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7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN BERNARDINO

10  
11 CHINO BASIN MUNICIPAL WATER  
12 DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendant.

**Case No. RCV 51010**

[Assigned for All Purposes to the Honorable  
STANFORD E. REICHERT]

**NOTICE OF ORDER ON MOTION FOR  
REVISION OF 1998 RULING  
APPOINTING A NINE MEMBER  
WATERMASTER BOARD**

Date: August 30, 2013  
Time: 1:30 p.m.  
Department: R-6

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19 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE THAT on August 30, 2013, at 1:30 p.m. in Department R-6,  
21 the Overlying (Agricultural) Pool's Motion for Revision of 1998 Ruling Appointing a Nine  
22 Member Watermaster Board came on for regular hearing before the Honorable Stanford E.  
23 Reichert. The Court issued the Order Revising February 19, 1998 Ruling Appointing a Nine  
24 Member Watermaster Board, a copy of which is attached to this Notice.  
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Dated: September 3, 2013

BROWNSTEIN HYATT FARBER  
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By: \_\_\_\_\_

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FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

AUG 30 2013

BY Virginia J. Kirtley  
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO

Chino Basin Municipal Water District,

Plaintiff,

v.

City of Chino et al.,

Defendants.

Case No. RCV 51010

Assigned for All Purposes to the  
Honorable Stanford E. Reichert

~~PROPOSED~~ ORDER REVISING  
FEBRUARY 19, 1998 RULING APPOINTING  
A NINE MEMBER WATERMASTER  
BOARD

Having read, reviewed and considered all pleadings filed in support and in response, if any, to the Overlying (Agricultural) Pool's Motion for Revision of 1998 Ruling Appointing a Nine Member Watermaster Board, including the argument of counsel presented at the July 12, 2013 hearing, and good cause appearing therefore:

**I. THE COURT'S 1998 RULING**

In its February 19, 1998 Ruling appointing a nine-member Watermaster Board ("1998 Ruling"), the Court, as part of its creation and appointment of the Watermaster Board, included provisions as to the composition of the Watermaster Board, which provide for representation by the three wholesale Municipal Water Districts (the Inland Empire Utilities Agency, Three Valleys Municipal Water District, and Western Municipal Water District), and the allocation of the remaining six seats on the Watermaster Board among the three Pools – with three positions to

1 representatives of the Appropriative Pool on a rotating basis, two positions to representatives of  
2 the Overlying (Agricultural) Pool ("Agricultural Pool"), and one position to a representative of  
3 the Overlying (Non-Agricultural) Pool.

4 The 1998 Ruling additionally included limits as to the service as a representative on the  
5 Watermaster Board concurrently with service on a Pool Committee or the Advisory Committee.  
6 Pursuant to the Ruling, no person may serve concurrently on the Watermaster Board while  
7 serving as a member of a Pool Committee or the Advisory Committee, except that the members  
8 of the Overlying (Non-Agricultural) Pool are expressly excepted from this limitation. The 1998  
9 Ruling provides, at page five, lines 7-12, that:

10 No individual will be allowed to serve concurrently on the  
11 Watermaster Board while serving as a member of the Advisory  
12 Committee and/or the respective Pool Committee, with the  
13 exception of representatives from the Overlying (Non-Agricultural)  
14 Pool. This shall not prevent the same member agency or entity with  
15 a representative on the Chino Basin Advisory Committee from  
16 appointing a different representative to the Watermaster Board.

17 One of the justifications behind this exception was the fact that the Overlying (Non-  
18 Agricultural) Pool comprises a smaller group of parties under the Judgment in this matter, as  
19 compared to the other Pool members.

## 20 **II. DECLINE IN AGRICULTURAL POOL MEMBERSHIP**

21 At the time of the Judgment, it was anticipated that Agricultural Pool production would  
22 diminish as agricultural land was converted for residential development and brought under  
23 municipal water service, and the Judgment included detailed procedures to transfer unproduced  
24 Agricultural Pool water to the members of the Appropriative Pool providing such service.  
25 Currently, as demonstrated in the Motion and accompanying papers, the number of Agricultural  
26 Pool members is dwindling, and groundwater production for use by the members of the  
27 Agricultural Pool has declined substantially over the last 35 years, from a high of 96,567 acre-feet  
28 per year in 1975-76 to 31,342 acre-feet per year in 2010-2011.

The Motion and supporting papers also demonstrate there is presently a relatively small  
group of active participants in Watermaster matters from the Agricultural Pool, and while there  
currently is no overlap between Agricultural Pool member service on the Watermaster Board and

1 the Pool Committee, a representative on the Advisory Committee is currently a Pool Committee  
2 member, and alternates on the Watermaster Board have in the past been and continue to be  
3 members of the Pool Committee. Due to the current trend of declining activity in the Pool, the  
4 Court finds that it may be difficult to find within the Agricultural Pool's membership a sufficient  
5 number of representatives to fill all of the positions on the Agricultural Pool Committee, the  
6 Advisory Committee and the Watermaster Board. Accordingly, the Court will allow individual  
7 members of the Agricultural Pool to serve concurrently on the Watermaster Board while serving  
8 as a member of the Advisory Committee or the Agricultural Pool Committee, in order to preserve  
9 the remaining members of the Pool's ability to be represented themselves in the Watermaster  
10 process.


11 **III. ORDER**

12 **IT IS ORDERED THAT:**

13 1. Page 5, lines 7-12, of the Court's 1998 Ruling are modified to read as follows:

14 No individual will be allowed to serve concurrently on the  
15 Watermaster Board while serving as a member of the Advisory  
16 Committee and/or the respective Pool Committee, with the  
17 exception of representatives from the Overlying (Non-Agricultural)  
18 Pool and the Overlying (Agricultural) Pool. This shall not prevent  
19 the same member agency or entity with a representative on the  
20 Chino Basin Advisory Committee from appointing a different  
21 representative to the Watermaster Board.

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Dated: 8.30.13

  
Hon. Stanford E. Reichert  
Judge of the Superior Court

**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.

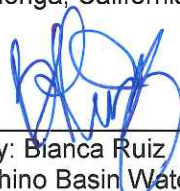
On September 3, 2013 I served the following:

**1. ORDER REVISING FEBRUARY 19, 1998 RULING APPOINTING A NINE MEMBER WATERMASTER BOARD**

- ☒ 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 3, 2013 in Rancho Cucamonga, California.

  
\_\_\_\_\_  
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