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FILED - West District  
San Bernardino County Clerk

NOV 14 2001

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**FEE EXEMPT**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION**

HATCH AND PARENT  
21 East Carrillo Street  
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CHINO BASIN MUNICIPAL WATER DISTRICT, )  
Plaintiff, )  
v. )  
THE CITY OF CHINO, )  
Defendants. )

CASE NO. RCV 51010  
Judge: Honorable J. MICHAEL GUNN  
**TRANSMITTAL OF  
WATERMASTER RESOLUTION  
NO. 01-16**  
Hearing Date: November 15, 2001  
Time: 2:00 p.m.  
Dept: R158

The Chino Basin Watermaster hereby transmits to the Court Resolution No. 01-16. The Resolution is attached to this pleading as Exhibit "A."

DATED: 11/14/01

HATCH AND PARENT

By Michael Fife

SCOTT S. SLATER  
MICHAEL T. FIFE  
Attorneys for Chino Basin Watermaster

CC

CC

Resolution No. 01-16

A RESOLUTION OF THE CHINO BASIN WATERMASTER TO ESTABLISH  
TERMS AND CONDITIONS UNDER WHICH WATERMASTER MAY HOLD  
WATER RIGHTS IN TRUST FOR THE PARTIES TO THE JUDGMENT  
CONSISTENT WITH THE JUDGMENT AND THE PEACE AGREEMENT.

WHEREAS, the Judgment in the Chino Basin Adjudication, *Chino Basin Municipal Water District v. City of Chino, et al.*, San Bernardino Superior Court Case No. RCV. 51010, created the Watermaster and directed it to perform the duties as provided in the Judgment or ordered or authorized by the Court in the exercise of the Court's continuing jurisdiction; and

WHEREAS, paragraph 19 of the Judgment states that: "Watermaster may purchase, lease, acquire and hold all necessary facilities and equipment; provided, that it is not the intent of the Court that Watermaster acquire any interest in real property or substantial capital assets"; and

WHEREAS, the paragraph 5.1 (h) of the Peace Agreement provides a construction of paragraph 19 of the Judgment by the parties thereto in which it is declared that: "Watermaster shall not own Recharge projects, including but not limited to spreading grounds, injection wells, or diversion works. It shall never own real property. However, Watermaster may own water rights in trust for the benefit of the parties to the Judgment"; and

WHEREAS, this interpretation of paragraph 19 was unanimously approved by each of the respective parties, the Advisory Committee and the Watermaster Board in approving the Peace Agreement; and

WHEREAS, consistent with the parties' written construction, Watermaster has long held two water rights, identified as Permit 19895 and Permit 20753, to surface water in the Chino Basin without objection from any party to the Judgment; and

WHEREAS, surface water has been previously allocated inter-se among the parties to the 1978 Judgment, and Watermaster has made efforts to preserve and protect the continued and expanded recharge of Basin water for the benefit of all parties to the Judgment; and

WHEREAS, many of the parties to the judgment have signed the Santa Ana River and Chino Basin Water Right Accord dated September 15, 2000, which represents an agreement between the Chino Basin parties and the Orange County Water District contemplates that Watermaster may file an application to appropriate water "in trust" on behalf of the parties to the Judgment; and

WHEREAS, the principal mechanism of the Santa Ana River and Chino Basin Water Right Accord through which the Chino Basin parties can protect their right to use the surface water is through an application filed by Watermaster with the State Water Resources Control Board requesting a confirmation of those rights; and

WHEREAS, such water rights should not belong to any individual entity since the recharge goals of the Optimum Basin Management Program ("OBMP") are intended to benefit the Chino Basin as a whole as a common pool resource; and

WHEREAS, the parties to the Judgment continue to believe that the best way to secure the rights to utilize the surface water resources of the Chino Basin is through water rights held by the Watermaster as trustee for the parties to the Judgment; and

WHEREAS, Watermaster has held numerous meetings, workshops and hearings with stakeholders and parties to the Judgment coincident with the approval of the Peace Agreement and subsequent filing of an application to appropriate water, representing that the proposed construction of

paragraph 19 of the Judgment means that water rights held by Watermaster will be held solely for the benefit of the parties to the Judgment, all without objection by any person; and

WHEREAS, a consistent construction has been memorialized and published in the Post-Order Memorandum dated October 26, 2000, and in the Watermaster Request for Ratification and Confirmation of Authority to Prosecute a Water Rights petition, Water Rights Application to Appropriate and to Hold Water Rights in Trust dated October 15, 2001; and

WHEREAS, the parties to the Judgment believe that it would be beneficial for Watermaster to determine the limitations upon Watermaster's authority with regard to Water Rights held in trust by Watermaster; and

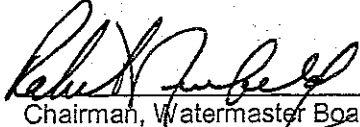
WHEREAS, Watermaster intends to establish a trust and hold such water rights subject to certain equitable duties to deal with the property for the benefit of the parties to the Judgment.


NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED THAT:

1. Definitions.
  - a. "Watermaster" means the entity created by the Court in the Judgment in the Chino Basin Adjudication, *Chino Basin Municipal Water District v. City of Chino, et al.*, San Bernardino Superior Court Case No. RCV 51010, as it exists as an entity separate from any of the entities of which it is constituted.
  - b. "Water Rights: means any permit or license issued by the State Water Resources Control Board for the use of water.
  - c. "Party to the Judgment" means a party to the Judgment in the Chino Basin Adjudication, *Chino Basin Municipal Water District v. City of Chino, et al.*, San Bernardino County Superior Court Case NO. RCV 51010.
2. Watermaster shall hold the Water Rights as trustee for the benefit of the Parties to the Judgment in accordance with the terms and conditions of this Resolution.
3. The Water Rights shall be held by Watermaster in a fiduciary capacity, and Watermaster shall have no substantive rights with regard to the Water Rights held by it.
4. The Water Rights shall be used and managed by Watermaster in accordance with the terms, conditions and requirements of the Judgment and the Peace Agreement and in furtherance of the Optimum Basin Management Program.
5. Watermaster may not sell, lease, transfer, or in any way encumber said Water Rights except at the express direction of the Parties to the Judgment as expressed through the three Pool Committees, the advisory committee and the board and as approved by the Court.
6. Watermaster may only take actions regarding the Water Rights it holds that are in the best interests of the Parties to the Judgment considered as a whole, which interest shall be determined solely through the expression the three Pool committees, the Advisory Committee and the Board.
7. Watermaster shall deal impartially with the Parties to the Judgment and shall act impartially in communicating with them and in managing the Water Rights, taking into account any differing interests of the Parties to the Judgment.

**Exhibit "A"**

8. Watermaster shall act in the highest good faith towards the Parties to the Judgment, and must not use its position to gain any advantage over the Parties to the Judgment.
9. Any benefits in whatever form that are derived from the Water Rights shall inure to the Parties to the Judgment according to the preference of the Parties to the Judgment as expressed by the three Pool Committees, the Advisory Committee and the Board.
10. Watermaster shall not use or deal with the Water Rights for its own profit or for any other purpose unconnected with the trust, nor take part in any transaction in which it has an interest adverse to any Party to the Judgment.
11. Watermaster shall pay, contest, release, prosecute, adjust, compromise, or settle any claim involving the Water Rights only at the express direction of the Parties to the Judgment expressed through the three Pool Committees, the Advisory Committee and the Board and as approved by the Court.
12. Watermaster shall keep the Parties to the Judgment reasonably informed of its administration of the Water Rights.
13. Upon reasonable request by a Party to the Judgment, Watermaster shall make full disclosure of information relevant to that Party's beneficial interest in the Water Rights.
14. Watermaster shall keep accurate and complete records and shall provide an annual accounting to each Party to the Judgment of the quantity of water used under the Water Rights and the nature of such use.

  
Chairman, Watermaster Board

Approved:   
Chairman, Advisory Committee

ATTEST:

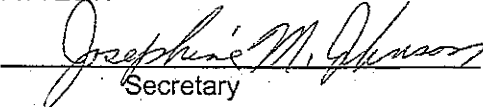
  
Secretary

Exhibit "A"

STATE OF CALIFORNIA            )  
  ) ss  
COUNTY OF SAN BERNARDINO    )

I, Josephine Johnson, Secretary of the Chino Basin Watermaster, DO  
HEREBY CERTIFY that the foregoing Resolution being No. 01-16, was adopted on October 25, 2001 at  
a regular meeting of the Chino Basin Watermaster Board by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHINO BASIN WATERMASTER

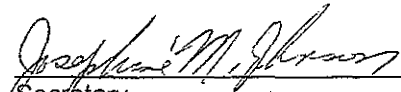
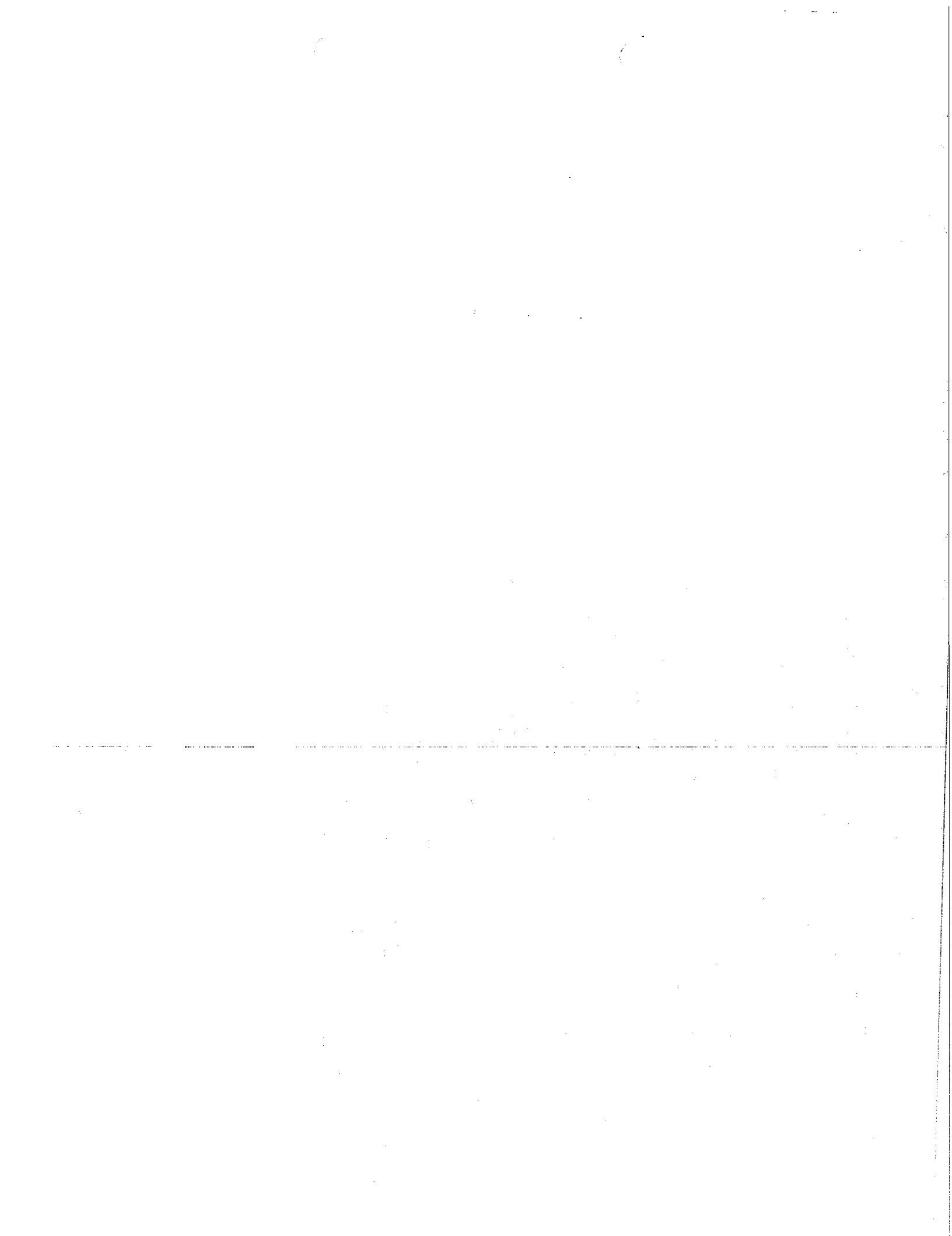
  
\_\_\_\_\_  
Secretary

Exhibit "A"



CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

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 November 14, 2001, I served the document(s) identified below

- 1) RESOLUTION NO. 01-16, A RESOLUTION OF THE CHINO BASIN WATERMASTER TO ESTABLISH TERMS AND CONDITIONS UNDER WHICH WATERMASTER MAY HOLD WATER RIGHTS IN TRUST FOR THE PARTIES TO THE JUDGMENT CONSISTENT WITH THE JUDGMENT AND THE PEACE AGREEMENT

for Court Hearing November 15, 2001 @ 2:00 p.m.

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 November 14, 2001.

  
Michelle Lauffer



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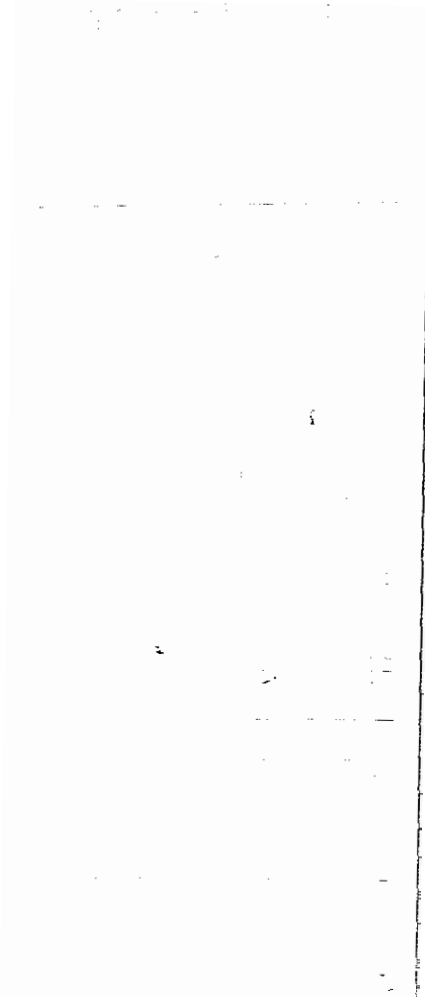
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SANTA ANA RIVER WATER CO  
10530 54TH ST  
MIRA LOMA CA 91752-2331

PATRICK SAMPSON  
P.O. BOX 660  
POMONA CA 91769

DIANE SANCHEZ  
DWR  
770 FAIRMONT AVE  
GLENDALE CA 91203-1035

JOSEPH C SCALMANINI  
500 FIRST ST  
WOODLAND CA 95695

JOE SCHENK  
CITY OF NORCO  
P.O. BOX 428  
NORCO CA 91760-0428

DONALD SCHROEDER  
CBWM BOARD  
3700 MINTERN  
RIVERSIDE CA 92509

JUDY SCHURR  
76433 SHOSHONE DR  
INDIAN WELLS CA 92210

DAVID SCRIVEN  
KRIEGER & STEWART ENGINEERING  
3602 UNIVERSITY AVE  
RIVERSIDE CA 92501

MICHAEL SMITH  
NICHOLS STEAD BOILEAU & KOSTOFF  
223 W FOOTHILL BLVD #200  
CLAREMONT CA 91711-2708

KYLE SNAY  
SOUTHERN CA WATER CO  
401 S SAN DIMAS CANYON RD  
SAN DIMAS CA 91773

NELL SOTO  
STATE CAPITOL  
ROOM NO 4066  
SACRAMENTO CA 95814

BILL STAFFORD  
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

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

R.E. THRASH  
PRAXAIR  
5705 AIRPORT DR  
ONTARIO CA 91761

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

PETER VAN HAAM  
OFFICE OF THE ATTORNEY GENERAL  
300 S SPRING ST 11TH FL N TOWER  
LOS ANGELES CA 90013-1232

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

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