

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
RANCHO CUCAMONGA DISTRICT

DEC 02 2004

BY Wanda Lewis
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 DIRECTING WATERMASTER
TO PROCEED IN ACCORDANCE
WITH PEACE AGREEMENT AS
AMENDED BY FIRST AMENDMENT

Date: Dec. 2, 2004
Dept: 8
Time: 2:30 p.m.

On July 13, 2000, the Court found that the Optimum Basin Management Program for Chino Basin ("OBMP") consists of the OBMP Phase I Report, dated August 19, 1999, ("Phase I Report") and the OBMP Implementation Plan ("Implementation Plan"). Watermaster was directed to adopt the goals and plans of the Phase I Report and implement them through the Implementation Plan. Watermaster was further directed to proceed in a manner consistent with the Peace Agreement regarding Chino Groundwater Basin, dated June 29, 2000 ("Peace Agreement"). The Peace Agreement includes a provision assigning "salt credits" to

1 the members of the Appropriative Pool. (Peace Agreement, section 1.1(rr).) This
2 provision was based on an expectation that the Santa Ana Regional Water Quality
3 Control Board ("RWQCB") would create a mitigation program allowing salt-loading
4 activities such as recycled water recharge to proceed based on mitigation credits
5 created by salt-removal activities in the OBMP (Motion re First Amendment to Peace
6 Agreement, p. 4, Ins. 11-13). Earlier this year, the RWQCB approved an amendment
7 to the Basin Plan for the Santa Ana Watershed ("Basin Plan Amendment"). (*Id.* at p.
8 3, Ins. 11-16.) The Basin Plan Amendment may eliminate the need for salt credits by
9 permitting activities, such as recycled water recharge, based on commitments by
10 Watermaster and the Inland Empire Utilities Agency ("IEUA") to proceed with salt-
11 removal activities of the OBMP. (*Id.* at p. 4, Ins. 16-22.)

12 In a motion filed March 11, 2004, Monte Vista Water District ("Monte Vista")
13 asserted the position that parties who do not engage in salt-loading activities made
14 certain concessions in the Peace Agreement, with an expectation of equitable
15 allocation of salt mitigation through assignment of salt credits. (Motion re: First
16 Amendment to Peace Agreement, p. 4, Ins. 24-28 and p. 5, In. 1.) Monte Vista
17 requested an order compelling Watermaster to establish a program to equitably
18 allocate benefits from water quality mitigation measures. (*Id.*, at p. 3, Ins. 3-5.) In
19 response to the motion, Watermaster began a negotiating process that culminated in
20 the First Amendment to Peace Agreement ("First Amendment"). (*Id.* at p. 5, Ins. 1-5.)
21 The core of the First Amendment is an agreement to permit the elimination of the
22 concept of salt credits from the Peace Agreement so long as the obligation to dedicate
23 the storm flow component of "New Yield" for desalter replenishment is also eliminated.
24 (*Id.* at p. 6, Ins. 9-12.) In this manner, the "New Yield" attributed to the implementation
25 of the Recharge Master Plan will not disproportionately accrue to the entities receiving
26 the benefit of the salt-removal function of those facilities, i.e., those entities that
27 contribute to salt-loading of the Basin. (*Id.* at p. 5, Ins. 22-27.) The Peace
28 Agreement, as amended by the First Amendment, remains consistent with the OBMP


1 in that it does not impair the recharge or desalter elements of the OBMP. (*Id.* at p. 7,
2 Ins. 14-28 and p. 8, Ins. 1-2.)

3 Watermaster has adopted Resolution No. 2004-03, which commits Watermaster
4 to proceed in accordance with the Peace Agreement as amended by the First
5 Amendment. (Motion re: First Amendment to Peace Agreement, p. 8, Ins. 24-27.)
6 Watermaster seeks approval from the Court of its adoption of this resolution and an
7 order directing Watermaster to proceed in accordance with the Peace Agreement as
8 amended by the First Amendment. (*Id.* at p. 9, Ins. 2 –8.) The Court has received no
9 opposition to Watermaster’s motion, which was filed and served on October 13, 2004.

10 Good cause appearing therefore, and subject to the condition precedent that all
11 parties signatory to the Peace Agreement, except any parties that have waived or
12 abandoned their rights therein, have approved and executed the First Amendment to
13 the Peace Agreement. IT IS HEREBY ORDERED:

14 The Court approves Watermaster’s adoption of Resolution No. 2004-03.
15 Watermaster is directed to continue implementing the goals and plans of the Phase I
16 Report through the Implementation Plan. Watermaster shall proceed in a manner
17 consistent with the Implementation Plan and the Peace Agreement, as amended by
18 the First Amendment.

19
20 Dated: Dec. 2, 2004


J. Michael Gunn, Judge

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, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; Telephone (909) 484-3888.

On December 3, 2004 I served the following:

**ORDER DIRECTING WATERMASTER TO PROCEED IN ACCORANCE
WITH PEACE AGREEMENT AS AMENDED BY FIRST AMENDMENT**

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

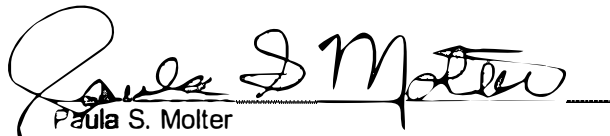
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 December 3, 2004 in Rancho Cucamonga, California.


Paula S. Molter
Chino Basin Watermaster

RICHARD ANDERSON
1365 W. FOOTHILL BLVD
SUITE 1
UPLAND, CA 91786

RODNEY BAKER
COUNSEL FOR EGGWEST &
JOHNSON
PO BOX 438
COULTERVILLE, CA 95311-0438

PATRICK BAUER
ARROWHEAD WATER COMPANY
5772 JURUPA RD
ONTARIO, CA 91761-3672

BOB BEST
NAT'L RESOURCE CONS SVCS
25864 BUSINESS CENTER DR K
REDLANDS, CA 92374

BRUCE CASH
UNITED WATER MGMT CO INC
1905 BUSINESS CENTER DR
SUITE 100
SAN BERNARDINO, CA 92408

STEVE CORTNER
VULCAN MATERIALS COMPANY
PO BOX 39756
LOS ANGELES, CA 90039

DAVID B. COSGROVE
RUTAN & TUCKER
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

JENNY DE BOER
9155 RIVERSIDE DR
ONTARIO, CA 91761

JOE DELGADO
BOYS REPUBLIC
3493 GRAND AVENUE
CHINO HILLS, CA 91709

GLEN DURRINGTON
5512 FRANCIS ST
CHINO, CA 91710

DICK DYKSTRA
10129 SCHAEFER
ONTARIO, CA 91761-7973

RALPH FRANK
755 LAKEFIELD RD #E
WESTLAKE VILLAGE, CA 91361

CARL FREEMAN
L.D. KING
2151 CONVENTION CENTRE WAY
ONTARIO, CA 91764

MARK GAGE P E
GEOMATRIX CONSULTANTS INC
2101 WEBSTER ST #1200
OAKLAND, CA 94612

JIM GALLAGHER
SOUTHERN CALIFORNIA WATER CO
2143 CONVENTION CENTER WAY
SUITE 110
ONTARIO, CA 91764

DON GALLEANO
4231 WINEVILLE RD
MIRA LOMA, CA 91752-1412

PETER HETTINGA
14244 ANON CT
CHINO, CA 91710

PETE HALL
PO BOX 519
TWIN PEAKS, CA 92391

LISA HAMILTON
GE/MGR ENV REMEDIATION PRGM
640 FREEDOM BUSINESS CTR
KING OF PRUSSIA, PA 19406

CARL HAUGE
SWRCB
PO BOX 942836
SACRAMENTO, CA 94236-0001

SUSAN TRAGER
LAW OFFICES OF SUSAN M. TRAGER
19712 MACARTHUR BLVD
SUITE 120
IRVINE, CA 92612

JOEL KUPERBERG
OCWD GENERAL COUNSEL
RUTAN & TUCKER, LLP
611 ANTON BLVD., 14TH FLOOR
COSTA MESA, CA 92626-1931

ANNESLEY IGNATIUS
COUNTY OF SAN BERNARDINO FCD
825 E 3RD ST
SAN BERNARDINO, CA 92415-0835

W. C. "BILL" KRUGER
CITY OF CHINO HILLS
2001 GRAND AVE
CHINO HILLS, CA 91709

SHARON JOYCE
STATE OF CA CDC
1515 S STREET, ROOM 314-F
SACRAMENTO, CA 95814

BOB THOMPSON
CONSULTANT TO SENATOR SOTO
822 N EUCLID AVE, SUITE A
ONTARIO, CA 91762

KRONICK ET AL
KRONICK MOSKOVITZ TIEDEMANN
& GIRARD
400 CAPITOL MALL, 27TH FLOOR
SACRAMENTO, CA 95814-4417

RONALD LA BRUCHERIE
12953 S BAKER AVE
ONTARIO, CA 91761-7903

MARILYN LEVIN
300 S SPRING ST
11TH FLOOR N TOWER
LOS ANGELES, CA 90013-1232

CARLOS LOZANO
STATE OF CA YTS
15180 S EUCLID
CHINO, CA 91710

ALAN MARKS
COUNSEL – COUNTY OF SAN
BERNARDINO
157 W 5TH STREET
SAN BERNARDINO, CA 92415

SANDY OLSON
WALNUT VALLEY WATER DISTRICT
271 BREA CANYON RD
WALNUT, CA 91789

MARY PARENTE
8559 EDISON AVE
CHINO, CA 91710-9242

ROBB QUINCY
CITY OF HESPERIA
15776 MAIN ST
HESPERIA, CA 92345

RICK REES
GEOMATRIX
2450 EAST RINCON STREET
CORONA, CA 92879

ROBERT REITER
SAN BERNARDINO VALLEY MWD
PO BOX 5906
SAN BERNARDINO, CA 92412-5906

LES RICHTER
CALIFORNIA SPEEDWAY
PO BOX 9300
FONTANA, CA 92334-9300

DAVID RINGEL
MONTGOMERY WATSON
PO BOX 7009
PASADENA, CA 91109-7009

DONALD SCHROEDER
CBWM BOARD
3700 MINTERN
RIVERSIDE, CA 92509

DAVID SCRIVEN
KRIEGER & STEWART
ENGINEERING
3602 UNIVERSITY AVE
RIVERSIDE, CA 92501

SENATOR NELL SOTO
STATE CAPITOL
ROOM NO 4066
SACRAMENTO, CA 95814

BILL STAFFORD
MARYGOLD MUTUAL WATER CO
9725 ALDER ST
BLOOMINGTON, CA 92316-1637

DAVID STARNES
MOBILE COMMUNITY MGMT CO
1801 E EDINGER AVE, SUITE 230
SANTA ANA, CA 92705

CRAIG STEWART
GEOMATRIX CONSULTANTS INC
330 W BAY ST, SUITE 140
COSTA MESA, CA 92627

KEVIN SULLIVAN
LOS SERRANOS COUNTRY CLUB
15656 YORBA AVE
CHINO HILLS, CA 91709

CHRIS SWANBERG
DEPT OF CORRECTIONS – LEGAL
AFFAIRS DIVISION
PO BOX 942883
SACRAMENTO, CA 94283-0001

SWRCB
PO BOX 2000
SACRAMENTO, CA 95809-2000

MICHAEL THIES
SPACE CENTER MIRA LOMA INC
3401 S ETIWANDA AVE, BLDG 503
MIRA LOMA, CA 91752-1126

JOHN THORNTON
PSOMAS AND ASSOCIATES
3187 RED HILL AVE, SUITE 250
COSTA MESA, CA 92626

R.E. THRASH III
PRAXAIR
5705 AIRPORT DR
ONTARIO, CA 91761

GEOFFREY VANDEN HEUVEL
CBWM BOARD MEMBER
7551 KIMBALL AVE
CHINO, CA 91710

SYBRAND VANDER DUSSEN
10573 EDISON AVE
ONTARIO, CA 91761

SYP VANDER DUSSEN
14380 EUCLID
CHINO, CA 91710

JOHN ANDERSON
CBWM BOARD ALTERNATE
12475 CEDAR AVENUE
CHINO, CA 91710

STEVE ARBELBIDE
417 PONDEROSA TR
CALIMESA, CA 92320

VIC BARRION
11559 PEMBROOKE
LOMA LINDA, CA 92354

ERIC WANG
SUNKIST GROWERS
760 E SUNKIST ST
ONTARIO, CA 91761

ROBERT NEUFELD
CBWM BOARD CHAIRMAN
14111 SAN GABRIEL CT
RANCHO CUCAMONGA, CA 91739

Members:

Andy Malone	amalone@wildh2o.com
Anne Schneider	ajs@eslawfirm.com
Annette Flores	annette_flores@ci.pomona.ca.us
April Woodruff	awoodruff@ieua.org
Arnold Rodriguez	jarodriguez@sarwc.com
Art Kidman	akidman@mkblawyers.com
Barbara Swanson	Barbara_Swanson@yahoo.com
Barret Kehl	CBWCD.email@verizon.net
Bill Kruger	citycouncil@chinohills.org
Bill Rice	brice@rb8.swrcb.ca.gov
Bill Stafford	bills@goldcom.com
Bob Feenstra	feenstra@milkproducers.org
Bob Kuhn	bgkuhn@aol.com
Bonnie Tazza	bonniet@cvwdwater.com
Boyd Hill	bhill@mkblawyers.com
Brenda Fowler	balee@fontanawater.com
Brian Hess	bhess@niagarawater.com
Butch Araiza	butcharaiza@mindspring.com
Carole McGreevy	cmcgreevy@jcsd.us
Chris Swanberg	chris.swanberg@corr.ca.gov
Cindy LaCamera	clacamera@mwdh2o.com
Craig Stewart	cstewart@geomatrix.com
Curtis Aaron	caaron@fontana.org
Dan Arrighi	darrighi@sgvwater.com
Dan McKinney	dmckinney@rhlaw.com
Dan Rodriguez	dan_rodriguez@ci.pomona.ca.us
Daniel Cozad	dcozad@sawpa.org
Danni Maurizio	DMaurizio@CBWM.ORG
Dave Argo	argodg@bv.com
Dave Crosley	DCrosley@cityofchino.org
Dave Hill	dhill@ieua.org
David B. Anderson	danders@water.ca.gov
David DeJesus	davidcicgm@aol.com
David Ringel	david.ringel@mwhglobal.com
Diane Sanchez	dianes@water.ca.gov
Don Harriger	dharriger@wmwd.com
Duffy Blau	Duffy954@aol.com
Eric Garner	elgarner@bbklaw.com
Erick Vaughn	stafengr@aol.com
Frank Brommenschenkel	frank.brommen@verizon.net
Fred Fudacz	ffudacz@nossaman.com
Fred Lantz	flantz@ci.burbank.ca.us
Garth Morgan	gmorgan@ieua.org
Gene Koopman	GTKoopman@aol.com
Gerard Thibeault	gthibeault@rb8.swrcb.ca.gov
Gerry Black	gblack@FontanaWater.com
Gordon P. Treweek	GTreweek@CBWM.ORG
Grace Cabrera	grace_cabrera@ci.pomona.ca.us
Henry Pepper	henry_pepper@ci.pomona.ca.us
James Jenkins	cnomgr@airports.sbcounty.gov
James P. Morris	jpmorris@bbklaw.com
Janine Wilson	Janine@CBWM.ORG
Jarlath Oley	joley@mwdh2o.com
Jean Cihigoyenetché	Jean_CGC@hotmail.com
jeeinc@aol.com	jeeinc@aol.com
Jeff Pierson	jpierson@intexcorp.com
Jerry King	jking@psomas.com
Jess Senecal	JessSenecal@lagerlof.com
Jill Willis	jnwillis@bbklaw.com
Jim Bryson	jtbyson@fontanawater.com
Jim Hill	jhill@cityofchino.org
Jim Markman	jmarkman@rwglaw.com
Jim Moody	jmoody@ci.upland.ca.us

Jim Taylor
Jim@city-attorney.com
jimmy@city-attorney.com
Joe Graziano
Joe LeClaire
Joe Scalmanini
Joe Schenk
John Hayball
John Huitsing
John Rossi
John Schatz
John Vega
Judy Schurr
Julie Saba
Kathy Kunysz
Kathy Tieg
Ken Jeske
Ken Kules
Kimberly Arce
Lisa Hamilton
Mark Hensley
Robert W Bowcock

jim_taylor@ci.pomona.ca.us
Jim@city-attorney.com
jimmy@city-attorney.com
jgraz4077@aol.com
jleclaire@wildh2o.com
jscal@lsce.com
jschenk@ci.Norco.ca.us
john.hayball@sce.com
johnh@milproducers.org
jrossi@wmwd.com
jschatz13@cox.net
johnv@cvwdwater.com
jschurr@earthlink.net
jsaba@ieua.org
kkunysz@mwdh2o.com
ktieg@ieua.org
kjeske@ci.ontario.ca.us
kkules@mwdh2o.com
KArce@HatchParent.com
Lisa.Hamilton@corporate.ge.com
mhensley@localgovlaw.com
bbowcock@irmwater.com

Members:

Marilyn Levin	marilyn.levin@doj.ca.gov
Mark Gage	mgage@geomatrix.com.
Mark Kinsey	mkinsey@mvwd.org
Mark Ward	mark_ward@ameron-intl.com
Mark Wildermuth	mwildermuth@wildh2o.com
Martha Davis	mdavis@ieua.org
Martin Rauch	martin@rauchcc.com
Michael Fife	Mfife@hatchparent.com
Michelle Staples	mstaples@jdplaw.com
Mike Del Santo	mike_delsanto@catellus.com
Mike Maestas	mmaestas@chinohills.org
Mike McGraw	mjmccgraw@FontanaWater.com
Mike Thies	mthies@spacecenterinc.com
Mohamed El-Amamy	melamamy@ci.ontario.ca.us.
Nathan deBoom	nathan@milkproducers.org
Pam Wilson	pwilson@hatchparent.com
Paul Hofer	farmwatchtoo@aol.com
Paula Lantz	paula_lantz@ci.pomona.ca.us
Paula Molter	PMolter@CBWM.ORG
Pete Hall	richard.okeefe@corr.ca.gov
Peter Von Haam	peter.vonhaam@doj.ca.gov
Phil Krause	pkrause@parks.sbcounty.gov
Phil Rosentrater	prosentrater@wmwd.com
Raul Garibay	raul_garibay@ci.pomona.ca.us
Ray Wellington	rwellington@sawaterco.com
Richard Atwater	Atwater@ieua.org
Rick Hansen	rhansen@tvmwd.com
Rick Rees	rrees@geomatrix.com
Rita Kurth	ritak@cvwdwater.com
Robert DeLoach	robertd@cvwdwater.com
Robert Dougherty	RED@covcrowe.com
Robert Neufeld	N78098@aol.com
Robert Rauch	robert.rauchcc@verizon.net
Robert W Bowcock	bbowcock@irmwater.com
Robert W. Nicholson	rwnicholson@sgvwater.com
Ron Craig	RonC@rbf.com
Ron Small	ron.small@dgs.ca.gov
Sandy Lopez	slopez@ci.ontario.ca.us
Scott Burton	sburton@ci.ontario.ca.us
Sharon Joyce	SJoyce@executive.corr.ca.gov
Steve Arbelbide	sarbelbide@californiasteel.com
Steve Kennedy	skennedy@bbmblaw.com
Steven Lee	slee@rhlaw.com
Tej Pahwa	tpahwa@dtsc.ca.gov
Terry Catlin	tlcatlin@verizon.net
Timothy Ryan	tjryan@sgvwater.com
Tom Bunn	TomBunn@Lagerlof.com
Tom Love	TLove@ieua.org
Tom McPeters	THMcP@aol.com
Tracy Tracy	ttracy@mvwd.org
Vic Barrion	vabarrion@yahoo.com
Virginia Grebbien	vgrebbien@ocwd.com
Wayne Davison	ciwcpm@earthlink.net
William J. Brunick	bbrunick@bbmblaw.com
WM Admin Staff	