

FEE EXEMPT

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FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

JUN 27 2002

By *Nancy S. Quinn* Deputy

6 SPECIAL REFEREE

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

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

CASE NO. RCV 51010
Judge: Honorable J. Michael Gunn
SPECIAL REFEREE'S REPORT AND
COMMENTS CONCERNING DRAFT
FINAL INITIAL STATE OF THE
BASIN REPORT
Date: N/A
Time: N/A
Dept: 8

18 I.
19 INTRODUCTION

20 Watermaster has prepared two drafts (January 31, 2002 and May 6, 2002) and a Draft Final
21 Initial State of the Basin Report ("ISOB Report") dated June 5, 2002.¹ Mr. Scalmanini and I have
22 reviewed these documents and offer the following comments.

23 II.
24 DISCUSSION

25 For all practical purposes, the ISOB Report can effectively serve to document an "initial"
26

27 _____
28 ¹The Court's June 19, 2002 Order refers to the draft final report as the "final ISOB Report."

1 state of the Chino Basin. "Initial" is an arbitrary designation to describe conditions in the basin as
2 of a time that, again for practical purposes, immediately precedes the implementation of the
3 Optimum Basin Management Program (OBMP). The baseline reflected in the ISOB Report is on
4 or about July 1, 2000, which is consistent with the start of OBMP implementation.

5 Our only substantial comment on the technical content of the ISOB Report is that it does not
6 include any discussion or other presentation of pumpage from the basin. Particularly in light of the
7 issues that have dominated the basin prior to and for much of the time since the Judgement, and also
8 in light of the OBMP objective to preserve and enhance safe yield, this description of basin
9 conditions should have included discussion of the amount of pumpage and the distribution of that
10 pumpage (i.e. throughout the basin, by Pool, etc.). Similarly, since pumpage in aggregate exceeds
11 the currently decreed safe yield as set forth in the Judgement, the ISOB Report should have included
12 an explanation and reconciliation of the difference in order to reflect the Watermaster's
13 replenishment activities and to describe how safe yield is not being exceeded.

14 It would also have been useful for the ISOB Report to include several hydrographs of
15 ground-water level vs. time to illustrate how the basin reached its "initial" state, which is illustrated
16 in the report by contours of equal ground-water elevation in Fall 2000. (One or more hydrographs
17 would also have been useful to complement an explanation of pumpage and reconciliation of
18 pumpage vs. safe yield, discussed above.) An understanding of how the basin has responded to
19 pumpage, i.e. the success of the Judgement, would have given the Fall 2000 ground-water contours
20 an important historical context.

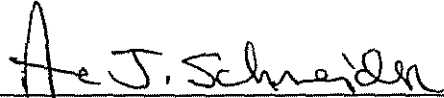
21 The fact that the June 5, 2002 version of the ISOB Report is still labeled "draft" ("draft
22 final") is most evident in Chapter 8. The title of Chapter 8 promises reconciliation of dates in the
23 final document, but that had not yet occurred as of the "draft final" date of June 5. In Chapter 8,
24 discussion of the Recharge Master Plan (Section 8.2), the Desalters (Section 8.3), and the
25 Management Zone 1 Plan (Section 8.4.1) refer to "future" actions and dates that have now passed;
26 they were "future" dates when the first draft of the ISOB Report was prepared last January. The
27 June 5 "draft final" ISOB Report should have been edited to describe accurately the actions which
28 have now been completed or delayed, as well as the results or impacts of any delay.

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III.
CONCLUSION AND RECOMMENDATION

The ISOB Report now incorporates most of the recommendations made in the February 25, 2002, Special Referee's Report and Recommendation on the January 31, 2002, Draft ISOB Report. Although the ISOB Report does not discuss pumpage and reconcile pumpage with safe yield, or utilize water level histories as part of that reconciliation (and to illustrate the hydrologic balance of the basin), the ISOB Report can be used for its primary purpose: as an established baseline against which progress on the implementation of the OBMP can be measured. Pumpage and safe yield reconciliation should be included in the Annual Report Engineering Appendix due January 31, 2003.

Dated: June 26, 2002



Anne J. Schneider, Special Referee

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June 26, 2002

VIA OVERNIGHT DELIVERY

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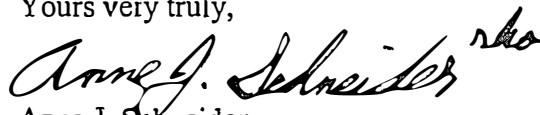
Re: Chino Basin Municipal Water District v. The City of Chino
Case Number: RCV 51010

Dear Traci:

Enclosed is the Special Referee's Report and Comments Concerning Draft Final Initial State of the Basin 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

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 June 27, 2002 I served the attached:

1. ***SPECIAL REFEREE'S REPORT AND COMMENTS CONCERNING DRAFT FINAL INITIAL STATE OF THE BASIN REPORT***

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, addresses as follows:

See attached service list:

Attorney Service List

Mailing List 1

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Rancho Cucamonga, California, on June 27, 2002.


Michelle Lauffer, Water Resources Specialist

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Updated 6/27/02

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