

MAY 24 2007

By — *Lion Taha* —
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 CONCERNING OBMP
STATUS REPORT 2006-02, FUTURE
DESALTING PLANS, AND MZ-1
LONG-TERM PLAN

Date: May 24, 2007
Dept: 8
Time: 1:30 p.m.

Introduction

On April 2, 2007, Watermaster filed a "Transmittal of Status Report 2006-02," with attached Exhibits A, B and C ("First Watermaster Transmittal"). Subsequently, on April 30, 2007, Watermaster filed a "Transmittal of Revised Exhibit C," with attached Exhibits C, C-1, C-2, and C-3 ("Second Watermaster Transmittal"). The Second Watermaster Transmittal was submitted as a complete substitution for Exhibit C of the First Watermaster Transmittal. Together, the two filings address the status of implementation of the Optimum Basin Management Plan ("OBMP") for Chino Basin,

1 the status of future desalting plans for Chino Basin, and the status of a long-term plan
2 for subsidence in Chino Basin Management Zone 1 ("MZ-1").

3 Special Referee, Anne Schneider, filed Comments and Recommendations
4 Concerning OBMP Status Report 2006-02, Future Desalting Plans, and MZ-1 Long-
5 Term Plan. Ms. Schneider's comments, dated May 2, 2006, requested the court to
6 issue an order incorporating several recommendations related to Watermaster's
7 filings. On May 18, 2007, Chino Basin Water Conservation District filed a Joinder in
8 Support of Special Referee's Recommendations, requesting the court to adopt the
9 special referee's recommendations and requesting the court to incorporate them into
10 its order. Monte Vista Water District filed a Response to Referee Report and
11 Recommendations, dated May 21, 2007, supporting the special referee's
12 recommendations and requesting the court to include in its order specified language
13 concerning the Watermaster workshop to be scheduled on the socioeconomic analysis
14 related to the Peace II Agreement process.

15 The court has considered Watermaster's two filings, Special Referee Anne
16 Schneider's comments and recommendations, Chino Basin Water Conservation
17 District's joinder and Monte Vista Water District's response. The Court hereby adopts
18 the recommendations made in Special Referee's Comments and Recommendations
19 Concerning OBMP Status Report 2006-02, Future Desalting Plans, and MZ-1 Long-
20 Term Plan and incorporates them into this order.

21 Order

- 22 1. OBMP Status Report 2006—02 (July 2006 through December 2006)
23 is hereby received and filed. OBMP Status Report 2007—01
24 (January 2007 through June 2007) shall be filed no later than
25 September 1, 2007.
- 26 2. Exhibit C-1 of the Second Watermaster Transmittal called for
27 submission of a long-term plan for managing subsidence in MZ-1,
28 which was to be filed with the court on May 2, 2007, and court review

1 and approval by May 30, 2007. No motion has been filed with the
2 court to date. Within 60 days of today's date, Watermaster shall
3 submit a motion for court approval of a long-term plan for MZ-1. The
4 motion should request a hearing date before September 30, 2007.

5 3. The 2006 State of the Basin Report shall be filed no later than July
6 31, 2007. Watermaster is to include, in the *State of the Basin Report*,
7 a reconciliation of pumping and safe yield for each and every year
8 since 1978 and for the combined period of years from 1978 to current.
9 The reconciliation will provide the court with a clear and complete
10 basis for consideration of any re-operation proposals for Chino Basin
11 in connection with the Peace II Agreement process, and the
12 reconciliation shall clearly explain whether, and the extent to which,
13 *safe yield* is being maintained and overproduction is being
14 replenished by Watermaster.

15 4. Within 30 days of today's date, Watermaster shall submit a
16 supplemental filing, explaining the relationship between achieving
17 hydraulic control to benefit from the Santa Ana Regional Water
18 Quality Control Board Basin Plan Amendment and obtaining court
19 approval to re-operate Chino Basin as envisioned in the Peace II
20 agreement process. To the extent that commencing hydraulic control
21 re-operation would not be consistent with the Judgment, Watermaster
22 is to confirm that it has not and will not commence hydraulic control
23 re-operation of Chino Basin without court approval.

24 5. Watermaster is encouraged to submit to the court for review a
25 physical project description for the actions envisioned in the Peace II
26 Agreement process in accordance with the schedules submitted by
27 Watermaster. The court is requesting the complete physical project
28 description, integrating the desalter, recharge and replenishment, and

1 storage and recovery project descriptions, to be submitted no later
2 than August 1, 2007, following the July 27, 2007, deadline shown in
3 Watermaster's Second Transmittal Exhibit C-1.


4 6. The court encourages close coordination between Watermaster's
5 engineering consultant and the special referee's technical expert
6 regarding the modification and application of groundwater models to
7 be used in evaluating physical impacts of all proposed projects.
8 Watermaster is to make all reasonable efforts to carry out its
9 recommendation that there be regular and routine communication and
10 coordination between the experts.

11 7. The court understands that Watermaster will not submit any requests
12 for approval until it has completed its evaluation of physical impacts.
13 Watermaster is encouraged to submit a motion for conditional
14 approval of the Peace II Agreement, requesting a court date on or
15 before November 3, 2007.

16 8. Watermaster is encouraged to make all reasonable efforts to assure
17 compliance with the detailed timeframe for adding desalting capacity
18 as described in Exhibits C-2 and C-3 of the Second Watermaster
19 Transmittal. Watermaster is to report to the court any delay that goes
20 beyond 30 days and to submit in its report a revised schedule.

21 IT IS SO ORDERED.

22
23 Dated: May 23, 2007


24 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 May 24, 2007, I served the following:

1) ORDER CONCERNING OBMP STATUS REPORT 2006-02, FUTURE DESALTING PLANS, AND MZ-1 LONG-TERM 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:

See attached service list: Mailing List 1

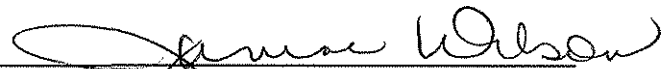
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 May 24, 2007 in Rancho Cucamonga, California.



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