality of groundwater in the Chino Water Basin, especially
9 the southern portion, has been further degraded. (See Declaration of Joseph Grindstaff.) One
10 can only imagine what further problems will arise if the Court modifies the Judgment so that
11 Advisory Board members sit on a Watermaster Board.
12

13 **III**

14 **THE COURT SHOULD APPOINT A MEDIATOR TO RESOLVE THIS DISPUTE**

15 On June 18, 1996, the Advisory Committee brought a similar motion for the appointment
16 of a nine member board as Watermaster, with that nine person board consisting of members of
17 the Advisory Committee. At that time the Court recognized the danger of eliminating the
18 independence and neutrality of the Watermaster and the risks inherent in the elimination of the
19 checks and balances contained in the Judgment. Consequently, the Court ordered the parties to
20 meet and confer on these issues, as well as on the issue of whether there was a true need to
21 replace the Watermaster.
22

23 Contrary to the assertions in the Advisory Committee's motion, there was no good faith
24 attempt by the parties to meet and confer. Rather, the producers that hold a majority vote in
25 the Advisory Committee simply filibustered, offering no compromise on these issues. The
26 current proposal is only cosmetically different than the 1996 proposal. Moreover, there was
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1 little, if any, attempt to involve the public, which would be greatly affected by these proposed
2 changes. In fact the only result from the attempts to meet and confer was a substantial increase
3 in the number of votes of the producers in the Advisory Committee opposing this proposed
4 change.²

5 Defendant respectfully requests that the Court order the parties to again meet and confer
6 on these issues, and to involve the public. Defendant further requests that the court appoint a
7 retired judge to mediate the resolution of these issues, as well as to ensure that the parties meet
8 and confer in good faith and that the public is involved. The duty of the mediator will be to
9 develop a proposal for carrying out the intent and purpose of the Judgment. The costs of the
10 mediator should be shared equally among the producers.

11 Defendant proposes one of the following individuals to be appointed to act as mediator:

- 12 (1) Retired Judge James Piatt
- 13
- 14 (2) Retired Judge William Hyde
- 15
- 16 (3) Retired Judge Howard Weiner

17 After the mediation, the mediator can provide the Court with a report concerning the
18 mediation and a recommendation regarding the appointment of Watermaster to carry out the
19 purpose and intent of judgment.

20 Defendant further requests that the Chino Basin Municipal Water District remain as
21 interim Watermaster until this dispute has been resolved.

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27 ² The nearly identical motion brought last year by the Advisory Committee was
28 purportedly supported by over 96% of the votes of the Advisory Committee. The
current motion by the Advisory Committee is supported by only 67.99% of the
votes of the Advisory Committee.

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IV

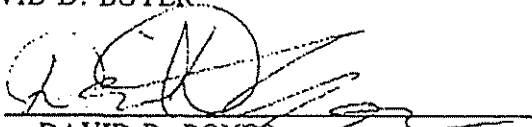
CONCLUSION

If the Advisory Committee's motion is granted, the Court will have eliminated the neutrality and independence of the Watermaster, as well as any system of checks and balances between the Watermaster and the Advisory Committee. The controlling producers will be able to ignore the concerns of the minority producers and the public interest, and ultimately undermine the sole purpose and objective of the Judgment. The net effect will be further degradation of the Chino Basin and future court proceedings under the Judgment, further tying up the courts.

Monte Vista respectfully requests that the Court not attempt to resolve these very complicated issues based solely upon an 11-page motion filed by a committee whose controlling members benefit financially from undermining the Judgment. Rather, Defendant requests that the Court appoint a mediator, who can take the time to fully investigate the issues raised by this motion and who can provide the Court with a detailed and objective report and recommendation following the mediation.

DATE: March 4, 1997

MCCORMICK, KIDMAN & BEHRENS, LLP
ARTHUR G. KIDMAN
DAVID D. BOYER

By: 
DAVID D. BOYER
Attorneys for Defendants MONTE VISTA
WATER DISTRICT

monte/3n-mpa.opp

PROOF OF SERVICE

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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 * 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

BY MAIL:

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.

(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, PLS

MCCORMICK, KIDMAN & BEHRENS, LLP
LAWYERS

1 McCORMICK, KIDMAN & BEHRENS, LLP
2 Lawyers
3 Imperial Bank Building
4 695 Town Center Drive
5 Suite 1400
6 Costa Mesa, California 92626-1924
7 (714) 755-3100
8 Attorneys for the Monte Vista Water District

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

10 CHINO BASIN MUNICIPAL WATER
11 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
28

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.

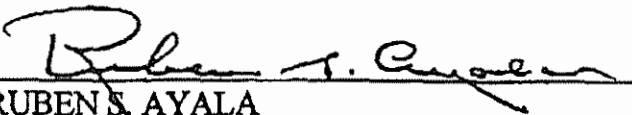
10 9. When I authored Senate Bill 222, I separated the interests of the
11 individual producers from the administration of the provisions of the legislation,
12 namely Chapter 4 of Part 9 of Division 20 of the Water Code, by giving them an
13 advisory role only. Specifically, Water Code Section 72144.2 states that "the
14 Advisory Committee shall review all proposed studies, programs, expenditures or
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."
27
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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

8 
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

BY MAIL:

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.

(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, KIDMAN & BEHRENS, LLP
LAWYERS

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1 **DECLARATION BY P. JOSEPH GRINDSTAFF**

2

3 I, P. Joseph Grindstaff, hereby declare as follows:

4 1. I am currently General Manager of the Monte Vista Water District and a
5 member of the Chino Basin Advisory Committee. I have served in those capacities since
6 December 1994. I have served on several region wide task forces looking at water
7 quality and management in the Chino Basin as well as other basins and watersheds. I
8 have served as the Chairman of the Santa Ana River Dischargers Association (SARDA)
9 and currently serve as the Chairman of the Chino Basin Advisory Committee. I am
10 currently the Chair of an Association of California Water Agencies (ACWA) Water
11 Resources Subcommittee. I have first hand knowledge of the matters set forth herein and,
12 if called as a witness I would be competent to testify thereto.

13 2. I submit this declaration in support of Monte Vista Water District's opposition
14 to the appointment of a Watermaster composed of producers serving as members. I
15 support Monte Vista's call for the appointment of an independent Special Master with
16 power to make recommendations to the Court and to help mediate and resolve the many
17 issues currently facing Watermaster. I am not asking the Court to appoint the Chino
18 Basin Municipal Water District Board as Watermaster. I do believe the issues discussed
19 below constitute compelling reasons why the appointment of a Watermaster with
20 producers as members is inappropriate.

21 3. Appointment of a Watermaster is not a simple issue capable of a quick fix.
22 The seriousness of the appointment of a Watermaster cannot be presented in a brief
23 declaration. In this declaration, I attempt to address the urgency of appointing an
24 appropriate Watermaster by describing two major problems that exist today. I have
25 included graphics that hopefully will assist the Court in grasping the breadth of the
26 Watermaster issue. The Court's indulgence is appreciated in considering this declaration
27 on this most important issue which has far-reaching consequences.

28 4. Beginning in 1988, I served on the region-wide Nitrogen and Total Dissolved
29 Solids Task Force (representing the City of Riverside) which was designed to identify and
30 make recommendations about how to resolve water quality problems in the Santa Ana

1 River Watershed, which includes most of Orange, Riverside, and San Bernardino
 2 Counties. The Chino Basin was identified in that study as an area of major concern and
 3 became a focus for major parts of the study. Since that time, I have been involved in
 4 several management and water quality studies of the area and the basin.

5 5. Over the last several years, members of the Pools and Advisory Committee
 6 have violated the intent and letter of the law as spelled out in the judgment. Many studies
 7 have been made of the basin. The studies and information coming from these studies
 8 indicate that there has been a degradation of water quality and safe yield in the basin by
 9 failing to follow the judgement. The parties have failed in small things such as routine
 10 administrative filings and minor technical violations. Other more major management
 11 failings have also been documented. However, of larger importance, the parties have
 12 knowingly avoided dealing with many issues, such as: pumping patterns, safe yield,
 13 storage limits and losses, speculation in water, and development of an optimum basin
 14 management plan. The parties have used an estimated 50,000 Acre Feet (current
 15 replacement cost about \$12 million) in extra water from the basin in direct violation of
 16 the judgment, in order to lower expenses (see a more detailed explanation in paragraphs
 17 21 - 26 and in Exhibit A). The parties have continued to allow the basin water to degrade
 18 to the point that I believe most of the water now pumped out of the ground no longer
 19 meets health department standards for safe drinking water without blending or treatment.
 20 It is my intent in this declaration to document these issues, to demonstrate how basin
 21 producers have failed in their responsibilities, how their short-term interests that are
 22 served by continued inaction, and therefore, an independent Watermaster must be
 23 appointed to move things forward.

24 6. Most of this activity has been done with very little oversight from the current
 25 Watermaster Board. They have long acquiesced to the view that an 80% vote of the
 26 Advisory Committee gives them no choice, but to accept the decision. When the
 27 Watermaster Board indicated that it wanted to begin reviewing issues and began prodding
 28 the Advisory Committee to take action on issues of water management and
 29 administration, the revolt of parties began, by attempting to remove the sitting board from
 30 its position. It is my contention that only an independent thinking, knowledgeable body

*in substance
 in intent*

Truth

1 that is committed to managing the Basin effectively can have any hope of balancing out
2 the impact of a strong producer senate (the Advisory Committee). In order to be
3 successful there must be no conflict of interest and no members who are acting in their
4 own self interest. If such a body is not in place, I believe many complex technical issues
5 will end up back in court for resolution.

6 7. In the past two years, since I have been the General Manager at Monte Vista
7 Water District, I have tried several times to encourage the Pools and the Advisory
8 Committee to address various issues of management in the Chino Basin. During this time
9 it has become obvious that many of the parties to the judgement have a vested interest in
10 maintaining the status quo. That is true even where it conflicts with the judgment and the
11 fundamental values of a "physical solution." Most parties believe that there will be
12 amnesty for past actions and that water that is missing from the basin, will never be
13 replaced. Therefore, it is in their best financial interest to delay and or minimize any
14 proposed changes. On the other hand, some parties have also taken up the challenge and
15 have pushed to have such serious issues addressed and solved. Should the basin
16 management issues be resolved, I believe the issue of who acts as Watermaster will go
17 away. It is my view that many of the parties want a new Watermaster. They believe that
18 a board comprised of some producers plus three outside elected officials who must rotate
19 every two years, will be much less likely to understand the technical nature of the issues
20 or to take action opposing an Advisory Committee composed principally of professional
21 water managers.

22 8. An additional problem with the Advisory Committee is how the votes are
23 counted. This arises primarily in the Appropriative Pool where votes are apportioned
24 50% based on initial Safe Yield allocation and 50% based on Assessments. The more
25 water purchased, the greater the voting power. The votes in the pool then become
26 primarily driven by how much money someone decides to spend to purchase water. Only
27 those producers in the northern end of the basin can afford to buy water because their
28 water is normally clean. Producers thus have an incentive to move wells and pumping
29 facilities to the north part of the basin to get better quality water. At the same time they
30 are degrading more water in the south by letting it concentrate. This action also increases

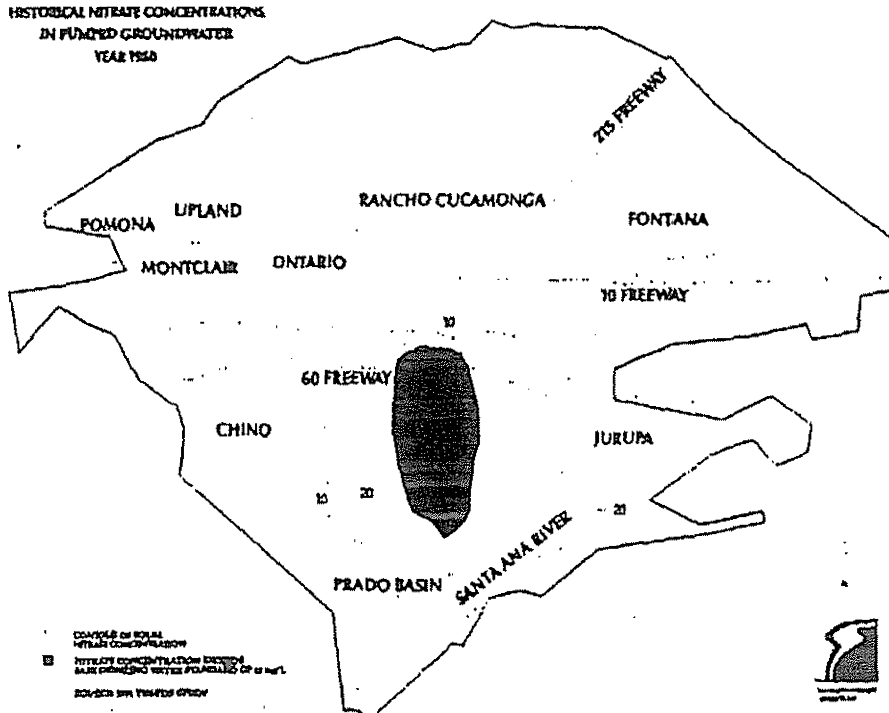
1 their voting power in the Pool and Advisory Committee. An analysis of the votes
2 indicates that the agencies who have taken advantage of the basin, by moving production
3 north or who have stored vast amounts of water without losses for speculative purposes,
4 are the agencies attempting to remove any independent Watermaster.

5 **WATER QUALITY**

6 9. Over the last ten years the water quality in the Chino Basin has dramatically
7 worsened. From 1988 until 1990 I served on a Nitrogen and Total Dissolved Solids
8 (TDS or salt) Task Force that conducted a study of the Santa Ana River Watershed. At
9 that time, the Chino Basin was identified as the single area in our entire region with the
10 most critical water quality problems. Since that time, many studies have been prepared,
11 but no coordinated plan has been adopted to stop the advancement of contamination. In
12 fact, many actions taken by parties to the judgment to modify the pumping pattern in the
13 basin have caused the problem to worsen.

1 10. The map shown below was produced as a result of the 1988 - 1990 Nitrogen
 2 and TDS Study (a full version of maps is included as Exhibit B). It indicates the quality
 3 of the underground water in 1950. The highlighted area surrounds the then Ontario
 4 Wastewater Treatment Plant and indicates high levels of nitrate contamination where
 5 basin water does not meet drinking water standards.

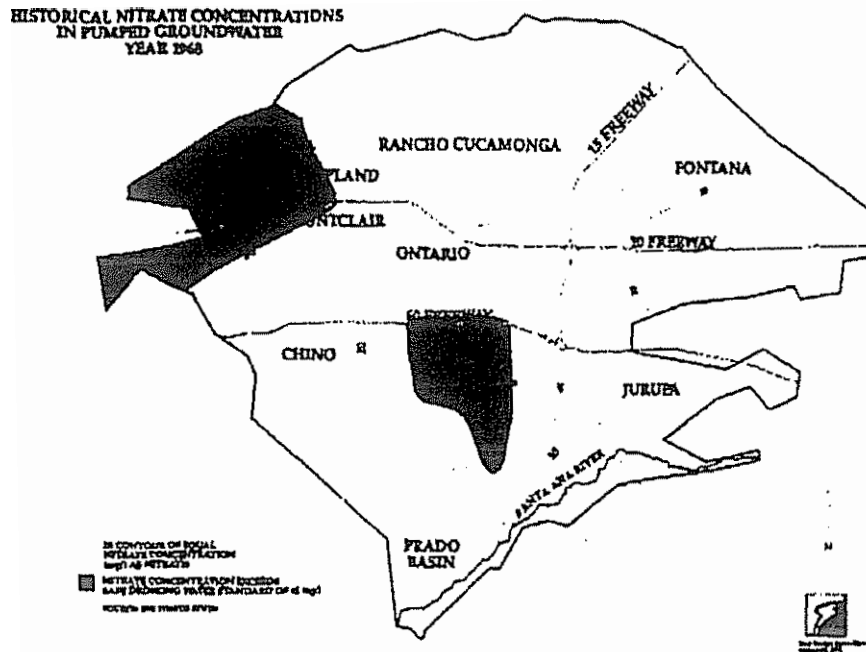
6 11. Chino Basin, Nitrate Levels, 1950



7

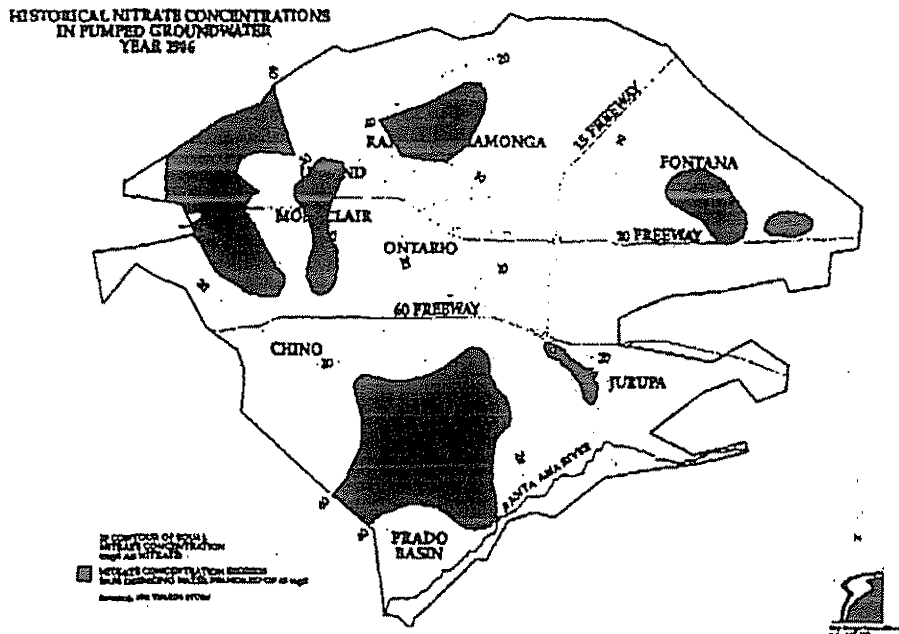
1 12. In 1968 the problems had expanded as nitrates put on the surface to feed other
 2 agricultural needs (such as citrus) made its way into the groundwater. By 1968 the
 3 problem had grown and water agencies began to take notice.

4 13. Chino Basin, 1968, Nitrate Contamination



1 14. By 1986 (the base year for the study), contamination was much more widely
 2 spread around the basin. The pumping patterns of the past changed with production
 3 moving north. Cities and agencies in areas such as: Chino, Chino Hills, Pomona, Monte
 4 Vista Water District, Ontario and Jurupa Community Services District had major water
 5 quality impacts. Many wells had to be taken out of service with replacements costing
 6 millions of dollars. Poor basin water quality led the City of Pomona to build a nitrate
 7 removal plant at a of cost \$3 million, and the Cities of Chino and Chino Hills to invest in
 8 a Treatment Plant to purchase imported water to blend with their poor quality well water.
 9 These issues caused the City of Chino, Water Works #8 (now the City of Chino Hills),
 10 and the City of Norco to file a motion with the court in 1988 to force the development of
 11 an Optimum Basin Management Plan.

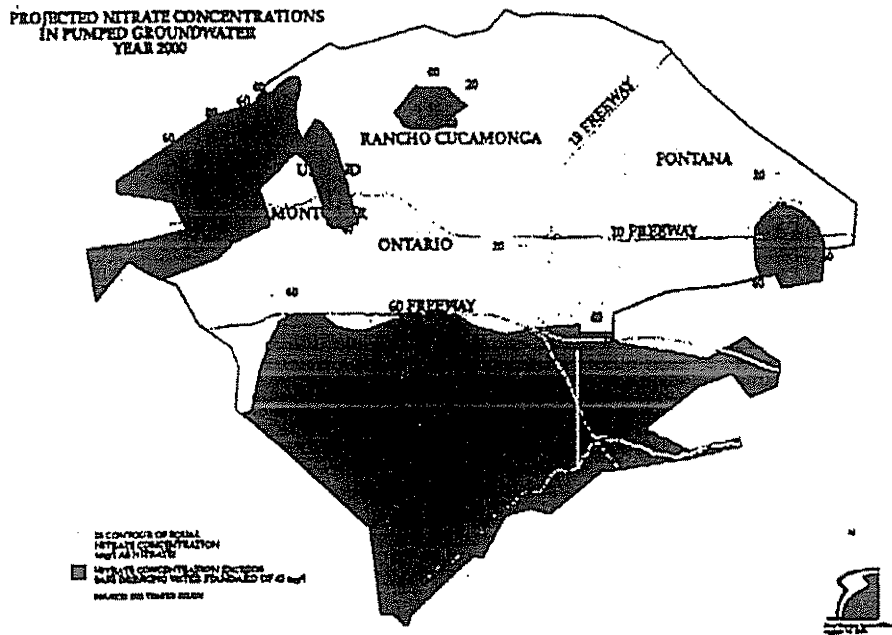
12 15. Chino Basin, 1986, Nitrate Contamination



13

1 16. According to the 1990 Nitrogen-TDS Study, in the year 2000, contamination
 2 was expected to have spread to cover much of the basin. In fact, Mark Wildermuth (the
 3 Basin's Contract Engineer) informed the Advisory Committee last year that the
 4 contamination is worse than projected and that the Basin has already achieved the level of
 5 contamination that was expected for the year 2000. It seems clear that the failure of the
 6 Watermaster to plan and act to control contamination has not only allowed this to happen,
 7 but has even made the problem worse.

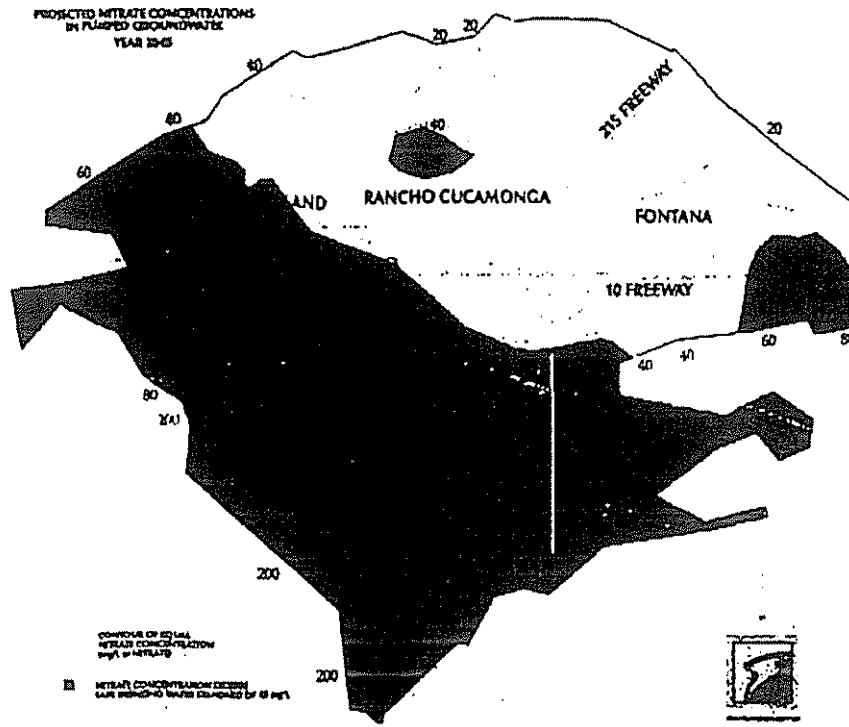
8 **17. Chino Basin, 2000 (achieved in 1996), Nitrate Contamination**



9
 10

1 18. The projections for the year 2045 are much worse. No action or plan currently
2 in place will address this anticipated degree of contamination.

3 19. Chino Basin, 2045 Projection, Nitrate Contamination



4
5
6 20. It is not my position, that the Court needs to rule on the adequacy of the
7 current Basin Management Plan. It is my contention that there is no coherent plan now in
8 place. There are just a series of policies, many of which are not currently being followed.
9 A dialogue has been taking place between basin users and I believe that over the next few
10 months some new policies and plans may take shape that would begin addressing these
11 concerns. A single integrated Optimum Management Plan was suggested by Judge
12 Turner. A schedule of two years (complete by July 1991) was encouraged. If these
13 proposed policies do move forward, the plan will probably be developed and might be
14 completed in 1999 (some ten years after the Court suggested). Should these new policies
15 and plans not take shape, I will recommend that Monte Vista Water District (along with
16 other parties to the judgment) go through the process to formally ask that the pool
17 committees, Advisory Committee, and Watermaster adopt such policies and plans. Most

1 of these issues have been discussed for the last ten years, and I believe it would not be
2 prudent to wait more than a few months for such action. Past practices of the parties to
3 the judgment have not shown any demonstrated desire or propensity to adequately
4 address these issues. I feel that an effective appeal process to the Watermaster is critical.
5 Watermaster should be the one independent body that can take the time to understand the
6 issues which can be very technical and include thousands of pages of documentation. I
7 believe that the past performance of the Advisory Committee indicates that a strong,
8 effective, and independent Watermaster needs to be appointed to understand and deal
9 with the issues. Absent this kind of Watermaster, we are likely to be returning to Court
10 on a regular basis asking for relief.

11 **WATER LOSS**

12 21. Pursuant to the original Judgment (several paragraphs and Appendix I) and the
13 Chino Basin Watermaster Uniform Groundwater Rules and Regulations (Section 2.8.1),
14 losses due to evaporation, transpiration, and losses to the river due to water storage must
15 be accounted for and replaced to keep the basin whole. Calculations show that a bit more
16 than 55,000 AF (today's replacement cost would be about \$13 million) of water has been
17 lost, but not accounted for.

18 22. In the fall of 1996, a document was prepared by the Watermaster Water
19 Resources Engineer, which showed the total storage loss of water from 1978 to July
20 1994. It apportioned those losses to pools and parties at a loss rate of 2.03% per year (see
21 Exhibit A). The bottom line was that the Non-Ag Pool was responsible for about 5,431
22 AF of losses, the Appropriative Pool was responsible for about 20,008 AF in losses, and
23 Metropolitan Water District was responsible for losses totaling 11,701 AF. In the almost
24 three years since 1994, losses calculated on water in storage have averaged about 4,500
25 AF per year. None of the losses has been accounted for. The total loss from water held
26 in storage is about 50,640 AF, based on the engineer's findings.

1

1978-1994	Non-Agricultural Loss	5,431
1978-1994	Appropriative Pool	20,008
1978-1994	MWD	11,701
1994-1997	Estimated Loss	<u>13,500</u>
	Total	50,640

2 23. Pursuant to the Uniform Groundwater rules which were adopted by the
3 Advisory Committee and Watermaster to implement the judgement, water losses must be
4 allocated between the parties for whom water is held in storage. Evaporation and
5 transpiration losses must be allocated on a one time basis at a rate of 3% for the party
6 percolating water. After some investigation, it appears that no party to the judgment has
7 ever been charged for losses. No research has been shown to negate this loss, the rules
8 and regulations have just been ignored. This water loss issue was raised at an Advisory
9 Committee meeting in the context of a assessment package. Watermaster staff reported
10 that losses were ignored because of the financial impact on agencies.

11 24. No formal documentation of percolated water or losses has been compiled.
12 However, I was able to find records from 1991 to 1994 that indicate 45,000 AF were
13 recharged. At a loss rate of 3% over these three years, 1,350 AF of water have been lost
14 with a current replacement cost of about \$320,000. If we assume past recharge rates have
15 been less and that only 150,000 AF have ever been replenished, the loss is still significant
16 at 4,500 AF or about \$1.1 million in replacement costs.

17 25. The Advisory Committee has been unwilling to assess losses. At a workshop
18 on storage in February, 1997, a proposal was made that 200,000 AF of water be stored
19 without accounting for any loss. At the loss rate of 2.9 % (projected for the future) this
20 means the Basin would lose 5,800 AF per year and no party would be responsible to
21 make the basin whole. The engineer consultant, when asked, stated that he was
22 concerned that we not violate the integrity of the physical solution. At the most recent
23 Advisory Committee meeting, several representatives from some large parties indicated
24 that they did not see a problem ignoring losses, and that no one had ever noticed a
25 difference. They were even unwilling to accept a suggestion that losses be phased in over
26 a 5 year period of time. The suggestion they proposed was to increase the amount of
27 storage without losses to accommodate more parties.

1 26. These kinds of decisions may benefit individual parties however, they have a
2 dramatic long-term impact on the basin. The closest analogy I can see is that we have a
3 4.5 million AF trust fund (valued at more than \$1 billion). As the trustee of this fund, we
4 are given the ability to use the interest, but not the principal. Some parties to the
5 judgment are saying as trustee, we have never noticed any impact from reducing the
6 principal by 55,000 AF (valued at about \$13 million) or 1%. Two major parties (with
7 more than 25% of the vote) have stated they see no harm in continuing to reduce the
8 principal, because "no one has seen an impact".

9 27. This soon-to-be-made decision and this kind of decision, constitute reasons
10 that a strong independent Watermaster should be appointed. Based on Exhibit A many
11 agencies would lose significant water worth hundreds of thousands of dollars should the
12 judgement rules be applied. It is unlikely that a majority of the producers will vote to
13 assess themselves \$12 million to make up for past practices, or even \$1.2 million per year
14 to deal with current practices. In my opinion, if they are unwilling to assess themselves
15 for losses, few, if any, will be willing to accept some significant additional financial or
16 planning responsibility for the basin clean-up.

17 28. There are many more such issues. The Advisory Committee has also had a
18 report that the actual safe yield in the basin was much higher, but the impact of some
19 parties shifting their production north has reduced the basin's safe yield. This issue again
20 demonstrates the need for a strong, independent Watermaster. A reduction to the safe
21 yield has many ramifications that will not be easily resolved, particularly if it is due to the
22 pumping practices of a few agencies. The agencies and parties most likely to be impacted
23 are the parties most strongly pushing for a producer dominated Watermaster.

24 29. These kinds of issues can be technical, but fundamental principals of equity
25 are involved. Therefore, I believe the parties to the judgment, the people of the State of
26 California, and the Court need an independent, knowledgeable, and committed
27 Watermaster to effectively deal with them. In order to facilitate the resolution to this
28 entire situation, I believe that the Court should appoint a Special Master who could take
29 the necessary time to identify the problems and to sort out the contentions of the parties,
30 and thereafter make recommendations to the Court concerning the composition of a

1 Watermaster to insure compliance with the judgement. I believe there are several former
2 judges and other professionals who would be competent to serve as a Special Master.

3

4 I declare under penalty of perjury the foregoing to be true and correct to the
5 best of my knowledge. Executed on this 28th day of February 1997 at Montclair,
6 California.

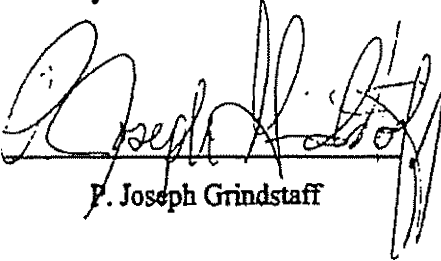
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P. Joseph Grindstaff

Exhibit A

Historical Operation of Local Storage Accounts

Distribution of Losses

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	Summary Overlying Non-Ag Storage Accounting						Year	Summary Appropriative Storage Accounting					
	Put	Take	Estimated End of Period Storage	Losses to Baseflow End of Period Storage	Estimated End of Period Storage	Difference in Storage		Put	Take	Estimated End of Period Storage	Losses to Baseflow End of Period Storage	Estimated End of Period Storage	Difference in Storage
1978 / 79	318	0	318	3	315	-3	1978 / 79	0	0	0	0	0	0
1979 / 80	318	0	636	10	623	-13	1979 / 80	5,336	0	5,336	54	5,282	-54
1980 / 81	421	0	1,057	17	1,027	-30	1980 / 81	3,582	0	8,918	144	8,720	-198
1981 / 82	875	0	1,932	30	1,872	-59	1981 / 82	94	0	9,012	178	8,636	-376
1982 / 83	2,079	0	4,011	59	3,892	-119	1982 / 83	2,765	0	11,776	203	11,197	-579
1983 / 84	3,891	0	7,902	119	7,665	-237	1983 / 84	7,307	0	19,083	301	18,203	-881
1984 / 85	4,875	0	12,777	205	12,335	-442	1984 / 85	12,402	615	30,871	489	29,501	-1,370
1985 / 86	4,110	0	16,887	292	16,153	-734	1985 / 86	11,987	106	42,752	719	40,663	-2,089
1986 / 87	4,846	0	21,733	377	20,621	-1,111	1986 / 87	16,490	10,499	48,744	886	45,768	-2,975
1987 / 88	4,395	0	26,128	463	24,553	-1,575	1987 / 88	50,608	0	99,352	1,443	94,934	-4,418
1988 / 89	3,881	0	30,009	538	27,896	-2,112	1988 / 89	35,044	22,701	111,694	2,052	105,224	-6,471
1989 / 90	2,578	0	32,587	592	29,882	-2,705	1989 / 90	12,663	10,575	113,782	2,157	105,154	-8,628
1990 / 91	2,474	0	35,060	632	31,724	-3,337	1990 / 91	20,124	2,298	131,609	2,316	120,665	-10,943
1991 / 92	2,921	547	37,434	668	33,430	-4,005	1991 / 92	26,321	2,426	155,505	2,692	141,869	-13,636
1992 / 93	3,046	1,145	39,336	698	34,633	-4,703	1992 / 93	25,665	0	181,169	3,140	164,393	-16,776
1993 / 94	2,542	2	41,876	729	36,445	-5,431	1993 / 94	11,498	21,887	170,780	3,232	150,772	-20,008

Exhibit A -- storage program accounting
11/18/96

Mark J. Wildermuth
Water Resources Engineer

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	Cyclic Storage Accounting						Year	MWD Trust Storage					
	Pvt	Take	Estimated End of Period Storage	Losses to Baseflow 0.0203	Estimated End of Period Storage	Difference in Storage		CCWD	Ontario	Estimated End of Period Storage	Losses to Baseflow	Estimated End of Period Storage	Difference in Storage
1978 / 79	15,757	0	15,757	160	15,597	-160	1978 / 79	0	0	0	0	0	0
1979 / 80	14,243	10,678	19,322	353	18,810	-513	1979 / 80	0	0	0	0	0	0
1980 / 81	8,662	3,021	24,963	439	24,012	-952	1980 / 81	0	0	0	0	0	0
1981 / 82	5,047	2,454	27,557	514	26,091	-1,466	1981 / 82	0	0	0	0	0	0
1982 / 83	15,501	0	43,098	687	40,906	-2,153	1982 / 83	0	0	0	0	0	0
1983 / 84	7,960	0	51,018	911	47,954	-3,064	1983 / 84	0	0	0	0	0	0
1984 / 85	8,709	0	59,727	1,062	55,601	-4,126	1984 / 85	0	0	0	0	0	0
1985 / 86	2,095	0	61,822	1,150	56,546	-5,276	1985 / 86	0	0	0	0	0	0
1986 / 87	9,921	3,521	68,221	1,213	61,733	-6,488	1986 / 87	0	0	0	0	0	0
1987 / 88	0	12,512	55,709	1,126	48,094	-7,615	1987 / 88	3,033	4,640	7,674	78	7,596	-78
1988 / 89	0	7,922	47,787	896	39,276	-8,511	1988 / 89	5,065	1,360	14,098	219	13,801	-297
1989 / 90	0	19,324	28,463	601	19,351	-9,112	1989 / 90	11,501	4,876	30,475	446	29,732	-744
1990 / 91	503	0	28,966	398	19,456	-9,510	1990 / 91	11,350	3,579	45,405	755	43,906	-1,499
1991 / 92	54,371	63,131	20,206	306	10,391	-9,816	1991 / 92	0	0	0	0	0	0
1992 / 93	1,677	21,884	0	6	-9,822	-9,822	1992 / 93	0	0	0	0	0	0
1993 / 94	18,767	0	18,767	381	8,565	-10,202	1993 / 94	0	0	0	0	0	0

Exhibit A – storage program accounting
11/18/96

Mark J. Wildermuth
Water Resources Engineer

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	Ameroon Local Storage Account						Year	Coorock Local Storage Account					
	Put	Take	Estimated End of Period Storage	Losses to Baseflow	Estimated End of Period Storage	Difference in Storage		Put	Take	Estimated End of Period Storage	Losses to Baseflow	Estimated End of Period Storage	Difference in Storage
1978 / 79	0	0	0	0	0	0	1978 / 79	318	0	318	3	315	-3
1979 / 80	0	0	0	0	0	0	1979 / 80	318	0	636	10	623	-13
1980 / 81	0	0	0	0	0	0	1980 / 81	318	0	954	16	925	-29
1981 / 82	0	0	0	0	0	0	1981 / 82	318	0	1,271	22	1,221	-51
1982 / 83	43	0	43	0	42	0	1982 / 83	318	0	1,589	28	1,511	-79
1983 / 84	12	0	55	1	54	-1	1983 / 84	318	0	1,907	34	1,794	-113
1984 / 85	0	0	55	1	52	-2	1984 / 85	318	0	2,225	40	2,073	-152
1985 / 86	41	0	96	1	92	-4	1985 / 86	318	0	2,543	45	2,345	-198
1986 / 87	26	0	122	2	116	-6	1986 / 87	318	0	2,861	51	2,612	-248
1987 / 88	98	0	220	3	210	-9	1987 / 88	318	0	3,178	56	2,874	-305
1988 / 89	97	0	317	5	302	-15	1988 / 89	318	0	3,496	62	3,130	-366
1989 / 90	97	0	414	7	392	-22	1989 / 90	318	0	3,814	67	3,381	-433
1990 / 91	96	0	510	9	479	-31	1990 / 91	318	0	4,132	72	3,627	-505
1991 / 92	97	0	606	11	565	-41	1991 / 92	318	0	4,450	77	3,868	-582
1992 / 93	94	0	701	12	647	-54	1992 / 93	318	0	4,768	82	4,104	-663
1993 / 94	98	0	799	14	731	-68	1993 / 94	318	0	5,086	87	4,336	-750

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	Kaiser Ven Storage Account						Year	SB Co. Avia. Storage Account					
	Put	Take	Estimated End of Period Storage	Losses to Baseflow	Estimated End of Period Storage	Difference in Storage		Put	Take	Estimated End of Period Storage	Losses to Baseflow	Estimated End of Period Storage	Difference in Storage
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0
1980 / 81	0	0	0	0	0	0	1980 / 81	88	0	88	1	87	-1
1981 / 82	0	0	0	0	0	0	1981 / 82	0	0	88	2	85	-3
1982 / 83	425	0	425	4	420	-4	1982 / 83	0	0	88	2	83	-4
1983 / 84	2,492	0	2,917	34	2,879	-38	1983 / 84	0	0	88	2	82	-6
1984 / 85	2,906	0	5,823	88	5,697	-126	1984 / 85	30	0	118	2	110	-8
1985 / 86	2,883	0	8,706	145	8,435	-271	1985 / 86	0	0	118	2	107	-10
1986 / 87	2,913	0	11,619	201	11,148	-472	1986 / 87	0	0	118	2	105	-12
1987 / 88	2,929	0	14,548	256	13,821	-728	1987 / 88	0	0	118	2	103	-15
1988 / 89	2,045	0	16,593	301	15,564	-1,029	1988 / 89	0	0	118	2	101	-17
1989 / 90	1,370	0	17,963	330	16,604	-1,359	1989 / 90	0	0	118	2	99	-19
1990 / 91	826	0	18,789	345	17,084	-1,704	1990 / 91	0	0	118	2	97	-21
1991 / 92	739	0	19,528	354	17,469	-2,059	1991 / 92	0	2	116	2	93	-23
1992 / 93	934	0	20,462	364	18,039	-2,423	1992 / 93	52	0	168	2	143	-25
1993 / 94	584	0	21,047	372	18,252	-2,795	1993 / 94	0	0	168	3	140	-28

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	SCE Local Storage Account						Year	Angelica Local Storage Account					
	Put	Take	Estimated Losses to End of Period Storage	Baseflow	Estimated Losses to End of Period Storage	Difference in Storage		Put	Take	Estimated Losses to End of Period Storage	Baseflow	Estimated Losses to End of Period Storage	Difference in Storage
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0
1980 / 81	0	0	0	0	0	0	1980 / 81	0	0	0	0	0	0
1981 / 82	0	0	0	0	0	0	1981 / 82	0	0	0	0	0	0
1982 / 83	0	0	0	0	0	0	1982 / 83	0	0	0	0	0	0
1983 / 84	90	0	90	1	89	-1	1983 / 84	0	0	0	0	0	0
1984 / 85	319	0	409	5	403	-6	1984 / 85	0	0	0	0	0	0
1985 / 86	31	0	440	8	425	-14	1985 / 86	0	0	0	0	0	0
1986 / 87	631	0	1,070	15	1,041	-29	1986 / 87	5	0	5	0	5	0
1987 / 88	238	0	1,308	24	1,255	-53	1987 / 88	4	0	9	0	9	0
1988 / 89	556	0	1,864	31	1,780	-84	1988 / 89	0	0	9	0	9	0
1989 / 90	0	0	1,864	36	1,744	-120	1989 / 90	0	0	9	0	9	-1
1990 / 91	0	0	1,864	35	1,708	-156	1990 / 91	0	0	9	0	8	-1
1991 / 92	0	545	1,319	29	1,134	-185	1991 / 92	0	0	9	0	8	-1
1992 / 93	0	1,139	180	11	-16	-196	1992 / 93	0	6	3	0	2	-1
1993 / 94	0	0	180	0	-16	-196	1993 / 94	0	2	2	0	1	-1

Exhibit A -- storage program accounting
11/18/98

Mark J. Wildermuth
Water Resources Engineer

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	M.L.S.C. Local Storage Account						Year	Sunkist Local Storage Account					
	Put	Take	Estimated Losses to End of Period Storage	Losses to Baseflow End of Period Storage	Estimated Difference in Storage			Put	Take	Estimated Losses to End of Period Storage	Losses to Baseflow End of Period Storage	Estimated Difference in Storage	
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0
1980 / 81	16	0	16	0	16	0	1980 / 81	0	0	0	0	0	0
1981 / 82	35	0	51	1	50	-1	1981 / 82	495	0	495	5	490	-5
1982 / 83	31	0	82	1	79	-2	1982 / 83	1,044	0	1,539	21	1,513	-26
1983 / 84	32	0	113	2	109	-4	1983 / 84	675	0	2,213	38	2,150	-63
1984 / 85	36	0	149	3	143	-7	1984 / 85	860	0	3,073	52	2,957	-116
1985 / 86	23	0	172	3	162	-10	1985 / 86	347	0	3,420	64	3,241	-179
1986 / 87	7	0	179	3	166	-13	1986 / 87	413	0	3,833	70	3,584	-249
1987 / 88	16	0	195	4	179	-17	1987 / 88	287	0	4,120	76	3,795	-325
1988 / 89	0	0	195	4	175	-20	1988 / 89	363	0	4,483	81	4,077	-405
1989 / 90	0	0	195	4	171	-24	1989 / 90	273	0	4,756	86	4,265	-491
1990 / 91	12	0	207	4	179	-27	1990 / 91	786	0	5,542	95	4,956	-586
1991 / 92	43	0	250	4	219	-32	1991 / 92	966	0	6,507	110	5,811	-696
1992 / 93	21	0	271	5	235	-36	1992 / 93	1,088	0	7,595	129	6,770	-825
1993 / 94	25	0	296	5	255	-41	1993 / 94	978	0	8,573	147	7,601	-972

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	Swan Lake Local Storage Account						Year	Praxair Local Storage Account					
	Put	Take	Estimated Losses to End of Period Storage	Losses to Baseflow End of Period Storage	Estimated Difference in Storage			Put	Take	Estimated Losses to End of Period Storage	Losses to Baseflow End of Period Storage	Estimated Difference in Storage	
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0
1980 / 81	0	0	0	0	0	0	1980 / 81	0	0	0	0	0	0
1981 / 82	0	0	0	0	0	0	1981 / 82	27	0	27	0	27	0
1982 / 83	0	0	0	0	0	0	1982 / 83	220	0	246	3	243	-3
1983 / 84	0	0	0	0	0	0	1983 / 84	273	0	519	8	509	-11
1984 / 85	0	0	0	0	0	0	1984 / 85	406	0	926	14	900	-25
1985 / 86	41	0	41	0	41	0	1985 / 86	425	0	1,351	23	1,303	-48
1986 / 87	106	0	148	2	145	-2	1986 / 87	427	0	1,778	31	1,700	-79
1987 / 88	78	0	226	4	220	-6	1987 / 88	427	0	2,206	39	2,088	-117
1988 / 89	75	0	300	5	289	-11	1988 / 89	427	0	2,633	47	2,469	-164
1989 / 90	93	0	394	7	376	-18	1989 / 90	427	0	3,061	54	2,842	-219
1990 / 91	9	0	402	8	376	-26	1990 / 91	427	0	3,488	62	3,207	-281
1991 / 92	331	0	733	11	696	-37	1991 / 92	427	0	3,916	69	3,565	-350
1992 / 93	112	0	845	15	793	-52	1992 / 93	427	0	4,343	77	3,916	-427
1993 / 94	111	0	956	17	887	-69	1993 / 94	427	0	4,770	84	4,260	-511

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	Chino Local Storage Account						Year	CCWD Local Storage Account					
	Put	Take	Estimated Losses to End of Period Storage	Baseflow	Estimated Losses to End of Period Storage	Difference in Storage		Put	Take	Estimated Losses to End of Period Storage	Baseflow	Estimated Losses to End of Period Storage	Difference in Storage
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0
1980 / 81	0	0	0	0	0	0	1980 / 81	0	0	0	0	0	0
1981 / 82	0	0	0	0	0	0	1981 / 82	0	0	0	0	0	0
1982 / 83	0	0	0	0	0	0	1982 / 83	644	0	644	7	638	-7
1983 / 84	75	0	75	1	75	-1	1983 / 84	1,900	0	2,544	32	2,505	-39
1984 / 85	0	0	75	2	73	-2	1984 / 85	0	615	1,929	45	1,846	-83
1985 / 86	0	0	75	1	72	-4	1985 / 86	2,424	0	4,354	62	4,208	-145
1986 / 87	0	0	75	1	70	-5	1986 / 87	5,460	0	9,814	141	9,527	-286
1987 / 88	0	0	75	1	69	-7	1987 / 88	17,820	0	27,634	374	26,973	-661
1988 / 89	0	0	75	1	67	-8	1988 / 89	16,281	0	43,915	713	42,542	-1,373
1989 / 90	0	0	75	1	66	-9	1989 / 90	0	10,575	33,340	756	31,211	-2,130
1990 / 91	0	0	75	1	65	-11	1990 / 91	0	2,298	31,043	610	28,303	-2,740
1991 / 92	1,000	0	1,075	11	1,053	-22	1991 / 92	3,529	0	34,571	610	31,221	-3,350
1992 / 93	0	0	1,075	21	1,032	-44	1992 / 93	1,678	0	36,249	651	32,248	-4,001
1993 / 94	1,000	0	2,075	31	2,001	-75	1993 / 94	0	0	36,249	655	31,594	-4,656

Exhibit A -- storage program accounting
11/18/96

Mark J. Wildermuth
Water Resources Engineer

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	----- MWCGAH Local Storage Account -----						Year	----- Norco Local Storage Account -----					
	Put	Take	Estimated Losses to End of Period Storage	Baseflow	Estimated Losses to End of Period Storage	Difference in Storage		Put	Take	Estimated Losses to End of Period Storage	Baseflow	Estimated Losses to End of Period Storage	Difference in Storage
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0
1980 / 81	0	0	0	0	0	0	1980 / 81	0	0	0	0	0	0
1981 / 82	0	0	0	0	0	0	1981 / 82	0	0	0	0	0	0
1982 / 83	0	0	0	0	0	0	1982 / 83	0	0	0	0	0	0
1983 / 84	0	0	0	0	0	0	1983 / 84	0	0	0	0	0	0
1984 / 85	0	0	0	0	0	0	1984 / 85	0	0	0	0	0	0
1985 / 86	0	0	0	0	0	0	1985 / 86	0	0	0	0	0	0
1986 / 87	0	0	0	0	0	0	1986 / 87	0	0	0	0	0	0
1987 / 88	0	0	0	0	0	0	1987 / 88	0	0	0	0	0	0
1988 / 89	0	0	0	0	0	0	1988 / 89	0	0	0	0	0	0
1989 / 90	57	0	57	1	56	-1	1989 / 90	0	0	0	0	0	0
1990 / 91	51	0	108	2	106	-2	1990 / 91	0	0	0	0	0	0
1991 / 92	0	0	108	2	104	-4	1991 / 92	0	0	0	0	0	0
1992 / 93	0	0	108	2	102	-6	1992 / 93	0	0	0	0	0	0
1993 / 94	0	0	108	2	100	-9	1993 / 94	0	0	0	0	0	0

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	Ontario Local Storage Account						Year	Pomona Local Storage Account						
	Put	Take	Estimated Losses to End of Period Storage	Losses to Baseflow End of Period Storage	Estimated Difference in Storage	Difference		Put	Take	Estimated Losses to End of Period Storage	Losses to Baseflow End of Period Storage	Estimated Difference in Storage	Difference	
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0	0
1980 / 81	0	0	0	0	0	0	1980 / 81	0	0	0	0	0	0	0
1981 / 82	0	0	0	0	0	0	1981 / 82	0	0	0	0	0	0	0
1982 / 83	0	0	0	0	0	0	1982 / 83	0	0	0	0	0	0	0
1983 / 84	0	0	0	0	0	0	1983 / 84	0	0	0	0	0	0	0
1984 / 85	0	0	0	0	0	0	1984 / 85	3,209	0	3,209	33	3,176	-33	
1985 / 86	0	0	0	0	0	0	1985 / 86	1,563	0	4,772	80	4,659	-113	
1986 / 87	0	0	0	0	0	0	1986 / 87	5,508	0	10,280	150	10,016	-263	
1987 / 88	0	0	0	0	0	0	1987 / 88	13,428	0	23,708	340	23,105	-603	
1988 / 89	10,000	0	10,000	102	9,899	-102	1988 / 89	2,162	0	25,870	491	24,776	-1,094	
1989 / 90	0	0	10,000	201	9,698	-302	1989 / 90	4,198	0	30,068	546	28,428	-1,640	
1990 / 91	0	0	10,000	197	9,501	-499	1990 / 91	9,464	0	39,532	673	37,219	-2,313	
1991 / 92	0	0	10,000	193	9,308	-692	1991 / 92	7,647	0	47,179	833	44,033	-3,146	
1992 / 93	0	0	10,000	189	9,119	-881	1992 / 93	9,526	0	56,705	991	52,569	-4,136	
1993 / 94	0	0	10,000	185	8,934	-1,066	1993 / 94	0	20,000	36,705	864	31,704	-5,001	

Exhibit A - storage program accounting
11/18/98

Mark J. Wildermuth
Water Resources Engineer

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	SAWC Local Storage Account						Year	Chino Hills Local Storage Account					
	Put	Take	Estimated End of Period Storage	Losses to Baseflow End of Period Storage	Estimated End of Period Storage	Difference in Storage		Put	Take	Estimated End of Period Storage	Losses to Baseflow End of Period Storage	Estimated End of Period Storage	Difference in Storage
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	110	0	110	1	109	-1	1979 / 80	0	0	0	0	0	0
1980 / 81	428	0	538	7	530	-8	1980 / 81	0	0	0	0	0	0
1981 / 82	0	0	538	11	519	-18	1981 / 82	0	0	0	0	0	0
1982 / 83	0	0	538	11	509	-29	1982 / 83	0	0	0	0	0	0
1983 / 84	1,048	0	1,586	21	1,536	-50	1983 / 84	0	0	0	0	0	0
1984 / 85	901	0	2,487	40	2,397	-90	1984 / 85	489	0	489	5	484	-5
1985 / 86	914	0	3,401	58	3,253	-148	1985 / 86	2,264	0	2,753	33	2,715	-38
1986 / 87	1,315	0	4,716	79	4,489	-228	1986 / 87	3,166	0	5,919	87	5,794	-125
1987 / 88	2,437	0	7,153	116	6,810	-343	1987 / 88	4,975	0	10,894	168	10,601	-293
1988 / 89	1,089	0	8,242	149	7,750	-493	1988 / 89	2,032	0	12,925	236	12,396	-529
1989 / 90	1,802	0	10,044	176	9,376	-668	1989 / 90	1,885	0	14,811	271	14,011	-800
1990 / 91	1,987	0	12,032	211	11,153	-879	1990 / 91	363	0	15,173	288	14,085	-1,088
1991 / 92	1,507	0	13,539	242	12,418	-1,121	1991 / 92	1,301	0	16,474	299	15,087	-1,387
1992 / 93	1,607	0	15,146	268	13,757	-1,389	1992 / 93	250	0	16,724	309	15,028	-1,696
1993 / 94	1,791	0	16,937	297	15,251	-1,686	1993 / 94	361	0	17,084	309	15,080	-2,004

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	SARWC Local Storage Account						Year	SCWC Local Storage Account					
	Put	Take	Estimated End of Period Storage	Losses to Baseflow End of Storage	Estimated End of Period Storage	Difference in Storage		Put	Take	Estimated End of Period Storage	Losses to Baseflow End of Storage	Estimated End of Period Storage	Difference in Storage
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0
1980 / 81	0	0	0	0	0	0	1980 / 81	0	0	0	0	0	0
1981 / 82	0	0	0	0	0	0	1981 / 82	0	0	0	0	0	0
1982 / 83	0	0	0	0	0	0	1982 / 83	0	0	0	0	0	0
1983 / 84	0	0	0	0	0	0	1983 / 84	0	0	0	0	0	0
1984 / 85	0	0	0	0	0	0	1984 / 85	0	0	0	0	0	0
1985 / 86	272	0	272	3	269	-3	1985 / 86	0	0	0	0	0	0
1986 / 87	0	0	272	5	264	-8	1986 / 87	0	0	0	0	0	0
1987 / 88	0	0	272	5	258	-14	1987 / 88	35	0	35	0	35	0
1988 / 89	0	0	272	5	253	-19	1988 / 89	0	0	35	1	34	-1
1989 / 90	0	0	272	5	248	-24	1989 / 90	0	0	35	1	33	-2
1990 / 91	0	0	272	5	243	-29	1990 / 91	134	0	169	2	165	-4
1991 / 92	0	0	272	5	238	-34	1991 / 92	81	0	250	4	242	-8
1992 / 93	0	0	272	5	233	-39	1992 / 93	389	0	639	9	622	-17
1993 / 94	0	0	272	5	228	-43	1993 / 94	480	0	1,119	18	1,085	-34

**Exhibit A
Historical Operation of
Local Storage Accounts**

Even Distribution of Losses

Year	Upland Local Storage Account						Year	Watermaster Local Storage Account					
	Put	Take	Estimated End of Period Storage	Losses to Baseflow End of Period Storage	Estimated End of Period Storage	Difference in Storage		Put	Take	Estimated End of Period Storage	Losses to Baseflow End of Period Storage	Estimated End of Period Storage	Difference in Storage
1978 / 79	0	0	0	0	0	0	1978 / 79	0	0	0	0	0	0
1979 / 80	0	0	0	0	0	0	1979 / 80	0	0	0	0	0	0
1980 / 81	0	0	0	0	0	0	1980 / 81	0	0	0	0	0	0
1981 / 82	0	0	0	0	0	0	1981 / 82	0	0	0	0	0	0
1982 / 83	0	0	0	0	0	0	1982 / 83	0	0	0	0	0	0
1983 / 84	0	0	0	0	0	0	1983 / 84	0	0	0	0	0	0
1984 / 85	0	0	0	0	0	0	1984 / 85	0	0	0	0	0	0
1985 / 86	0	0	0	0	0	0	1985 / 86	0	0	0	0	0	0
1986 / 87	0	0	0	0	0	0	1986 / 87	0	0	0	0	0	0
1987 / 88	885	0	885	9	876	-9	1987 / 88	0	0	0	0	0	0
1988 / 89	1,341	0	2,226	31	2,185	-40	1988 / 89	0	0	0	0	0	0
1989 / 90	2,260	0	4,486	67	4,378	-108	1989 / 90	0	0	0	0	0	0
1990 / 91	1,475	0	5,961	104	5,749	-212	1990 / 91	0	0	0	0	0	0
1991 / 92	1,815	0	7,775	135	7,429	-347	1991 / 92	5,862	0	5,862	59	5,803	-59
1992 / 93	1,741	0	9,517	168	9,001	-515	1992 / 93	3,906	0	9,768	157	9,551	-217
1993 / 94	0	0	9,517	183	8,819	-698	1993 / 94	1,181	0	10,949	206	10,526	-423

Exhibit A -- storage program accounting
11/18/96

Mark J. Wildermuth
Water Resources Engineer

MR-05-197 09:03 10:14:44 HUB

TEL NO: 2147553110

H464 P15

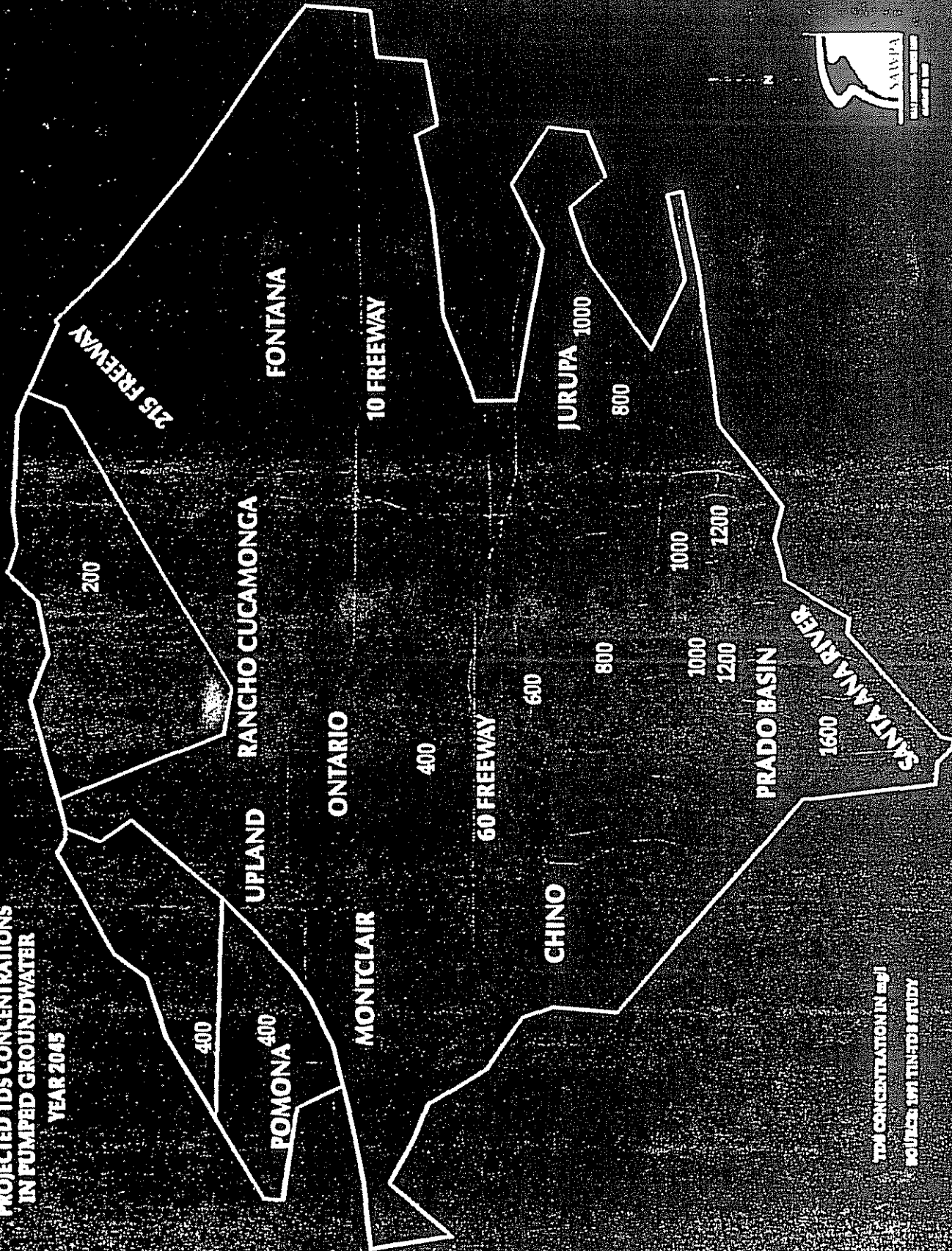
Exhibit B

Chino Basin Water Quality, Past and Future

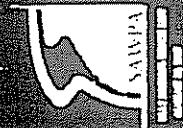
Prepared by the Santa Ana
Watershed Project Authority

based on 1988 -1990 Nitrogen and TDS Study

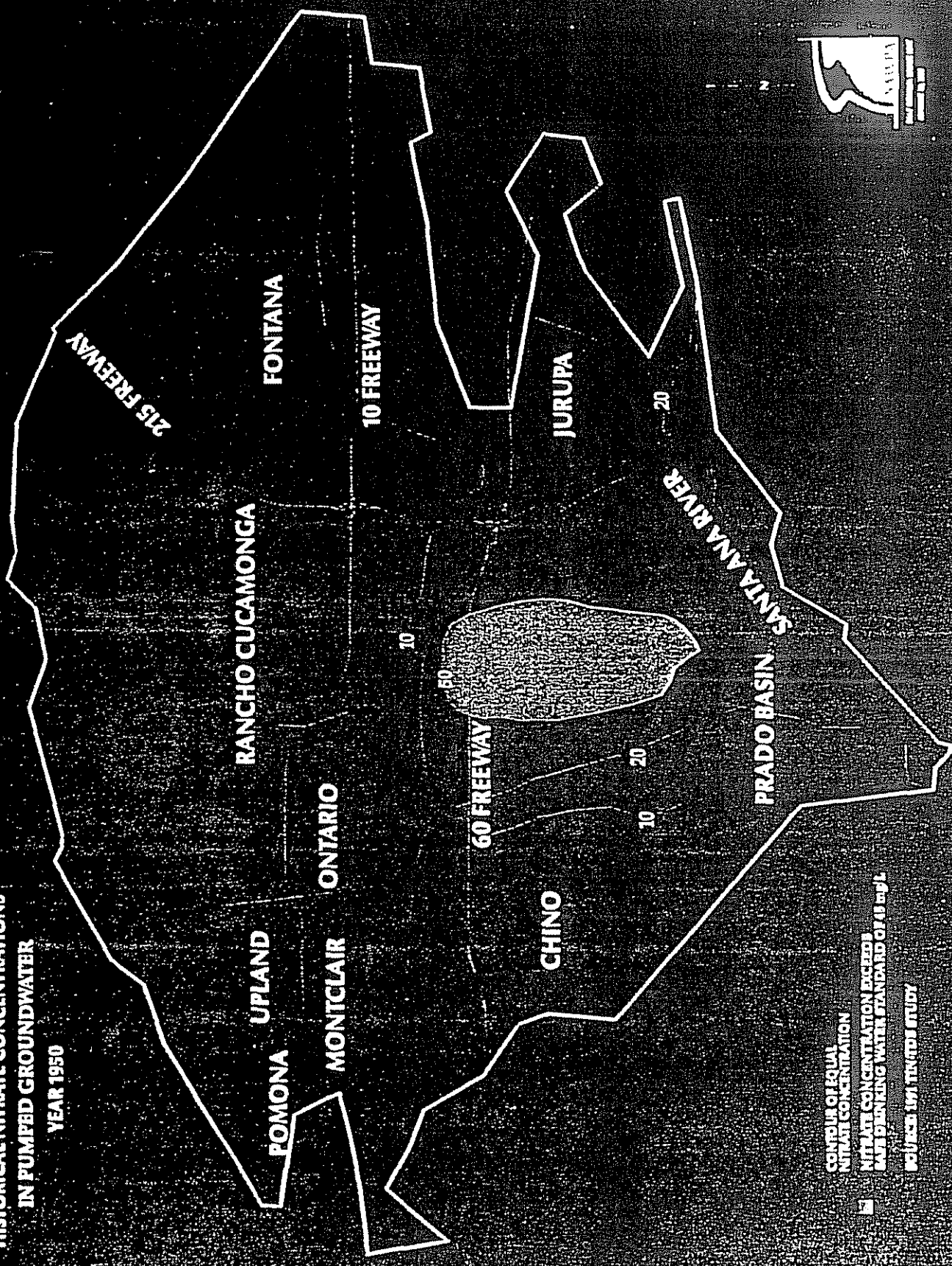
**PROJECTED TDS CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 2045**



TDS CONCENTRATION IN mg/l
SOURCE: 1991 TINTOS STUDY

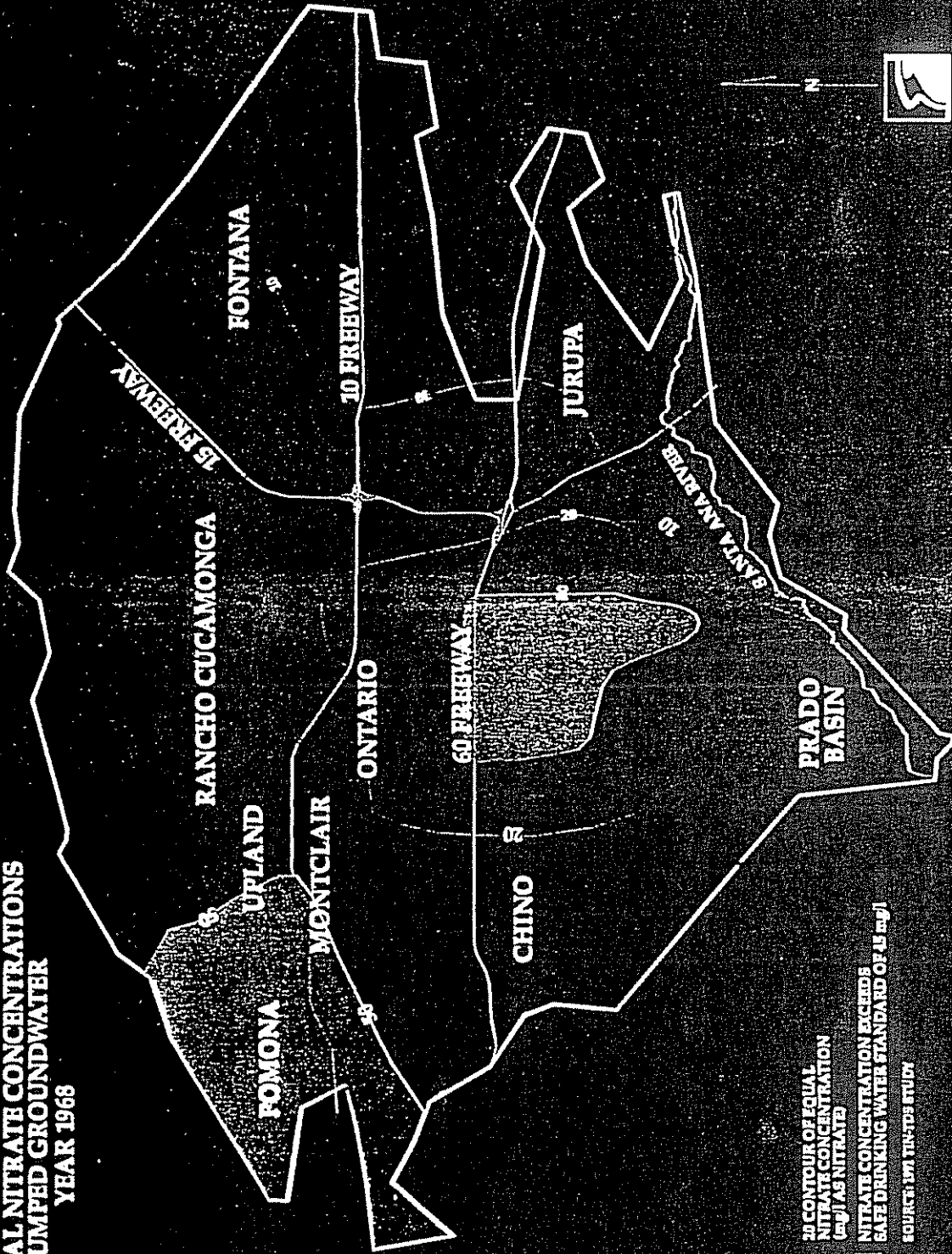


**HISTORICAL NITRATE CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 1950**



CONTOUR OF EQUAL
NITRATE CONCENTRATION
NITRATE CONCENTRATION EXCEEDS
SAFE DRINKING WATER STANDARD OF 45 mg/L
SOURCE: 1991 TRENDS STUDY

**HISTORICAL NITRATE CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 1968**

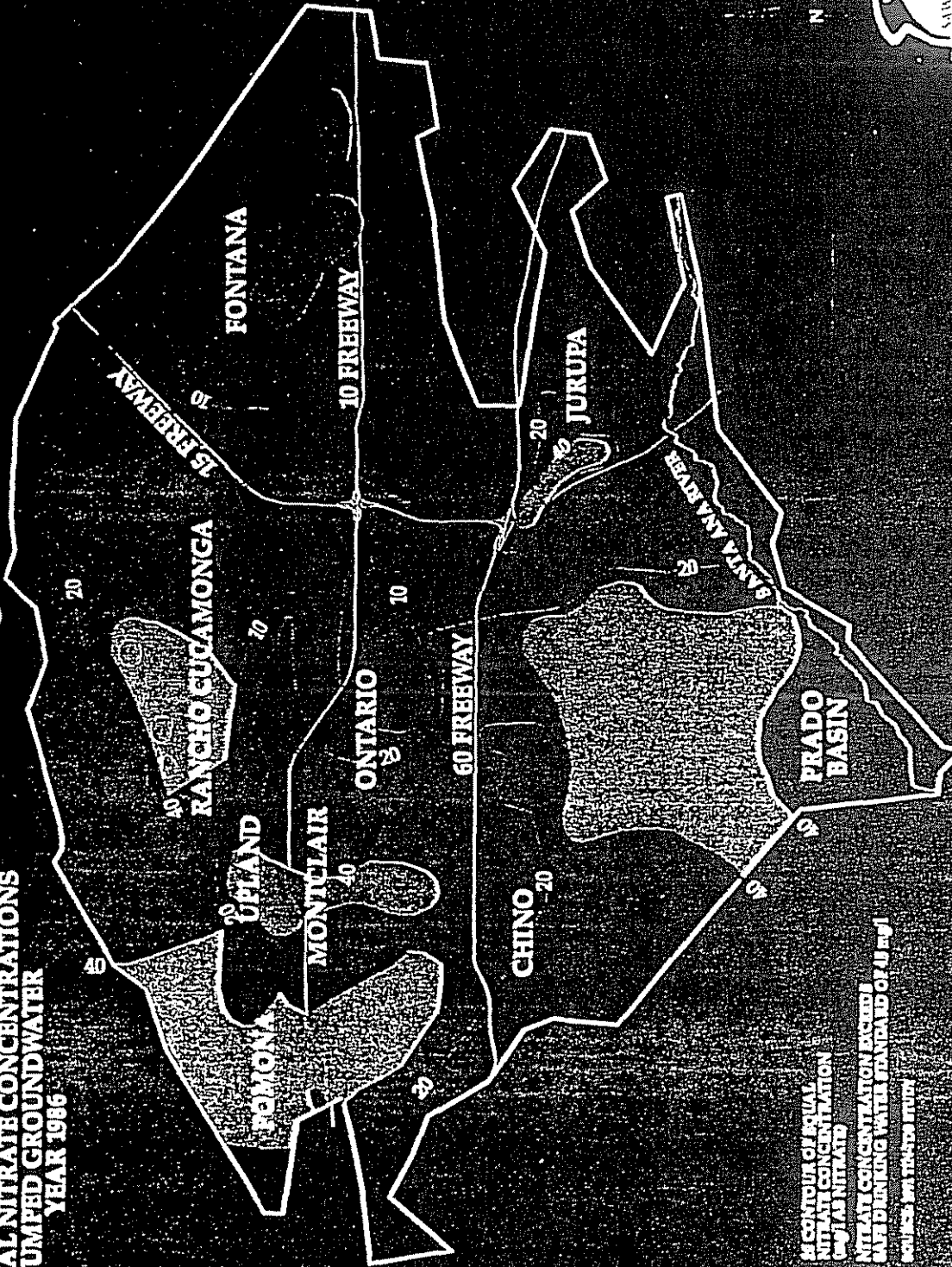


20 CONTOUR OF EQUAL
NITRATE CONCENTRATION
(mg/l) AS NITRATE

NITRATE CONCENTRATION EXCEEDS
SAFE DRINKING WATER STANDARD OF 45 mg/l

SOURCE: 1971 TUD-70'S STUDY

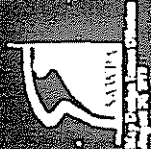
**HISTORICAL NITRATE CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 1986**



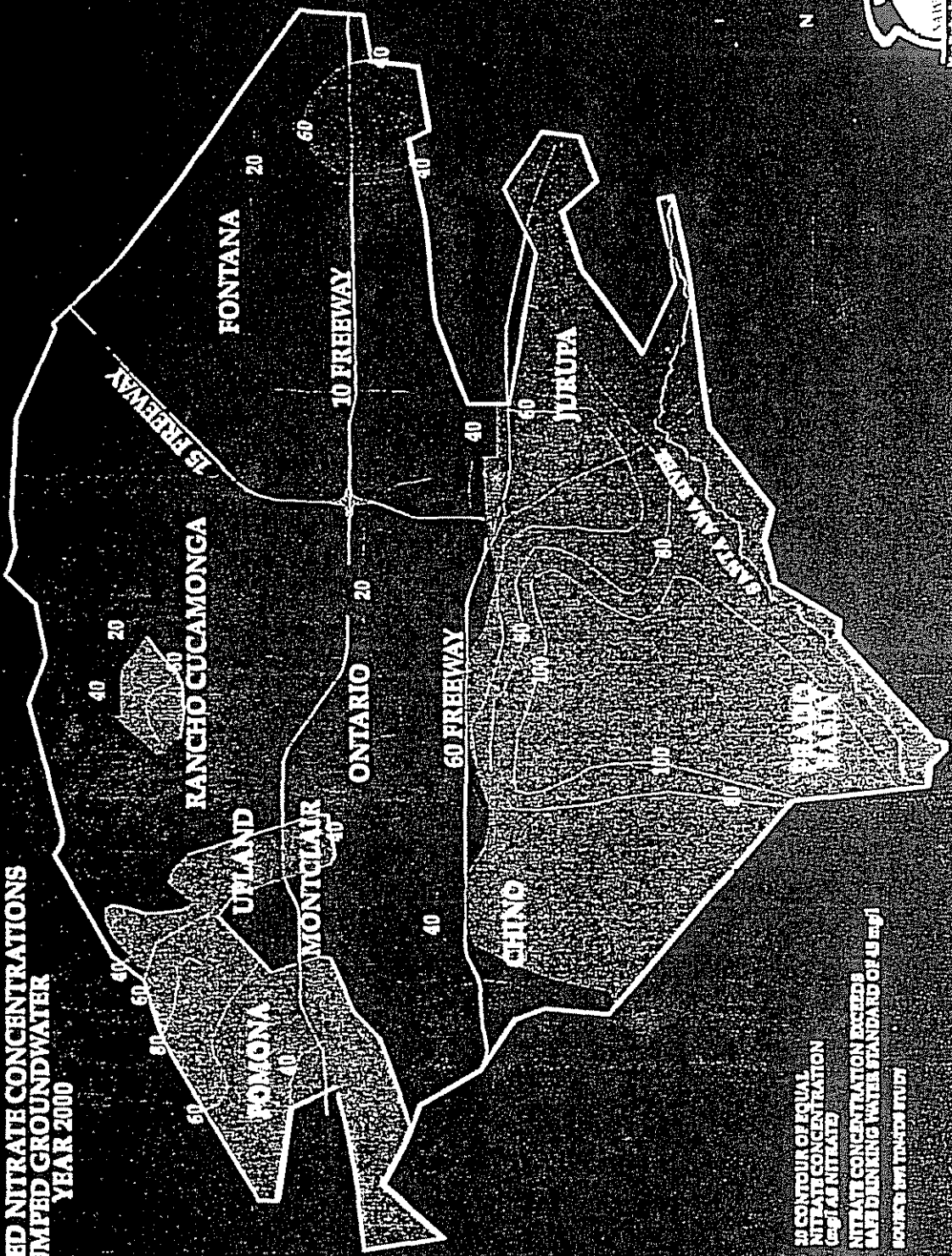
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 15 FREEWAY 10 FREEWAY 60 FREEWAY 91
 FONTANA JURUPA ONTARIO CHINO PRADO BASIN
 RANCHO CUCAMONGA UPLAND MONTECLAIR
 SANTA ANA RIVER

10 20 30 40 50
 mg/l AS NITRATE
 NITRATE CONCENTRATION EXCEEDS
 SAFE DRINKING WATER STANDARD OF 45 mg/l

San Joaquin Hills Water Reclamation District



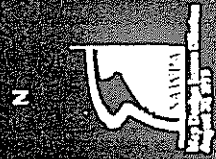
**PROJECTED NITRATE CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 2000**



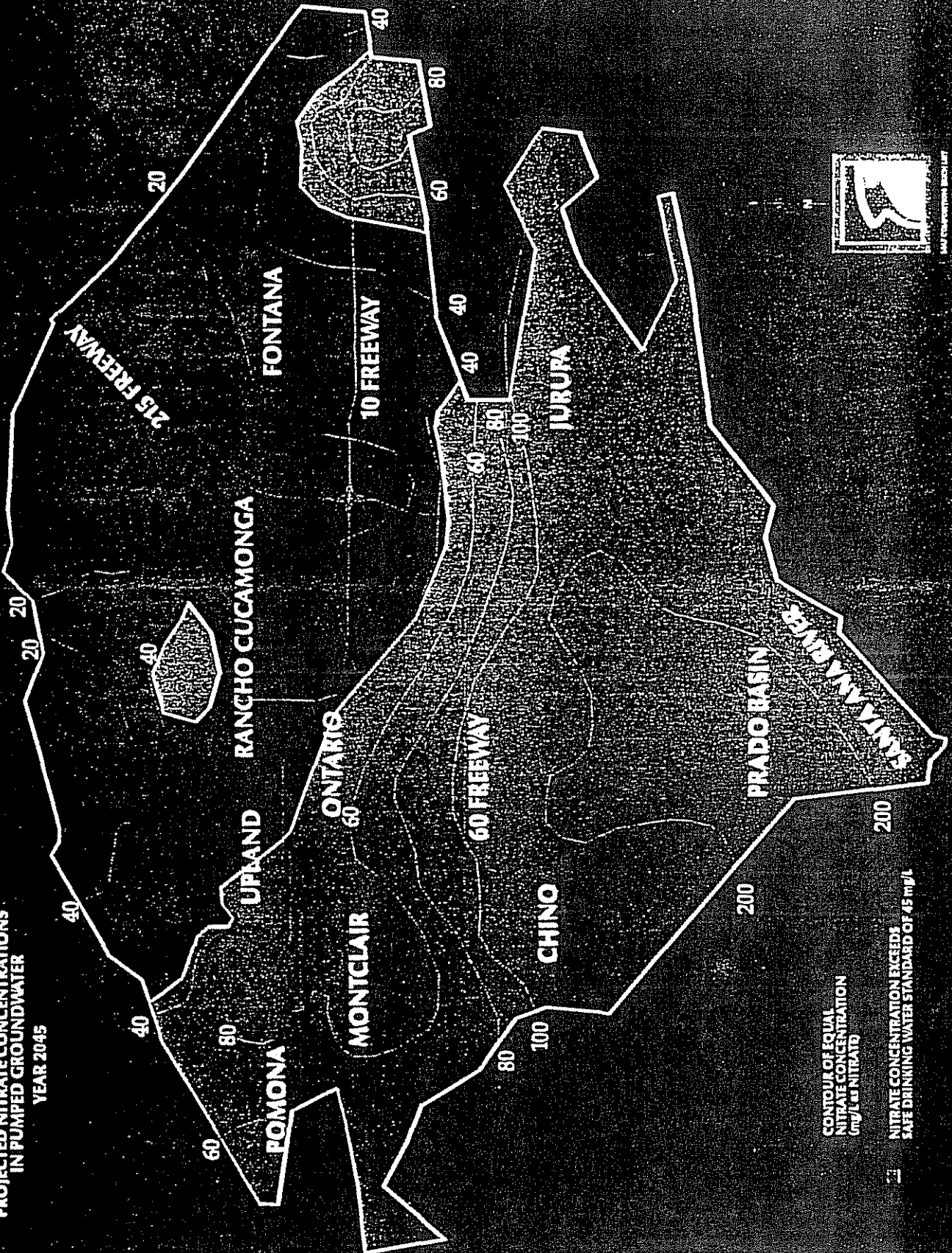
10 CONTOUR OF EQUAL
NITRATE CONCENTRATION
(mg/l AS NITRATE)

NITRATE CONCENTRATION EXCEEDS
SAFE DRINKING WATER STANDARD OF 45 mg/l

SOURCE: SCAI TR-4206 (11/97)



PROJECTED NITRATE CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 2045



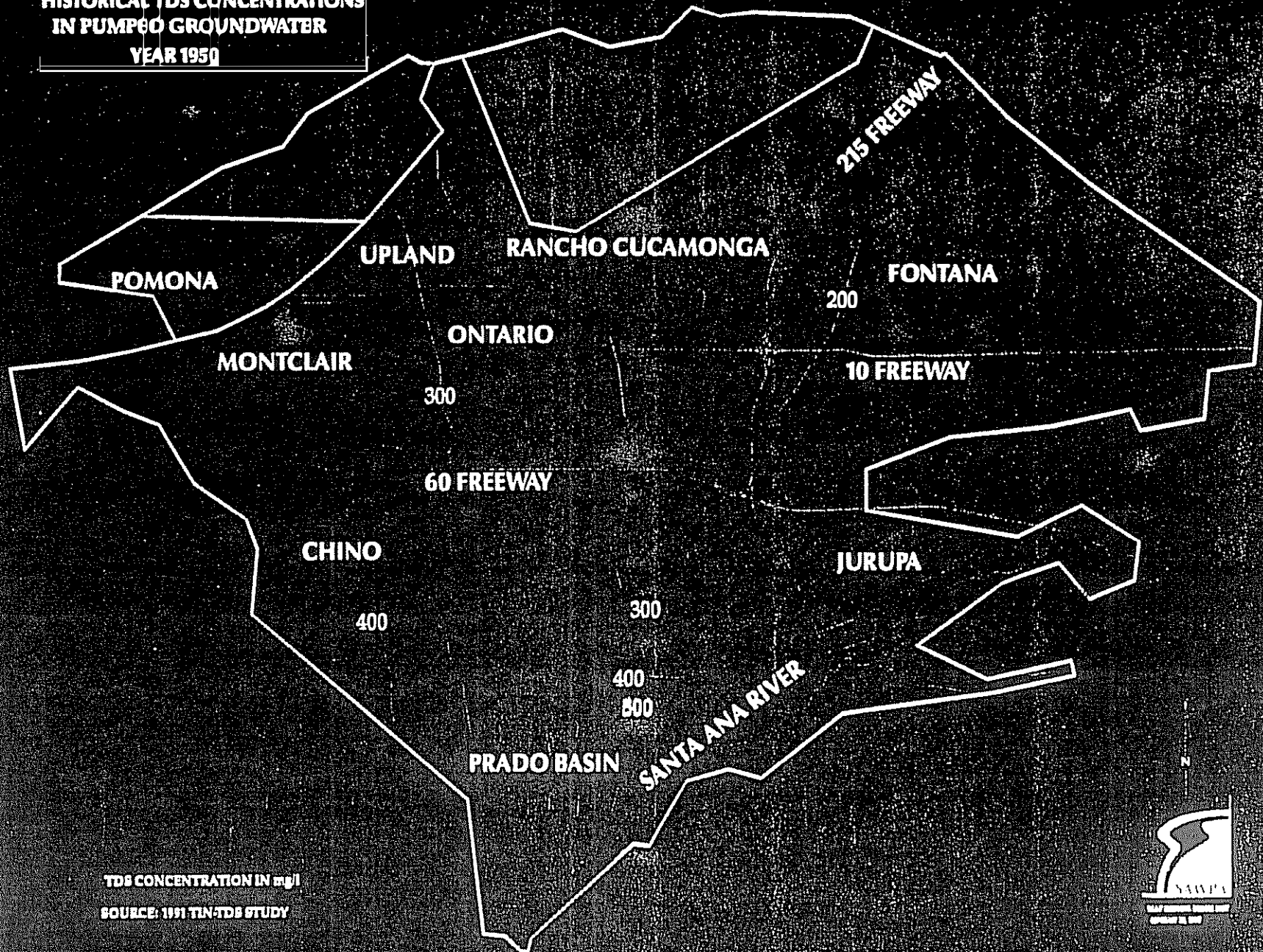
CONTOUR OF EQUAL
NITRATE CONCENTRATION
(mg/L as NITRATE)

NITRATE CONCENTRATION EXCEEDS
SAFE DRINKING WATER STANDARD OF 45 mg/L



1997 (revised) 10/97

**HISTORICAL TDS CONCENTRATIONS
IN PUMP&O GROUNDWATER
YEAR 1950**



TDS CONCENTRATION IN mg/l
SOURCE: 1991 TIN-TDS STUDY



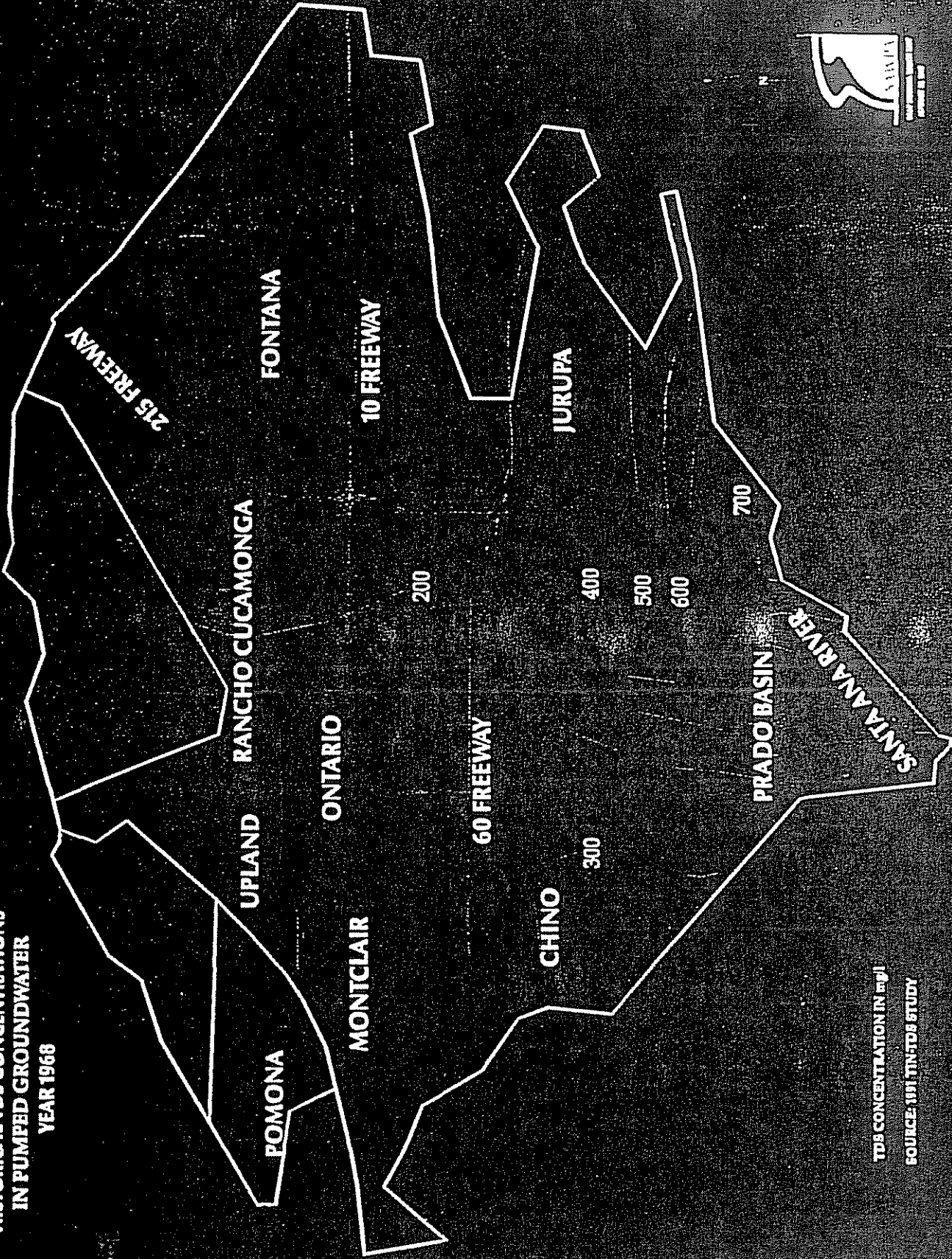
**HISTORICAL TDS CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 1985**



TDS CONCENTRATIONS IN mg/l
SOURCE: 1971 TIN-TDS STUDY



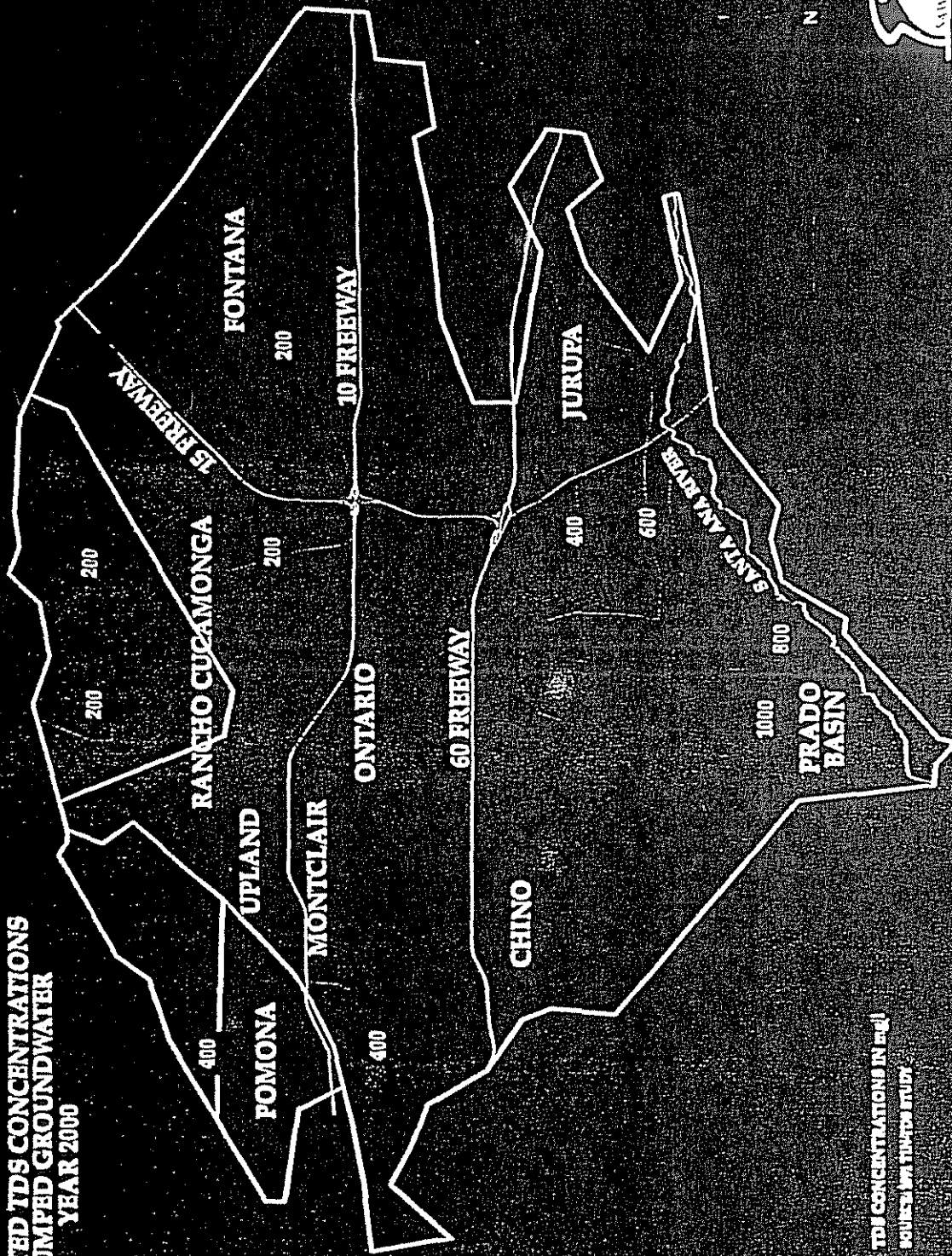
**HISTORICAL TDS CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 1968**



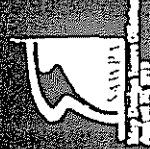
TDS CONCENTRATION IN mg/l
SOURCE: 1981 TTN-TDS STUDY



**PROJECTED TDS CONCENTRATIONS
IN PUMPED GROUNDWATER
YEAR 2000**



TDS CONCENTRATIONS IN mg/l
SOURCE: SAN TIMOTHY STUDY



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 * 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.

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NORA M. BLAIR, PLS

McCORMICK, KIDMAN & BEHRENS, LLP
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