

FEE EXEMPT

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FILED-Rancho Cucamonga District  
SUPERIOR COURT  
SAN BERNARDINO COUNTY

SEP 17 2003

By Michael Aiken Deputy

5 Attorneys for CITY OF CHINO

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT**

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

CASE NUMBER: RCV 51010  
Honorable J. Michael Gunn  
**EX PARTE MOTION FOR  
CONTINUANCE OF PARAGRAPH  
15 MOTION**  
Date: September 18, 2003  
Time: 8:30 a.m.  
Dept.: R8

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19 The City of Chino requests a continuance of its Paragraph 15 Motion in accordance with the  
20 Court's October 17, 2002 Order, until August 12, 2004.

21 Dated: September 16, 2003

JIMMY L. GUTIERREZ  
City Attorney

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24 By:

Jimmy L. Gutierrez  
Attorneys for Defendant, CITY OF CHINO

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT**

CHINO BASIN MUNICIPAL WATER DISTRICT,	)	CASE NUMBER: RCV 51010
	)	
Plaintiff,	)	Honorable J. Michael Gunn
	)	
v.	)	<b>ORDER GRANTING EX PARTE</b>
	)	<b>MOTION FOR CONTINUANCE OF</b>
THE CITY OF CHINO	)	<b>PARAGRAPH 15 MOTION</b>
	)	
Defendants.	)	<b>Date:</b> September 18, 2003
	)	<b>Time:</b> 8:30 a.m.
	)	<b>Dept.:</b> R8

GOOD CAUSE APPEARING, the City of Chino's Ex Parte Motion for continuance of its Paragraph 15 Motion is hereby GRANTED.

DATED:

By: \_\_\_\_\_  
  Honorable J. Michael Gunn

FEE EXEMPT

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FILED-Rancho Cucamonga District  
SUPERIOR COURT  
SAN BERNARDINO COUNTY

SEP 17 2003

By *Michael Picken* Deputy

5 Attorneys for CITY OF CHINO  
6  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DISTRICT  
10

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

CASE NUMBER: RCV 51010  
Honorable J. Michael Gunn  
DECLARATION OF JIMMY L. GUTIERREZ IN SUPPORT OF EX PARTE MOTION FOR CONTINUANCE OF PARAGRAPH 15 MOTION  
Date: September 18, 2003  
Time: 8:30 a.m.  
Dept.: R8

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19 I, JIMMY L. GUTIERREZ, state and declare as follows:

20  
21 1. I am an attorney at law duly licensed to practice law in all the Court's in the  
22 State of California. I also serve as the City Attorney for the City of Chino, a position that I  
23 have held since January 7, 1975.

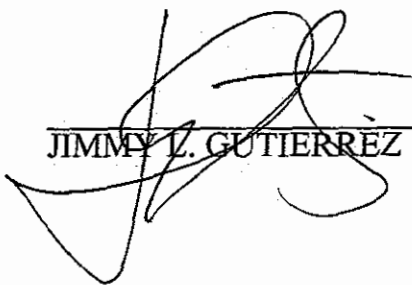
24 2. I have personal knowledge of the matter contained in this declaration; and if  
25 called as a witness I could and would so competently testify thereto under oath.

26 3. On September 5, 2003, the Court was notified by Chino Basin Municipal Water  
27 District, pursuant to the MZ1 Interim Plan for the Management of Subsidence, that both the  
28 City of Chino and the City of Chino Hills timely provided Watermaster with notice of intent

1 to forbear from production in the amount of 1,500 acre-feet for the year 2003-2004, from  
2 those wells described in Exhibit D (Notice of Forebearance Under Management Zone 1  
3 Interim Plan. A copy of the City of Chino's Notice of Forebearance is attached as Exhibit  
4 "A", hereto, and a copy of the City of Chino Hills' Notice of Forebearance is attached as  
5 Exhibit "B", hereto.

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

8 Executed this 16th day of September, 2003, at Chino, California

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JIMMY L. GUTIERREZ

# EXHIBIT A

EUNICE M ULLOA  
Mayor

TOM HAUGHNEY  
Mayor Pro Tem



RECEIVED  
JUL 21 2003

GLENN DUNCAN  
EARL C HLROD  
DENNIS YATES  
Council Members

GIEN ROJAS  
City Manager

CITY of CHINO

July 17, 2003

Mr. John Rossi  
Chief Executive Officer  
Chino Basin Watermaster  
8632 Archibald Avenue, Suite 109  
Rancho Cucamonga, CA 91730

Subject: Interim Plan for Management of Subsidence – Notice of Forebearance

In accordance with the process described in the Watermaster-approved Interim Plan for Management of Subsidence, the City of Chino submits the enclosed Exhibit "D" – Notice of Forebearance Under Management Zone 1 Interim Plan for City of Chino Wells Nos. 4, 6, and 12.

Should you have any questions, please contact me at (909) 464-8393.

Sincerely,

Patrick J. Glover, P.E.  
Director of Public Works/City Engineer

PJG:DGC:pr  
Enclosure

R:\My Documents\Water & Env\Dave\Ross\1 Interim Plan for Mg1.doc

13220 Central Avenue, Chino, California 91710  
Mailing Address: P O Box 667, Chino, California 91708-0667  
(909) 627-7577 • (909) 591-6829 Fax  
Web Site: [www.cityofchino.org](http://www.cityofchino.org)



Exhibit "D"

Notice of Forbearance  
Under Management Zone 1 Interim Plan

City of Chino  
Name of Party

13220 Central Avenue  
Street Address

Chino, CA 91710  
City

(909) 627-7577  
Telephone

Well number from which reduction in production is to occur: 4, 6, 12

State the average production from this well during the period from October 1 through June 30 during the period 1994-2001: 4-792AF, 6-536AF, 12-835AF.

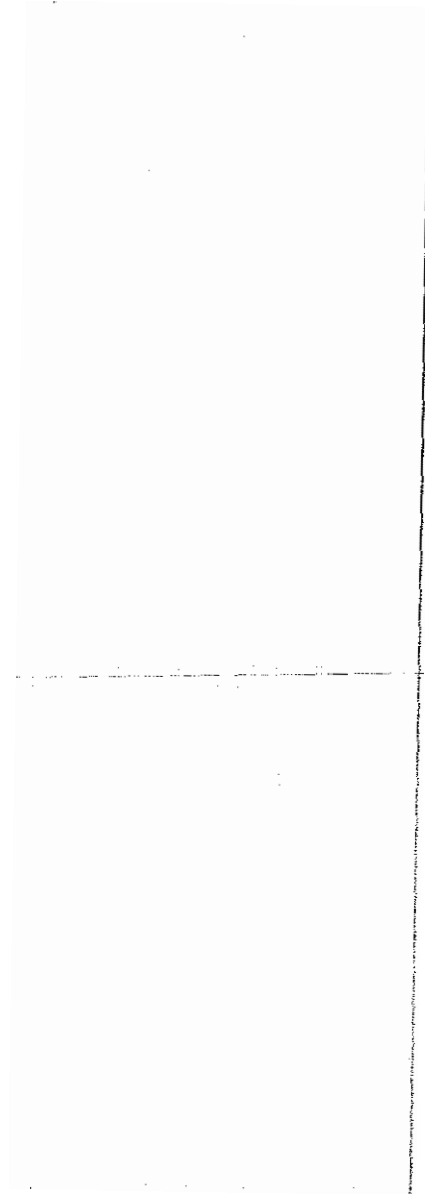
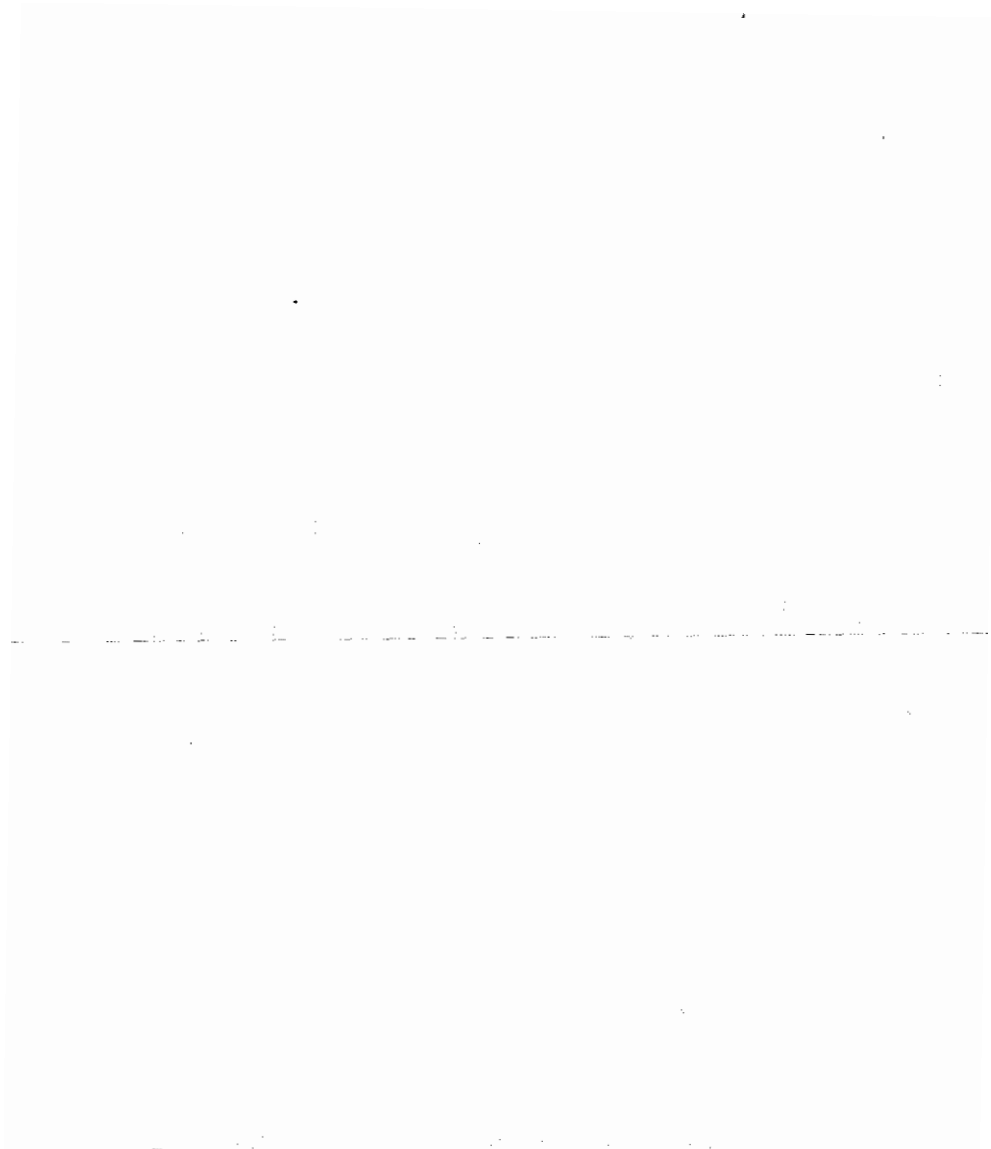
State the estimated amount of reduction in production from this well: 4-686AF, 6-486AF, 12-328AF.

State the maximum total quantity anticipated to be produced from this well for the period applied for: 4-106AF, 6-50AF, 12-507AF.

Are you requesting to be supplied with substitute water?  Yes  No

PJG:DGC:pr  
7-17-03

## EXHIBIT B







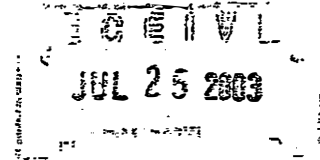
## CITY OF CHINO HILLS

2001 GRAND AVENUE  
CHINO HILLS, CALIFORNIA 91709-4869  
(909) 364-2600 • (909) 364-2695 FAX

### City Council:

Ed M. Graham  
W.C. "Bill" Kruger  
Gary G. Larson  
Gwenn E. Norton-Perry  
James S. Thalman

July 23, 2003



Chief Executive Officer  
Chino Basin Water Master  
8632 Archibald Avenue, Suite 109  
Rancho Cucamonga, California 91730

Dear Sir:

At their regular meeting held on July 22, 2003, the City Council of the City of Chino Hills approved participation in the Interim Plan for Management Subsidence for the period covering August 1, 2003 through July 31, 2004. The City Council also approved the forbearance of 1,500 acre-feet of groundwater production for the period covering August 1, 2003 through July 31, 2004.

Should you have any questions regarding this action, please contact Water and Sewer Manager Mike Maestas at (909) 364-2854.

Very truly yours,

CITY OF CHINO HILLS

  
MARY M. McDUFFEE  
INTERIM CITY CLERK

cc Doug La Belle, City Manager  
Mike Maestas, Water and Sewer Manager

Exhibit "D"

Notice of Forebearance  
Under Management Zone 1 Interim Plan

CITY OF CHINO HILLS

Name of Party

2001 Grand Avenue

Street Address

Chino Hills, CA 91709-4869

City

(909) 364-2854

Telephone

Well number from which reduction in production is to occur: 1A; 1B; 7A; 7B; 14; 15B; 16A; 17A; 17B

State the average production from this well during the period from October 1 through June 30 during the period 1994-2001: 1A-505a/f; 1B-68 a/f; 7A-198 a/f; 7B-343 a/f; 14-55 a/f; 15B-488a/f; 16A-0 a/f; 17A-489 a/f; 17B-371 a/f

State the estimated amount of reduction in production from this well: 1A-up to 696 a/f; 1B-up to 68 a/f; 7A-up to 272 a/f; 7B-up to 466 a/f; 14-up to 55 a/f; 15B-up to 1054 a/f; 16A-up to 101 a/f; 17A-up to 493 a/f; 17B-up to 392 a/f - Chino Hills will reduce a.\*\*  
State the maximum total quantity anticipated to be produced from this well for the period applied for: See response set forth immediately above.

Are you requesting to be supplied with substitute water?  yes  no

\*\* total of 1500 a/f from these designated wells.

0096

**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 September 17, 2003 I served the following that was to be heard:

September 18, 2003, 8:30 a.m., Dept. R8  
**EX-PARTE MOTION FOR CONTINUANCE OF PARAGRAPH 15 MOTION**

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:**  
Mailing List 1

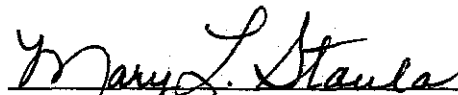
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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.

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 September 17, 2003 in Rancho Cucamonga, California.

  
\_\_\_\_\_  
Mary L. Staula  
Chino Basin Watermaster

## Mary Staula

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**Distribution List Name:** Committee list - court service list, water transactions

Mailing lists:

Court filings, water transactions - see: production system - annual report.

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GIRARD  
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MARILYN LEVIN  
OFFICE OF THE ATTY GEN DEP AG  
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