

RESOLUTION 87-3

RESOLUTION OF THE CHINO BASIN WATERMASTER, SAN BERNARDINO COUNTY, CALIFORNIA, AUTHORIZING WATERMASTER ATTORNEY TO TAKE SUCH ACTION AS MAY BE NECESSARY TO ENSURE COMPLIANCE WITH THE CHINO BASIN ADJUDICATION JUDGMENT AND PRESERVE THE SAFE YIELD OF THE CHINO GROUNDWATER BASIN

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WHEREAS, on January 27, 1978, the Chino Basin Watermaster was appointed by the Superior Court of the State of California for the County of San Bernardino to administer and enforce the provisions of the Judgment entered in Case No. 164327; and

WHEREAS, pursuant to the terms of that Judgment and the Rules and Regulations promulgated thereunder, the Chino Basin Watermaster is charged with the duties and enabled with the powers to take such actions as may be reasonably necessary to preserve and administer the waters of said Basin for the use and benefit of the parties to the Adjudication Judgment; and

WHEREAS, The Superior Court of the State of California has determined in the adjudication case that the rights to all safe yield waters of the Chino Basin have been determined and are collectively held by the parties to the Adjudication Judgment; and

WHEREAS, it has come to the attention of the Chino Basin Watermaster that the Parks Department of the County of Riverside has been and is currently producing waters from the said Basin; and

WHEREAS, the said Parks Department of the County of Riverside is not now and has not been a party to the Chino Basin Adjudication Judgment; and

WHEREAS, the Chino Basin Watermaster has been informed by the Attorney for the Watermaster that such production, taking or use of waters by the Parks Department of the County of Riverside is not authorized under the terms of the Adjudication Judgment; and

WHEREAS, efforts of the Chino Basin Watermaster staff and attorney to resolve the matter of such unauthorized production from the Basin have thus far been ineffective; and

WHEREAS, it is incumbent upon the Chino Basin Watermaster to undertake action necessary to carry out the duties with which it is charged by the Superior Court of the State of California,

NOW, THEREFORE, THE CHINO BASIN WATERMASTER DOES HEREBY RESOLVE AND DETERMINE as follows:

Section 1. Declaration. That this Watermaster does hereby declare:

A. Pursuant to the Chino Basin Adjudication Judgment, this Watermaster is charged with the duty to administer and protect the waters of the Chino Basin.

B. In order to administer and protect the waters of the Basin, persons not party to the Adjudication Judgment must not be allowed to produce, take or use such waters.

C. The Parks Department of the County of Riverside is not a party to the Adjudication Judgment.

D. The Parks Department of the County of Riverside is producing, taking or using waters from the Basin.

E. The production, taking or use of waters from the Basin by the Parks Department of the County of Riverside reduces the waters available to the parties to the Adjudication Judgment.

F. The production, taking or use of waters from the Basin by the Parks Department of the County of Riverside is injurious to the rights of the parties to the Adjudication Judgment and in contravention to the duties and the Rules and Regulations of the Chino Basin Watermaster.

Section 2. Findings and Determinations. That, based upon the above Declaration, this Watermaster does hereby find and determine:

A. The production, taking or use of waters from the Chino Groundwater Basin by the Parks Department of the County of Riverside is unauthorized and injurious to the rights and duties of the Watermaster and the parties to the Adjudication Judgment.

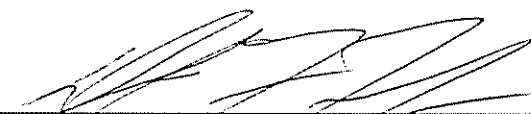
B. The Chino Basin Watermaster must take such actions as may be reasonably necessary to administer and protect the waters of the Basin.

C. The Chino Basin Watermaster does hereby direct that the Attorney for the Watermaster take such action as may be necessary, which action may include the filing of a lawsuit, to stop the unauthorized production, taking or use of waters

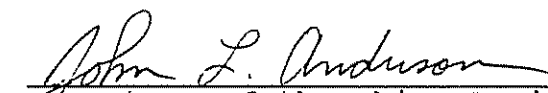
from the Chino Basin by the Parks Department of the County of Riverside.

Section 3. Filing. That the Secretary is hereby authorized and directed to file a certified copy of this resolution with the Board of Directors of the Chino Basin Municipal Water District for inclusion in the public notice procedures for that District.

ADOPTED this 6th day of May, 1987.

  
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Chairman of the Chino Basin Watermaster  
and of the Board of Directors thereof.

ATTEST:

  
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Secretary of the Chino Basin Watermaster  
and of the Board of Directors thereof.

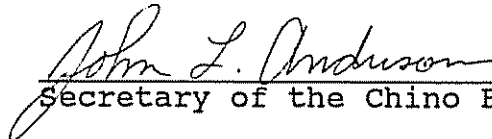
STATE OF CALIFORNIA                    )  
  ) ss.  
COUNTY OF SAN BERNARDINO            )

I, John L. Anderson, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted by the members of said Watermaster at a regular meeting of said Watermaster held on the 6th day of May, 1987, and that it was so adopted by the following vote:

AYES:           Directors French, Girard and Dunihue

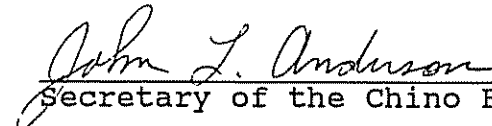
NOES:           None

ABSENT:        Directors Borba and Anderson

  
Secretary of the Chino Basin Watermaster

STATE OF CALIFORNIA                    )  
  ) ss.  
COUNTY OF SAN BERNARDINO            )

I, John L. Anderson, Secretary of the Chino Basin Watermaster, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION 87-3 of said Watermaster, and that the same has not been amended or repealed.

  
Secretary of the Chino Basin Watermaster