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8	SUPERIOR COURT FOR THE STATE OF CALIFORNIA	
9	FOR THE COUNTY OF SAN BERNARDINO	
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11	CHINO BASIN MUNICIPAL WATER) CASE NO. RCV 51010
12	DISTRICT,) ORDER CONCERNING) ADOPTION OF OBMP
13	Plaintiff,) Date: July 13, 2000
14) Dept: 8) Time: 2:00 p.m.
15	CITY OF CHINO, et al.,	
16	Defendants	
17)
18		
19	Background	
20	This is a hearing on a motion by Watermaster for the Chino Groundwater Basin	
21	("Watermaster") for court endorsement of its adoption of an Optimum Basin	
22	Management Program ("OBMP") and for an extension of the interim appointment of	
23	the nine-member board as Watermaster.	
·		
24	The Chino Groundwater Basin ("the Basin") is one of the largest groundwater	

25 basins in Southern California, containing an estimated 5,000,000 acre-feet of water in 26 storage, with an estimated additional, unused storage capacity of about 1,000,000 acre-feet. The Basin is located primarily in San Bernardino County, with some portions of the Basin underlying lands in Riverside and Los Angeles Counties. 28

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The rights to produce and store water in the Basin were adjudicated by this Court in 1978, and a Physical Solution was imposed "to establish a legal and practical means for making the maximum reasonable beneficial use of the waters of Chino Basin by providing the optimum economic, long-term, conjunctive utilization of surface waters, ground waters and supplemental water, to meet the requirements of water users having rights in or dependent upon Chino Basin." (Judgment, ¶ 39, p. 23, Ins. 6-11.) The imposition of a Physical Solution was intended to stop the growing decline in groundwater levels and storage capacity. It continues to be "essential that this Physical Solution provide maximum flexibility and adaptability" in using "existing and future technological, social, institutional and economic options in order to maximize beneficial use of the waters of Chino Basin." (Judgment, ¶ 40, p. 23, Ins. 12-16.) As Watermaster's Annual Reports have shown, the Physical Solution has been generally successful in stabilizing or recovering groundwater levels and storage. However, degraded groundwater quality now requires completion of "an optimum basin management program for Chino Basin, including both water quantity and quality considerations." (Judgment, ¶ 41, p. 23, Ins. 22-23.) The Court is mindful that "maintenance and improvement of water quality" must, and clearly will be, "a prime consideration and function of management decisions by Watermaster." (Judgment, Ex. "l", ¶ 1 (b), p. 79, lns. 13-15.)

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To address water quality issues, in February 1998, this Court directed Watermaster to prepare an optimum basin management program ("OBMP"). Pursuant to that order, efforts were begun to complete an OBMP for the Basin. The OBMP was divided into two phases. Watermaster, with the approval of the Advisory Committee, adopted the Optimum Basin Management Program Phase I Report, dated August 19, 1999, which was filed with the Court as a provisional report in September 1999. In addition, Watermaster committed to developing an Implementation Plan for the OBMP Phase I Report -- Phase II of the OBMP. A working draft of the Implementation Plan was submitted to the Court in February 2000, and it was anticipated that when

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completed, the two documents (OBMP Final Phase I Report and Final Implementation Plan) would constitute the OBMP for the Chino Basin.

Commencing in April 2000, a series of intensive settlement negotiations was initiated, led by Watermaster's General Counsel. The negotiations have led to the drafting of a Peace Agreement, which is to be executed by the parties by August 1, 2000. Although not a signatory, Watermaster asserts that its support and approval of the Peace Agreement will permit implementation of the OBMP without the attendant delays caused by untold litigation and political posturing. Consequently, on June 29, 2000, the nine-member board unanimously adopted the goals and plans of the Phase I Report consistent with the Implementation Plan and the Peace Agreement. Watermaster also resolved that it will proceed in accordance with the OBMP Implementation Plan and the Peace Agreement. Watermaster further resolved that it will comply with the conditions described in Article V of the Peace Agreement labeled "Watermaster Performance." Finally, Watermaster resolved that it shall adopt all necessary policies and procedures in order to implement the provisions set forth in Article V, on or before December 31, 2000, unless an earlier date is specified in the Peace Agreement or the OBMP Implementation Plan. Watermaster has submitted a copy of the final Peace Agreement and the final Implementation Plan and requests this Court to approve its adoption of the OBMP and to enter an order directing Watermaster to proceed in accordance with the Peace Agreement, the OBMP Implementation Plan, and the pro forma Recharge Memorandum of Agreement. Watermaster also requests that the term of the nine-member board be extended to September 28, 2000, and that the hearing on the reappointment of the board be continued to that date.

Findings

Subject to the continuing jurisdiction of this Court and to the satisfaction of the conditions precedent listed below, the Court hereby makes the following findings:

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1. The Court finds that the OBMP consists of the OBMP Phase I Report and the OBMP Implementation Plan. The Court acknowledges that Watermaster has adopted a resolution supporting and approving the Peace Agreement, and that Watermaster and the parties to the Peace Agreement will commit to carry out elements of the OBMP in accordance with the Peace Agreement. The Court also recognizes that the Peace Agreement is consistent with the OBMP.

2. The Court finds that Watermaster's support and approval of the Peace Agreement and its commitment to implement the OBMP Phase I Report through the provisions of the OBMP Implementation Plan as expressly set forth in Article V of the Peace Agreement is in furtherance of the Physical Solution set forth in the Judgment and is in furtherance of Article X, Section 2 of the California Constitution;

3. The Peace Agreement and the OBMP Implementation Plan implement the goals and plans of the OBMP Phase I Report. Subject to the satisfaction of the conditions precedent identified below, the continuing jurisdiction of the Court, and adaptive management consistent with the Peace Agreement, Watermaster has satisfied its obligation to prepare and implement an optimum basin management program for the Basin.

Order

Subject to the continuing jurisdiction of this Court and to the satisfaction of the conditions precedent listed below, the Court hereby makes the following Orders:

1. Watermaster shall adopt the goals and plans of the Phase I Report and implement them through the Implementation Plan, which is attached as Exhibit B to the Peace Agreement. Watermaster shall proceed in a manner consistent with the Peace Agreement and the OBMP Implementation Plan;

2. In furtherance of the OBMP and the Peace Agreement, the Court adopts the following briefing schedule for any motions to amend the Judgment: motions to be filed ///

by August 15, 2000; oppositions to be filed by September 1, 2000; replies to be filed by September 8, 2000; hearing on motions set for September 28, 2000, at 2:00 p.m.

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3. Watermaster shall prepare and timely file reports with the Court regarding its progress in implementing the OBMP.

Conditions Precedent

The Court's Findings and Orders stated above are expressly conditioned upon the satisfaction of the following conditions precedent:

9 1. Unanimous approval of the Peace Agreement by the parties thereto, no later 10 than August 1, 2000;

2. Certification of the Programmatic Environmental Impact Report for the OBMP
by Inland Empire Utilities Agency;

3. Appropriation by the California Legislature by October 1, 2000, of at least
\$121,000,000 from the proceeds made available by the passage of Proposition 13, for
the benefit of the Santa Ana Watershed Project Authority;

4. Submission by September 1, 2000, of a schedule for Watermaster's adoption
and Court approval of Uniform Groundwater Rules and Regulations; such adoption
and approval to be accomplished no later than December 31, 2000;

19 5. Submission by September 1, 2000, of a schedule and a process for submission
20 to the Court of detailed periodic reports regarding compliance with OBMP
21 implementation; such periodic reports to commence no later than October 31, 2000;

6. Court approval of all Judgment modifications in furtherance of the OBMP. That
is, pursuant to its continuing jurisdiction, the Court shall ensure that Watermaster's
actions, including actions in accordance with the Peace Agreement, are consistent with
the Judgment as amended.

To enable Watermaster to satisfy all of the above-listed conditions precedent, the Court hereby extends the interim appointment of the nine-member board as Watermaster to September 28, 2000. Watermaster shall retain discretion regarding the negotiation, termination, and execution of contracts for personnel and consultants with an expiration date no later than September 30, 2000, and Watermaster is authorized to enter into equipment rental and service agreements with an expiration date no later than June 30, 2001. The hearing on the reappointment of the ninemember board as Watermaster shall be continued to September 28, 2000, and the reappointment motion heard in conjunction with any motions for Judgment modification in furtherance of the OBMP.

Dated: July 13, 2000

Michael GUNN, Judge

PROOF OF SERVICE

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the within action. My business address is Chino Basin Watermaster, 8632 Archibald Avenue, Suite 109, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On July 13, 2000, I served the attached:

1. ORDER CONCERNING ADOPTION OF OPTIMUM BASIN MANAGEMENT PROGRAM

in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, addressed as follows:

See attached service lists:

- Attorney Service List
- Mailing List A

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Rancho Cucamonga, California, on July 13, 2000.

Muhelles have

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