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FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

OCT 01 2002

By Adrian L. Dominguez Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DISTRICT

11 CHINO BASIN MUNICIPAL WATER
12 DISTRICT,

13 Plaintiff,

14 vs.

15 CITY OF CHINO, et al.,

16 Defendants.

17 AND RELATED CROSS-ACTIONS

CASE NO: RCV 51010
ASSIGNED FOR ALL PURPOSES TO:
HONORABLE JUDGE J. MICHAEL GUNN

CITY OF CHINO HILLS' COMMENTS TO
SPECIAL REFEREE'S REPORT ON
INTERIM PLAN WORKSHOP AND
RECOMMENDATIONS CONCERNING
SUBSIDENCE ISSUES

Hearing Date: October 17, 2002
Time: 1:30 p.m.
Dept: R-8

19 The City of Chino Hills (hereinafter "Chino Hills") submits
20 the following comments to the Special Referee's Report on
21 Interim Plan Workshop and Recommendations Concerning Subsidence
22 issues (hereinafter "Referee's Report").

23 Chino Hills supports the recommendations set forth in the
24 Referee's Report and adds that Chino Hills, Watermaster and City
25 of Chino have resolved their issues concerning the Interim Plan
26 for the Management of Subsidence ("Interim Plan"). Chino Hills
27 has agreed to participate in the forbearance program. Chino
28 Hills will voluntarily reduce its pumping in accordance with the

1 terms set forth in the revised Interim Plan. The revisions to
2 the Interim Plan are set forth in Watermaster Comments to
3 Referee Report on Interim Plan and Motion for Order to Proceed
4 in Accordance With the Interim Plan.

5 It is Chino Hills' position that ground surface fissures
6 and subsidence must be studied to determine their cause. The
7 information presented that deep aquifer production beneath the
8 City of Chino contributes to subsidence and fissuring in the
9 area has not been fully explored.

10 As set forth in the Referee's Report, the Technical
11 Committee is a clearinghouse for scientific information as well
12 as the source of full professional discussions. The role of the
13 Technical Committee is to act in an advisory capacity to assist
14 Watermaster in its development of a long-term plan. The
15 Technical Committee must review the prior 80 plus years of
16 pumping throughout MZ1 to determine the potential causes of
17 subsidence.


18 Chino Hills supports the Referee's position that it is
19 important that the Technical Committee assess, as early as
20 possible, whether the current monitoring and analysis efforts
21 are sufficient and can be extrapolated throughout MZ1 or whether
22 the focal area of Watermaster's monitoring and analysis should
23 be expanded (p. 38, lns. 22-25). However, Chino Hills does not
24 support comments made throughout the Report that somehow ground
25 surface fissures or subsidence may be related to increased
26 groundwater production in the City of Chino. Ground surface
27 fissures and subsidence is a phenomenon that needs to be
28 thoroughly studied and reviewed by the Technical Committee.

1 It should be noted that the willingness to reduce
2 production by 3,000-acre feet by producers in the MZ1 area
3 during the interim period was not in response to any scientific
4 evidence showing cause and effect between subsidence or
5 fissuring and pumping. Chino Hills feels that no technical
6 analysis or even system-wide MZ1 conceptualization has occurred
7 to suggest that a reduction in groundwater pumping could
8 accomplish minimizing subsidence and fissuring.

9 Chino Hills strongly agrees with the Referee's position
10 that localized fissuring problems should not define the overall
11 efforts of Watermaster to address subsidence (p. 46, lns. 16-
12 18). Rather, a broader and more comprehensive study of the MZ1
13 area must occur.

14 Because an interim consensus amongst the parties has been
15 reached, the need for the Court to set a briefing schedule
16 addressing the City of Chino's Paragraph 15 Motion is now moot.
17 However, if the City of Chino, in a future action, moves forward
18 with its Paragraph 15 motion, then Chino Hills reserves all its
19 rights to request a briefing schedule and a full hearing of the
20 merits.

21 Dated: September 30, 2002 BURKE, WILLIAMS & SORENSEN, LLP
22
23

24 By 
25 Geralyn H. Skapik
26 Attorneys for Defendant
27 CITY OF CHINO HILLS
28

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 October 1, 2002 I served the attached:

HEARING DATE: October 17, 2002

- 1) CITY OF CHINO HILLS' COMMENTS TO SPECIAL REFEREE'S REPORT ON INTERIM PLAN WORKSHOP AND RECOMMENDATIONS CONCERNING SUBSIDENCE ISSUES

/ X / BY MAIL: 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:

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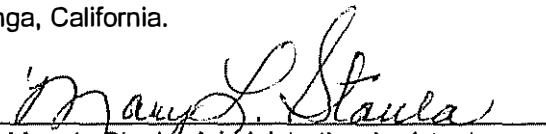
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 1, 2002 in Rancho Cucamonga, California.


Mary L. Staula, Administrative Assistant

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