

JUL 08 2002

BY Sharon A. Jones
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

THE CITY OF CHINO,

Defendants.

CASE NO. RCV 51010

Judge: Honorable J. MICHAEL GUNN

**ORDER GRANTING EX PARTE
APPLICATION FOR AN ORDER
SHORTENING TIME FOR THE
FILING OF THE RECHARGE
FACILITIES FINANCING
AGREEMENT**

Hearing Date: July 8, 2002

Time: 1:30 pm

Dept: 8

GOOD CAUSE APPEARING, Watermaster's Ex Parte Application for an Order
Shortening Time for the filing of the Motion for Approval of the Recharge Facilities Financing
Agreement is hereby GRANTED.

DATED: 7/8/02

By J. Michael Gunn
Honorable J. Michael Gunn

JUL 08 2002

BY Sharon A. Jones
DEPUTY

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

CHINO BASIN MUNICIPAL WATER DISTRICT,

Plaintiff,

v.

THE CITY OF CHINO,

Defendants.

CASE NO. RCV 51010

Judge: Honorable J. MICHAEL GUNN

**ORDER GRANTING MOTION
FOR APPROVAL OF THE
RECHARGE FACILITIES
FINANCING AGREEMENT**

Hearing Date: July 8, 2002

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Background

On July 13, 2000, this Court approved the Peace Agreement for the Chino Basin and ordered the Chino Basin Watermaster ("Watermaster") to proceed in accordance with it terms. Exhibit "B" to the Peace Agreement is the Optimum Basin Management Program ("OBMP") Implementation Plan. Under the Judgment and prior orders of this Court, Watermaster is obliged to implement the OBMP and is also authorized to levy assessments to accomplish this task.

Program Element 2 ("PE2") of the OBMP Implementation Plan describes a program to enhance the management of the Chino Basin through the development of the capacity of the Basin

1 to recharge stormwater and imported water. Ultimately, the implementation of PE2 will benefit all
2 parties to the Judgment. Watermaster has sought to pay for improvements through assessments
3 that are levied in accordance with the Judgment.

4 PE2 calls for the development of a Recharge Master Plan and specifies that Watermaster
5 is to seek out whatever outside funding may be available to implement the recharge improvements
6 described in the Recharge Master Plan, particularly funds from the Southern California Integrated
7 Watershed Program (also known as “Proposition 13” or the “Water Bond.”)

8 In August 2001, the Watermaster approved a Recharge Master Plan, and in February
9 2002, the State Water Resources Control Board (“SWRCB”) approved funding to implement the
10 Recharge Master Plan in an amount of \$19,000,000. These funds may be available for only a
11 limited duration, and it is most prudent for Watermaster to utilize them in as expeditious a manner
12 as possible. In order to utilize this money, Watermaster must provide a local share of funding in
13 the amount of 50% of the project costs.

14 Under the Judgment paragraph 24, Watermaster is prohibited from borrowing money in
15 excess of the “annual anticipated receipts” of Watermaster during a single year period. However,
16 there is no prohibition on Watermaster covenanting to maintain assessments at a level sufficient to
17 pay OBMP assessments. Moreover, it would be infeasible for Watermaster to attempt to raise the
18 entire amount of the local share funding necessary to implement the Recharge Master Plan
19 through an immediate assessment of the Watermaster parties.

20 In order to facilitate the implementation of the Recharge Master Plan in a manner
21 consistent with the Judgment, the Chino Basin Regional Financing Authority (“Authority”) has
22 volunteered to issue bonds in an amount sufficient to meet the requirements of the local share
23 funding. In the middle of July, the Authority will issue bonds in the amount of \$20,000,000 for
24 this purpose. Thus, all borrowing will be undertaken by the Authority.

25 Both the Inland Empire Utilities Agency (“IEUA”) and the Watermaster will levy
26 assessments, in an equal amount for each entity, in an amount sufficient to reimburse the

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1 Authority for the actual costs associated with this action. Watermaster's covenant to maintain
2 assessments and pay its share of ongoing costs with the Authority in this regard is known as the
3 Recharge Facilities Financing Agreement ("Agreement").

4 On May 23, 2002, the Watermaster Advisory Committee and Board both unanimously
5 approved the Agreement. Watermaster now comes before the Court to request review of this
6 action and approval of the Agreement.

7

8 Findings and Approval of Recharge Facilities Financing Agreement

9 The Court finds that Watermaster has the legal right, power and authority to enter in to
10 the Agreement under its discretionary powers to levy assessments and implement the OBMP and
11 to carry out and consummate all transactions reasonable contemplated thereby.

12 The Court finds that under the Agreement Watermaster has agreed to set OBMP PE2
13 assessments at a certain defined level. As such, the Agreement concerns Watermaster's authority
14 to levy assessments to implement the OBMP and does not conflict with the express provision of
15 the Judgment related to borrowing money.

16 The Agreement has been duly authorized by Watermaster, and with this approval of the
17 Court constitutes a valid and binding obligation of Watermaster. No further approval, consent or
18 authorization is required in order for Watermaster to execute and deliver the Agreement.

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21 DATED: July 8, 2002

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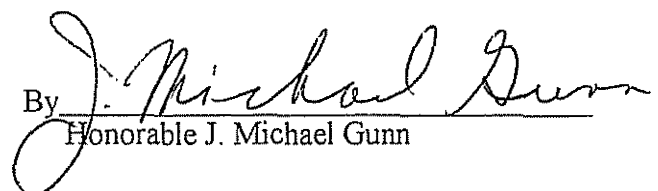
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By 
Honorable J. Michael Gunn

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 July 8, 2002 I served the attached:

- 1) *ORDER GRANTING EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR THE FILING OF THE RECHARGE FACILITIES FINANCING AGREEMENT*
- 2) *ORDER GRANTING MOTION FOR APPROVAL OF THE RECHARGE FACILITIES FINANCING AGREEMENT*

HEARING DATE: JULY 8, 2002

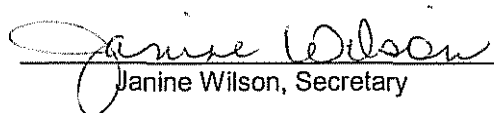
in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:

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 July 8, 2002.



Janine Wilson, Secretary

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Updated 7/8/02

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