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FILED - West District  
San Bernardino County Clerk

APR 16 2001

*Christine A. Sokatis*

6 SPECIAL REFEREE

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DIVISION

10  
11 CHINOBASIN MUNICIPAL WATER DISTRICT,) )  
12 ) Plaintiff, )  
13 v. )  
14 THE CITY OF CHINO, )  
15 ) Defendants. )  
16 )  
17 )

CASE NO. RCV 51010  
Judge: Honorable J. Michael Gunn  
SPECIAL REFEREE'S REPORT AND  
COMMENTS CONCERNING FIRST  
OBMP IMPLEMENTATION STATUS  
REPORT  
Date: April 19, 2001  
Time: 2:00 p.m.  
Dept: 8

18 I.  
19 INTRODUCTION

20 On February 19, 1998, the Court appointed a nine-member board to serve as Interim  
21 Watermaster for the Chino Groundwater Basin (hereinafter sometimes referred to as "Basin"). On  
22 August 30, 2000, Watermaster moved to extend the appointment of the nine-member board for a full  
23 five-year term. The Court granted the motion subject to certain conditions, including Watermaster's  
24 submission of ten biannual reports, to be filed with the Court at the end of March and the end of  
25 September of each calendar year.

26 The reports are to follow the format prescribed in the Special Referee's Report and  
27 Recommendation Concerning Motion to Extend Nine-Member Board. Report No. 1 is to include  
28 the following:

- 1 • Complete Implementation Schedule and Corresponding Budget.
- 2 • Initial Status of Program Elements.
- 3 • Issues and Problems.
- 4 • Baseline Groundwater Basin Conditions.
- 5 • Compliance with PEIR.

6 In addition, each of the ten reports is to include specified schedule and budget information.

7

## 8 II.

### 9 DISCUSSION

10 On March 30, 2001, Watermaster submitted Report No. 1, titled "OBMP Implementation  
11 Status Report" ("Status Report"). The report contains, inter alia, a discussion of the initial status of  
12 Program Elements 1 & 2, 3 & 5, 4, 6 & 7, and 8 & 9 of the optimum basin management program  
13 ("OBMP") for the Basin. Watermaster reports that implementation of Program Elements 1 & 2  
14 (Monitoring and Recharge) is underway: A comprehensive groundwater-level program is being  
15 conducted, a groundwater quality monitoring program has begun, the procurement process has  
16 started for the production monitoring program, Watermaster is developing a surface water discharge  
17 and water quality monitoring program, ground level monitoring has begun, a baseline assessment  
18 of stormwater recharge has been completed, recharging at the Montclair Basins has begun, and  
19 Watermaster is updating its Recharge Master Plan.

20 Watermaster's Status Report on Program Element 1 (Monitoring) raises several issues. There  
21 is no mention in the OBMP that semiannual comprehensive groundwater level monitoring will in  
22 any way be limited north of the 60 freeway, or that it will focus on the area south of that freeway.  
23 It is supposed to be comprehensive and basin-wide. If monitoring is to be changed from basin-wide  
24 as planned in the OBMP, an explanation and justification for that change should be provided. The  
25 Status Report also notes that the area-specific groundwater level monitoring program in the vicinity  
26 of the existing and proposed desalters includes development of "information on the aquifer  
27 properties in these areas" as one of its objectives. It is not clear how water level monitoring would  
28 be used to develop information on aquifer properties.

1 With respect to Program Element 2 (Recharge Program), it appears that there is financial  
2 support for installation of recharge projects and, in an effort to take advantage of that financial  
3 support, Watermaster has assigned priorities to a number of projects which will result in new or  
4 improved existing recharge facilities. The documentation for those projects will be in the form of  
5 a facilities-oriented report which, for practical purposes, will be considered an initial recharge master  
6 plan. The report, and implementation of the projects described in it, are an encouraging and ahead-  
7 of-schedule start on Program Element 2. Presumably, the Recharge Master Plan as delineated in the  
8 OBMP, which would include projects in addition to the high priority projects which will be  
9 identified in the initial recharge master plan, will continue to be developed via field investigation  
10 and analyses, and an updated Recharge Master Plan document will still be developed over the next  
11 three years, as scheduled in the OBMP.

12 With respect to Program Elements 3 & 5 (Water Supply Program), Watermaster reports that  
13 the current goal is to complete the expansion of Desalter 1 by December 31, 2001. However, the  
14 design of Desalter 2 has not started and is pending resolution of certain issues in the negotiations of  
15 the desalter agreements.

16 As to Program Element 4 (Groundwater Management Program) Watermaster reports that  
17 interim management strategies for Management Zones 1 & 3 will be developed by the end of the  
18 2001. The addition of Management Zone 3 to Program Element 4 was not explicitly discussed in  
19 the OBMP, but predicted water level declines in Management Zone 3 were raised in the Peace  
20 Agreement process. Development of a comprehensive groundwater management program for  
21 Management Zone 3, as well as for Management Zone 1, is important, and is not inconsistent with  
22 the OBMP. It is good to recognize the potential for changed conditions in the basin, and to develop,  
23 in this case, a focused management program for Management Zone 3.

24 As to Program Element 6 (Cooperative Programs), Watermaster reports that staff is meeting  
25 with the Regional Water Quality Control Board in July 2001, to discuss water quality assessments  
26 that are currently being prepared by Watermaster staff. In addition, Watermaster staff is developing  
27 a salt budget that will be completed by June 30, 2001. Presumably, the written reports prepared in  
28 connection with these water quality assessments will be forwarded to the Special Referee in

1 fulfillment of Watermaster's commitment to cooperate with the independent assessment and  
2 verification of data to be provided to the Court.

3 Finally, Watermaster reports that programs for local storage, storage and recovery, and  
4 supplemental storage are being developed (Program Elements 8 & 9). To the extent the operational  
5 storage requirement and safe storage have previously been determined, those values were  
6 preliminary estimates which were prepared to facilitate the Peace Agreement process. The  
7 quantitative approach to estimating those values, which is currently ongoing, will provide important  
8 information for potential future groundwater storage and recovery programs.

9 Notably absent from Watermaster's report is a discussion of baseline groundwater conditions  
10 for the Basin. Understandably, Watermaster has been unable to complete the task of assembling the  
11 necessary information for such a report. The Special Referee anticipates that a full report on baseline  
12 conditions will be included in Watermaster's report filed at the end of September. Also absent from  
13 the report is any discussion of any PEIR compliance activities related to the OBMP. Since, for  
14 example, mitigation measures were included in the PEIR for desalter well sites, and since well siting  
15 studies are underway for the Chino I Desalter Expansion, it is expected that future status reports will  
16 include details of impacts and mitigation measures identified in the PEIR as they are addressed in  
17 OBMP implementation.

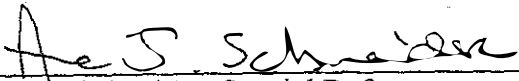
### 18 19 III.

#### 20 CONCLUSION AND RECOMMENDATION

21 In summary, the report indicates that implementation of the OBMP has begun. There is,  
22 however, an outstanding concern regarding implementation of Program Element 3, which is a crucial  
23 element of the OBMP. As noted above, the design of Desalter 2 has not begun and is pending  
24 resolution of certain issues in the negotiations of the desalter agreements. It is important that the  
25 Court carefully monitor progress in this area to ensure full implementation of the OBMP. It is also  
26 important to obtain necessary baseline data on the Basin so the effectiveness of the OBMP may be  
27 measured. Finally, it is important that implementation be consistent with, and incorporate mitigation  
28 measures in the PEIR. Therefore, special attention must also be paid to Watermaster's next report,

1 which should include a full discussion of baseline groundwater conditions of the Basin, as well as  
2 the status of compliance with mitigation measures in the PEIR. With these caveats, I recommend  
3 the report be received and filed.

4 Dated: April 13, 2001

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7 Anne J. Schneider, Special Referee  
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CHINO BASIN WATERMASTER  
Case No. RCV 51010  
Chino Basin Municipal Water District v. The City of Chino

PROOF OF SERVICE

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APR 16 2001

I declare that:

*Christine A. Sokols*

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 April 16, 2001, I served the document identified below

- 1) **SPECIAL REFEREE'S REPORT AND COMMENTS CONCERNING FIRST OBMP  
IMPLEMENTATION STATUS REPORT for Hearing on April 19, 2001 at 2:00 p.m. Department 8.**

by placing a true copy of same in sealed envelopes for delivery by United States Postal Service mail at Rancho Cucamonga, California, to each of the addresses shown on the 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 April 16, 2001.

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MARYGOLD MUTUAL WATER CO  
9725 ALDER ST  
BLOOMINGTON CA 92316-1637

DAVID STARNES  
MOBILE COMMUNITY MGMT CO  
1801 E EDINGER AVE STE 230  
SANTA ANA CA 92705

L HAIT  
STERN & GOLDBERG  
9150 WILSHIRE BLVD STE 100  
BEVERLY HILLS CA 90210

TOM STETSON  
STETSON ENGINEERS INC  
3104 E GARVEY AVE  
WEST COVINA CA 91791

CRAIG STEWART  
GEOMATRIX CONSULTANTS INC.  
330 W BAY ST STE 140  
COSTA MESA CA 92629

TRACI STEWART  
CHINO BASIN WATERMASTER  
8632 ARCHIBALD ST STE 109  
RANCHO CUCAMONGA CA 91730

SWRCB  
SWRCB - DIV OF WATER RIGHTS  
P.O. BOX 2000  
SACRAMENTO CA 95809-2000

JIM TAYLOR  
POMONA UTILITY SVS DEPT.  
148 N HUNTINGTON BLVD  
POMONA CA 91768

JERRY THIBEAULT  
RWQCB - SANTA ANA REGION  
3737 MAIN ST STE 500  
RIVERSIDE CA 92501-3339

MICHAEL THIES  
SPACE CENTER MIRA LOMA INC  
3401 S ETIWANDA AVE BLDG 503  
MIRA LOMA CA 91752-1126

JOHN THORNTON  
PSOMAS AND ASSOCIATES  
3187 RED HILL AVE, SUITE 250  
COSTA MESA CA 92626

MANAGER  
THREE VALLEYS M W D  
1021 E MIRAMAR AVE  
CLAREMONT CA 91711-2052

GEOFFREY VANDEN HEUVEL  
CBWM BOARD  
7551 KIMBALL AVE  
CHINO CA 91710

ERICK VAUGHN  
ANGELICA RENTAL SERVICE  
1575 N CASE ST  
ORANGE CA 92867-3635

MARK WARD  
AMERON INTERNATIONAL  
13032 SLOVER AVE  
FONTANA CA 92335-6990

RAY WELLINGTON  
SAN ANTONIO WATER COMPANY  
139 N EUCLID AVE  
UPLAND CA 91786-6036

CHARLES R. WHITE  
DWR-SO DIST  
770 FAIRMONT AVE  
GLENDALE CA 91203-1035

MICHAEL WHITEHEAD  
SAN GABRIEL VALLEY WC  
P.O. BOX 6010  
EL MONTE CA 91734

MARK WILDERMUTH  
WILDERMUTH ENVIRONMENTAL INC  
415 N EL CAMINO REAL STE A  
SAN CLEMENTE CA 92672

JEROME WILSON  
CBWM BOARD  
6035 FALLING TREE LN  
ALTA LOMA CA 91737

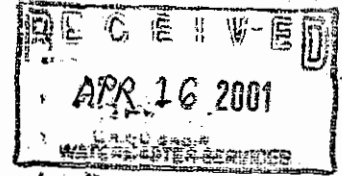
ELLISON, SCHNEIDER & HARRIS L.L.P.

CHRISTOPHER T. ELLISON  
ANNE J. SCHNEIDER  
JEFFERY D. HARRIS  
DOUGLAS K. KERNER, OF COUNSEL  
MARGARET G. LEAVITT, OF COUNSEL

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CHRISTOPHER M. SANDERS  
GREGORY L. MAXIM

April 13, 2001



Traci Stewart  
Chino Basin Watermaster  
8632 Archibald Avenue, Suite 109  
Rancho Cucamonga, CA 91730


Re: Chino Basin Municipal Water District v. The City of Chino  
Case Number: RCV 51010

Dear Traci:

Enclosed is the Special Referee's Report and Comments Concerning First OBMP Implementation Status Report. Please serve this document on all parties, persons and entities included on the Watermaster's service list. Please also file a proof of service with the Court.

Thank you for your assistance. If you have any questions, please call Ron O'Connor at (916) 447-2166.

Yours very truly,

  
Anne J. Schneider  
Special Referee

AJS:rko

cc: Scott Slater  
Joe Scalmanini  
Judith Schurr