

FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

JUN 5 2003

BY Wanda L. DeVine Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

vs.

CITY OF CHINO, et al.,

Defendants

CASE NO. RCV 51010

ORDER RECEIVING
WATERMASTER'S 25th ANNUAL
REPORT and STATUS REPORTS
NOS. 5 & 6; ORDER CONFIRMING
INTERVENTION OF NIAGARA
BOTTLING COMPANY

Date: June 5, 2003

Dept: 8

Time: 1:30 p.m.

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Annual Report

Under paragraph 48 of the Judgment herein, Chino Basin Watermaster ("Watermaster") is required to file an annual report detailing the operation of the pools, a review of Watermaster activities, and a certified audit of all assessments and expenditures. Under the recently revised Chino Basin Watermaster Rules and Regulations ("Rules and Regulations"), the annual report also is to include an update

1 on implementation of the OBMP¹ and, biennially, an engineering appendix with a
2 specific state of the basin report. Lastly, the annual report is to include a compilation
3 of any amendments to the Rules and Regulations and a compilation of Watermaster
4 Resolutions.

5 On January 31, 2003, Watermaster filed the Annual Report for fiscal 2001-
6 2002. This report is Watermaster's 25th annual report. To commemorate its 25th
7 anniversary Watermaster will provide to the parties, a specially formatted edition of the
8 report, which, reportedly, will not differ in substance from the report that has been
9 submitted. Watermaster asks that the Court receive and file the Annual Report as
10 submitted. Watermaster further requests that it be allowed to file the special edition
11 report after it is completed, without further hearing, provided there are no substantive
12 changes or additions made to the report. Having received no opposition, the Court
13 shall grant Watermaster's request.

14 Watermaster notes that the Final Initial State of the Basin Report ("ISOB") was
15 filed with the Court on October 10, 2002. Since the ISOB is to serve as the baseline
16 for future engineering appendices, Watermaster advises that the next State of the
17 Basin Report will be included in the Annual Report for fiscal 2003-2004, which is to be
18 filed no later than January 31, 2005 (see Revised OBMP Reporting Schedule
19 submitted by Watermaster with its Annual Report). This proposal is consistent with
20 the Rules and Regulations and is acceptable to the Court.

21
22 Status Reports Nos. 5 & 6

23 In the Order Concerning Motion to Extend Nine-Member Board, dated
24 September 28, 2002, this Court ordered Watermaster to file semi-annual progress
25 reports concerning implementation of the OBMP. In the Order Concerning
26 Watermaster's Interim Plan for Management of Subsidence, dated October 17, 2002,
27

28

¹ All references to "OBMP" are to the Chino Basin Optimum Basin Management Program.

1 this Court ordered Watermaster to submit quarterly reports on its efforts to address
2 subsidence and fissuring problems in Chino Basin Management Zone 1 ("MZ1").
3 Watermaster intends to change its semi-annual OBMP reporting to quarterly reporting,
4 and to combine its quarterly progress reports to the Court regarding subsidence with
5 its reports concerning OBMP implementation. This, too, is acceptable to the Court.

6 Watermaster recently filed Status Reports Nos. 5 & 6, covering OBMP
7 implementation and subsidence efforts. The Court compliments Watermaster on these
8 comprehensive, informative reports. The Court is pleased to learn that the
9 piezometers are installed in MZ1 and are recording information, and that the MZ1
10 Technical Committee has been formed. The Court looks forward to receiving
11 Watermaster's next quarterly report.

12
13 Intervention of Niagara Bottling Company

14 Paragraph 60 of the Judgment provides that any "person newly proposing to
15 produce water from Chino Basin, may become a party to this judgment upon filing a
16 petition in intervention. Said intervention must be confirmed by order of this Court."
17 This Court's Order Re Intervention Procedures, dated July 14, 1978, authorizes
18 Watermaster to accept petitions in intervention and accumulate them for filing with the
19 Court, periodically.

20 Watermaster asserts that it has received a formal request from Niagara Bottling
21 Company, LLC ("Niagara")² to intervene in the Judgment as a member of the
22 Appropriative Pool, with adjudicated production rights of "0" acre-feet per year.
23 Niagara will pay a full replenishment assessment on all water that it produces from the
24 Basin. Having received no opposition to the petition in intervention, Niagara shall be
25 confirmed as a new party to the Judgment. The Court notes that a copy of Niagara's
26 formal request for intervention is included in Watermaster's Corrections and
27

28 ² Niagara is a water bottling company, which is pumping from a well in the service area of Cucamonga
County Water District.

1 Supplemental Materials (Exhibit "C").

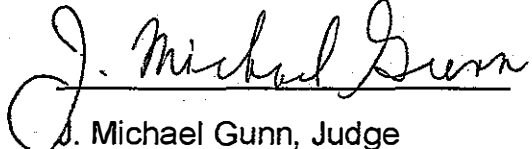
2 Good cause appearing therefore, IT IS HEREBY ORDERED:

3 1. The 25th Annual Report of Watermaster for fiscal 2001-2002 is hereby
4 received and filed, as submitted. Provided there are no substantive changes or
5 additions to the report, Watermaster shall file the final, special edition of the 25th
6 Annual Report without further hearing.

7 2. Watermaster Status Reports Nos. 5 & 6 are hereby received and filed.
8 Watermaster shall file Status Report No. 7 by June 30, 2003.

9 3. Niagara is granted leave to intervene and is hereby confirmed as a new
10 party to the Judgment and bound thereby. Niagara shall be a member of the
11 Appropriative Pool, with an adjudicated production right of "0" acre-feet per year; and
12 Niagara will pay a full replenishment assessment on all water it produces from Chino
13 Basin.

14
15 Dated: June 5, 2003


J. Michael Gunn, Judge

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Watermaster files

FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

JUN 12 2003

By *[Signature]* Deputy
[Signature]

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 11, 2003 I served the following that were heard on:

June 5, 2003, 1:30 p.m., Dept. R8

- A. Order Concerning Groundwater Storage Program Funding Agreement – Agreement No. 49960
- B. Order Receiving Watermaster's 25th Annual Report and Status Reports Nos. 5 & 6; Order Confirming Intervention of Niagara Bottling Company

/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:

See attached service list:
Attorney Service List
Mailing List 1

/ / BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

/ / BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

/x/ BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.

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

Executed on June 11, 2003 in Rancho Cucamonga, California.

Mary Staula
Mary Staula
Chino Basin Watermaster

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Updated 6/11/03

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