

FEB 16 2007

By — *Jim Tates* —
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 RE: RECEIVING OBMP
STATUS REPORTS AND ANNUAL
REPORTS AND FURTHER ACTION

Date: February 16, 2007
Dept: 8
Time: N/A

Chino Basin Watermaster ("Watermaster") submits to the Court annual reports concerning Chino Basin operations, and it submits semi-annual reports concerning implementation of the Optimum Basin Management Program ("OBMP"). Previously, hearing dates were set for the Court to formally receive and file the reports. For the past several years, however, hearing dates have not been set. Consequently, several annual reports and OBMP status reports have been filed with no formal order acknowledging their receipt and filing. Watermaster served and filed its Motion to Receive and File Transmittals on or about September 27, 2006, requesting a formal court order acknowledging the reports. The Court has not received reports on the

1 status of two important Watermaster activities: Watermaster future desalter plans and
2 the MZ1 long-term management plan.

3 Annual Reports

4 Chino Basin Watermaster Rules and Regulations require Watermaster to report
5 to the Court annually on basin operations, including details of the operation of the
6 pools and a certified audit of all assessments and expenditures. On November 30,
7 2004, Watermaster filed its 26th Annual Report. On August 8, 2005, Watermaster filed
8 its 27th Annual Report. And, on September 27, 2006, Watermaster filed its 28th Annual
9 Report, covering Chino Basin operations for fiscal year 2004-2005. The last order
10 receiving an annual report was an order dated June 5, 2003 (25th Annual Report).

11 OBMP Status Reports

12 On several occasions, this Court has noted that Watermaster's OBMP status
13 reports are helpful in court monitoring of Watermaster's progress in OBMP
14 implementation. In 2004, Watermaster transmitted three OBMP status reports: OBMP
15 Status Report 9, on March 8, 2004; OBMP Status Report 10, on June 24, 2004; OBMP
16 Status Report 11, on October 13, 2004. In 2005, Watermaster also filed three OBMP
17 status reports: on August 8, 2005, Watermaster filed OBMP Status Reports 12, 13,
18 and 14. OBMP Status Report 14 covered the period January 1 through March 31,
19 2005. The last order receiving OBMP status reports was an order dated December 2,
20 2004 (OBMP Status Reports 9, 10, and 11).

21 On February 9, 2006, Watermaster was asked to continue filing OBMP status
22 reports at least every six months. On September 27, 2006, Watermaster filed OBMP
23 Status Report 2006-01, covering OBMP activities from January 1, 2006 through June
24 30, 2006. It is expected that Watermaster's OBMP Status Report 2006-02 will be
25 transmitted to the Court by March 31, 2007, with semi-annual OBMP status reports to
26 be filed every six months thereafter.

27 ///

28 ///

1 Watermaster's OBMP status reports are intended to describe current
2 implementation of the OBMP. The reports provide the Court with a tool to aid in
3 assessing whether or not Watermaster is carrying out the OBMP.

4 State of the Basin Reports

5 Chino Basin Watermaster Rules and Regulations require Watermaster's annual
6 report to include, on a biennial basis, an engineering appendix with a specific "state of
7 the basin" report. Watermaster's State of the Basin Report—2004 was received and
8 filed by the Court, on February 9, 2006. The next State of the Basin Report is due to
9 be transmitted with the annual report, in July 2007. The State of the Basin Report is
10 not intended to be a report on the state of OBMP implementation. The OBMP status
11 reports serve that role. Rather, the State of the Basin Report is intended to be an
12 engineering report on the physical state of the basin, in which basin conditions are
13 compared with a pre-OBMP baseline in order to measure changes in basin conditions,
14 the effectiveness of the OBMP, and the effects of any reoperation of the basin.

15 Future Desalter Plan

16 Watermaster has not submitted a plan for future desalting. In a stipulation filed
17 by Watermaster in connection with the February 9, 2006, hearing on re-appointment of
18 the nine-member board, Watermaster committed to meeting the requirement by
19 producing a future desalting plan no later than at a workshop to be conducted by the
20 Special Referee in July 2006. The Court has not been advised as to whether or not a
21 desalting plan has been completed.

22 MZ1 Long-Term Management Plan

23 Finally, the Court has not been advised as to whether or not an MZ1 long-term
24 management plan has been completed and approved by the Board. The long-term
25 plan was to have been developed by fiscal year 2004/2005 (2002 Court Order). The
26 Special Referee conducted a workshop on MZ1, in May 2005. It was recommended
27 that Watermaster submit an MZ1 technical summary report and guidance criteria to
28 the Court, along with a motion requesting an extension of the deadline for preparing a

1 long-term plan. On February 9, 2006, at the hearing on the motion to re-appoint the
2 nine-member board, Watermaster general counsel stated "Watermaster is committed
3 to completing a long-term plan by the end of this year." "Watermaster is also
4 committed to publishing guidance criteria that would not require action, but more or
5 less be guideposts for the producers to conform their pumping to." (Transcript, pp. 8-
6 9.) The Court has not been advised on the status of the long-term management plan
7 for MZ1 or whether guidelines have been published.

8 ORDER

9 Watermaster's 26th, 27th and 28th Annual Reports are hereby received and filed.

10 Watermaster's OBMP Status Reports 12, 13, 14 and 2006—01 are hereby
11 received and filed. Watermaster's next OBMP status report shall be transmitted to the
12 Court by March 31, 2007.

13 Watermaster shall file a report to the Court by March 31, 2007, on the status of
14 plans for future desalting in the Chino Basin.

15 Watermaster shall file a report to the Court by March 31, 2007, on the status of
16 Watermaster's long-term plan for MZ1 and the publication of guidance criteria.

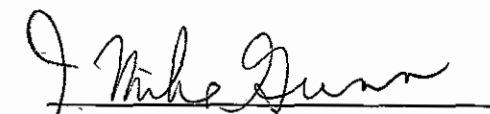
17 A hearing is hereby set for May 24, 2007, at 1:30 p.m., for the Court to receive
18 the above-referenced reports. Any comments or objections to the reports, including
19 comments by the Special Referee, shall be filed no later than April 30, 2007. Any
20 responses to the comments or objections shall be filed no later than May 14, 2007.

21 Watermaster's next State of the Basin Report shall be transmitted to the Court
22 by July 2007, with the Annual Report. The State of the Basin report shall report on the
23 physical state of the basin and compare basin conditions with a pre-OBMP baseline.

24 Watermaster shall serve notice of this order to all interested parties.

25 IT IS SO ORDERED.

26
27 Dated: Feb. 16, 2007

28

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.

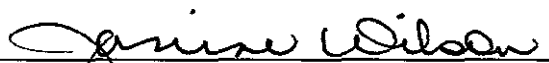
On February 16, 2007, I served the following:

1) ORDER RE: RECEIVING OBMP STATUS REPORTS AND ANNUAL REPORTS AND FURTHER ACTION

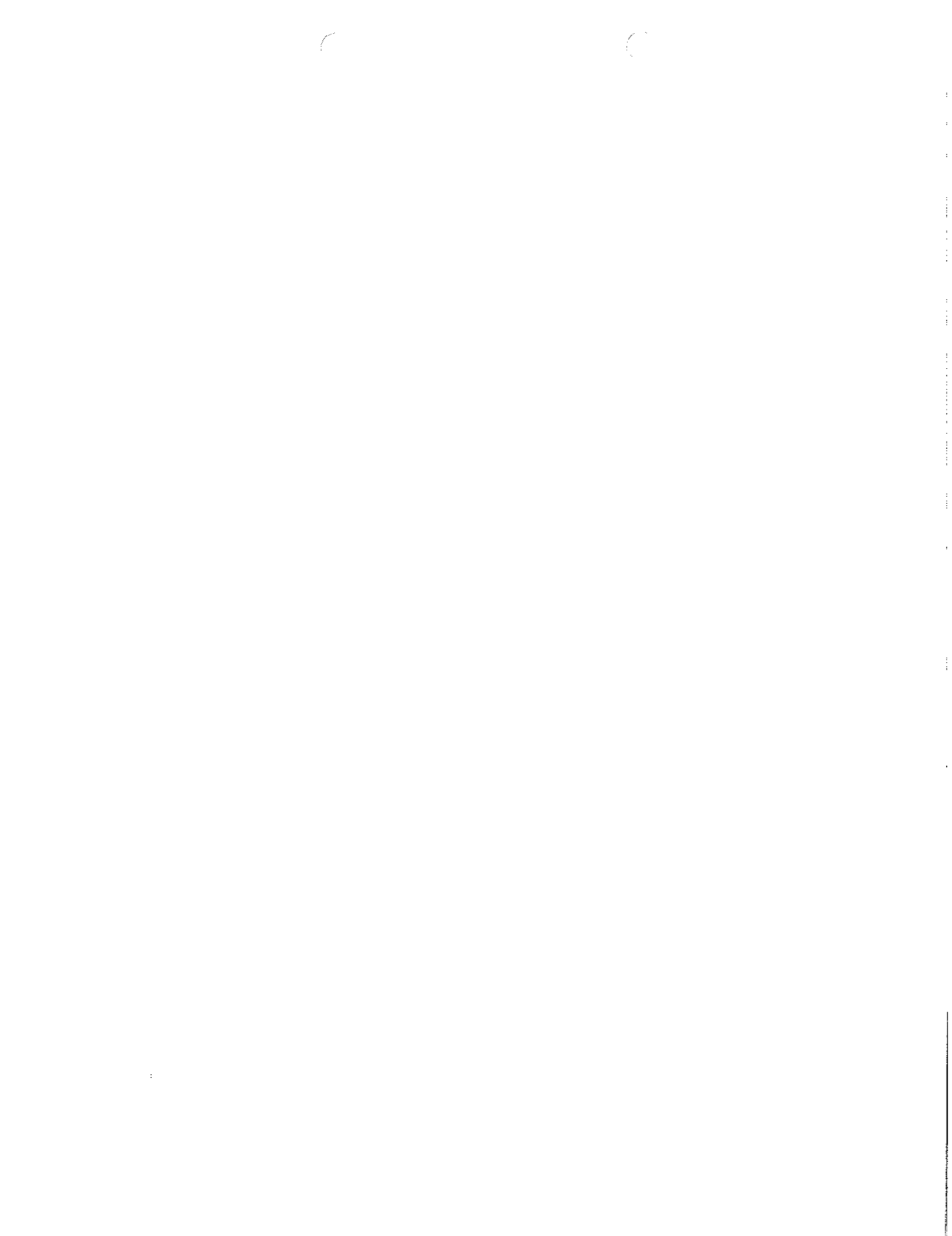
- BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:
See attached service list: Mailing List 1
- BY PERSONAL SERVICE: I caused such envelope to be 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 February 16, 2007 in Rancho Cucamonga, California.



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