

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 15, 2003 I served the following to continue July 17, 2003 hearing:

- A. **SPECIAL REFEREE'S COMMENTS REGARDING WATERMASTER'S MOTION TO CONTINUE JULY 17, 2003 WORKSHOP RE MZ1 INTERIM SUBSIDENCE PLAN**
- B. **(PROPOSED) ORDER GRANTING MOTION TO CONTINUE JULY 17, 2003 WORKSHOP RE MZ1 INTERIM SUBSIDENCE PLAN**

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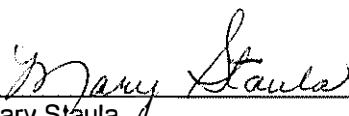
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 15, 2003 in Rancho Cucamonga, California.



Mary Staula
Chino Basin Watermaster

Janine Wilson

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9 COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DIVISION

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11 CHINO BASIN MUNICIPAL WATER)
DISTRICT,)

12)
13 Plaintiff,)

14 v.)

15 THE CITY OF CHINO,)

16 Defendants.)

CASE NO. RCV 51010

Judge: Honorable J. Michael Gunn

SPECIAL REFEREE'S COMMENTS
REGARDING WATERMASTER'S
MOTION TO CONTINUE JULY 17,
2003 WORKSHOP RE MZ1 INTERIM
SUBSIDENCE PLAN

Date: July 16, 2003

Time: 11:30 a.m.

Dept: 8

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19 In January 2002, the City of Chino ("Chino") filed a motion against the City of Chino Hills for relief
20 under paragraph 15 of the Judgment, raising issues regarding a subsidence problem in Chino Basin. In an
21 attempt to resolve the issues outside of the courtroom arena, Watermaster adopted an Interim Plan for
22 Management of Subsidence ("Interim Plan"). Both Chino and Chino Hills elected to participate for one
23 year in the implementation of Watermaster's Interim Plan. Consequently, Chino agreed to continue its
24 paragraph 15 motion until September 18, 2003. Chino also indicated that if Chino Hills elected to
25 participate a second year, it would request a further continuance of its motion, for an additional year. To
26 keep the Court apprised of its progress in implementing the Interim Plan, Watermaster was ordered to
27 schedule a workshop for July 17, 2003, to present to the Court, through the Special Referee, an update
28 on the Interim Plan.

1 Watermaster seeks Court approval to delay the workshop for three weeks, until August 7, 2003.
2 Watermaster reports that in furtherance of the Interim Plan, the MZ1 Technical Committee has met several
3 times and has formulated a monitoring plan, which is currently being set up. Construction of the
4 extensometer facility is complete and data-gathering may now commence. Further, completion of
5 installation of measuring benchmark monuments will occur this summer. Both Chino and Chino Hills have
6 met their forbearance goals for the first year, but neither Chino nor Chino Hills has yet to agree to
7 participate for a second year. Watermaster reports, however, that it knows of no reason why both cities
8 would not participate for a second year. Commitments from both cities are expected to be received by
9 August 1, 2003, at which time it is expected that Chino will continue its motion for another year.
10 Watermaster suggests that a workshop may be more valuable “[o]nce these events have occurred,” i.e.,
11 after Chino and Chino Hills commit to participate in the Interim Plan for another year and Chino continues
12 its motion.

13 The Special Referee concurs that it would be more valuable to delay the workshop, but for different
14 reasons. Because the extensometers have been installed only recently, there is little data to report to the
15 Court. Measuring benchmark monuments have not yet been installed, and benchmark surveys haven’t
16 begun. Analysis and interpretation of data from piezometers, including findings from any aquifer testing,
17 are not expected to be available for some time. It appears that the technical information to report to the
18 Court is a monitoring plan developed by the Technical Committee. It is not clear whether the monitoring
19 plan referred to in Watermaster’s moving papers is the same monitoring plan that was proposed a year ago
20 when the Interim Plan was adopted. If it is the same monitoring plan, then it appears there is no new
21 technical data to present to the Court. From the standpoint of reporting on the technical progress in
22 implementing the Interim Plan, it would be more valuable to postpone the workshop for a longer period
23 of time, to permit the collection of additional data. While it is important that information be conveyed to
24 the Court regarding Chino and Chino Hills’ participation in the Interim Plan, and Chino’s intention
25 regarding its paragraph 15 motion, if this is the only information to be presented, I question the value of
26 convening the workshop. Watermaster Counsel was asked to contact the parties to determine what kind
27 of presentations would be made at the workshop and how much time would be needed, but no response
28 has been received.

1 As long as there is new technical information to be presented to the Court, the Referee does not
2 object to conducting a workshop soon after the August 1 deadline for next year's participation in the
3 Interim Plan. However, if there is no new technical information, and the point of the workshop is simply
4 to report to the Court whether Chino and Chino Hills will be participating for a second year and whether
5 Chino intends to continue its motion for another year, it may be that a workshop is not the most efficient
6 way to convey the information. Indeed, if Chino intends to pursue its paragraph 15 motion, it may be more
7 valuable for the Court to set a briefing schedule on the jurisdiction and other legal issues previously raised,
8 than to receive an update on the implementation of the Interim Plan.

9 Therefore, unless Watermaster can demonstrate that there is new technical information to warrant
10 convening the workshop in August, the Referee recommends that the workshop be continued to October
11 30, 2003. The Referee further recommends that Watermaster file a written notice to the Court by August
12 7, indicating whether or not Chino and Chino Hills intend to participate in the Interim Plan for another year.
13 If the parties do not intend to participate again next year, and Chino intends to pursue its paragraph 15
14 motion, the Referee recommends the Court consider a briefing schedule for Chino's motion.

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16 Dated: July 15, 2003

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19 _____
20 Anne J. Schneider, Special Referee
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DIVISION
10

11 CHINO BASIN MUNICIPAL WATER)	CASE NO. RCV 51010
DISTRICT,)	
)	Judge: Honorable J. Michael Gunn
12 Plaintiff,)	
)	[PROPOSED] ORDER GRANTING
13 v.)	MOTION TO CONTINUE JULY 17,
)	2003 WORKSHOP RE MZ1 INTERIM
14 THE CITY OF CHINO,)	SUBSIDENCE PLAN
)	Date: July 16, 2003
15 Defendants.)	Time: 11:30 a.m.
)	Dept: 8
16)	
17)	

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19 GOOD CAUSE APPEARING, Watermaster's Ex Parte Motion for Order Shortening Time for
20 the filing of a Motion to Continue July 17, 2003 Workshop Re MZ1 Interim Subsidence Plan is hereby
21 granted.

22 The Court has considered Watermaster's Motion to Continue July 17, 2003 Workshop Re MZ1
23 Interim Subsidence Plan, and the Special Referee's Comments Regarding Watermaster's Motion to
24 Continue July 17, 2003 Workshop Re MZ1 Interim Plan. The July 17, 2003 Workshop regarding the
25 MZ1 Interim Plan is continued to October 30, 2003. Watermaster is to give notice to

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1 the Court by August 7, 2003, as to whether or not Chino and Chino Hills intend to participate in the
2 Interim Plan for another year.

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4 Dated: July 16, 2003

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7 By: _____
8 Honorable J. Michael Gunn

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