

RESOLUTION 88-3

RESOLUTION OF THE CHINO BASIN WATERMASTER,
SAN BERNARDINO COUNTY, CALIFORNIA,
ESTABLISHING THE PROCEDURE FOR
TRANSFERRING UNALLOCATED SAFE YIELD WATER
FROM THE OVERLYING (AGRICULTURAL) POOL

WHEREAS, the Judgment in the Chino Basin Adjudication, Chino Basin Municipal Water District. v City of Chino, et al., San Bernardino Superior Court No. 164327, at Paragraph 44 and Exhibit "H" and "I" thereof, provides for re-allocation of Unallocated Safe Yield water; and

WHEREAS, Watermaster adopted Resolution 84-2 providing for the interpretation and operation thereof and calculations to be performed thereunder; and

WHEREAS, it is the desire of the parties to the Judgment to memorialize their agreement and understanding, by and through their respective Pool Committees, to revise their interpretation and understanding regarding the calculation and transfer of Unallocated Safe Yield water by amending Resolution 84-2.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED that all transfers and calculations of Unallocated Safe Yield water shall be made in accordance with the following procedures:

1. Watermaster shall continue to determine the Overlying (Agricultural) Pool's total production in any applicable five (5) consecutive year period.
2. The Overlying (Agricultural) Pool production as determined in Step 1 shall be subtracted from the Overlying (Agricultural) Pool's production right, excluding the last year's under production.
3. The amount determined in Step 2 then shall be transferred to the Appropriative Pool for allotments in accordance with their agreements amongst themselves.

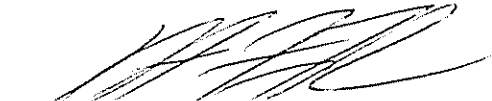
4. The previous year's production subtracted from the Overlying (Agricultural) Pool's allotment of Safe Yield of 82,800 feet shall be retained and made available to the Overlying (Agricultural) Pool's use during the current year.
5. Thereafter, the past difference of production between the Overlying (Agricultural) Pool's actual production and its allotted Safe Yield of 82,800 feet shall be retained for one year or until the next year's calculations are available, whichever comes last and be made available for the Overlying (Agricultural) Pool's use during that current year.
6. The parties agree that transfers of unallocated safe yield underproduced in Fiscal Year 1987-88 for transfer in Fiscal Year 1988-89 shall be 22,953.00 plus 55,536.4 acre feet, and that the difference between 82,800 acre feet and the Overlying (Agricultural) Pool's production for Fiscal Year 1987-88 shall be carried over for use by the Overlying (Agricultural) Pool during Fiscal Year 1988-89.
7. By way of production, the calculations set forth in Exhibit "A", attached hereto and made a part hereof, may be used as a guide in making the calculations and transfers pursuant to this resolution.

The above modification, in essence, would achieve the transferring of all waters in excess of the Overlying (Agricultural) Pool's production, except the previous year's underproduction which would be held in reserve for use of the Overlying (Agricultural) Pool during the current year. The transfer of all except the last year's underproduction of the Overlying (Agricultural) Pool's allotment of safe yield would continue to be transferred each year, unless either party notifies the other pools, the Advisory Board and the Watermaster that such transfer be discontinued. Such notice will take effect three (3) months after notices given in writing to the other pools by the pool desiring such cancellation of this resolution.

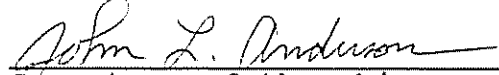
Nothing in the arrangement shall modify the Judgment or the rights thereunder. This resolution shall become effective upon the adoption by all of the Pool Committees, the Advisory Committee, and Watermaster.

BE IT FURTHER RESOLVED that upon the effective date of this Resolution, Resolution 84-2 is hereby rescinded in its entirety.

ADOPTED this 6th day of April, 1988.


Chairman of the Chino Basin
Watermaster

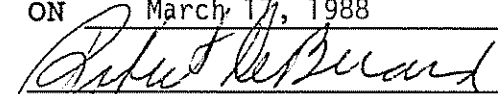
ATTEST:


Secretary of the Chino Basin
Watermaster

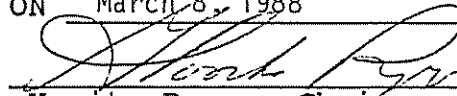
APPROVED BY THE APPROPRIATIVE POOL
ON March 10, 1988


Lee Travers, Chairman

APPROVED BY THE OVERLYING
(AGRICULTURAL) POOL
ON March 17, 1988


Robert DeBerard, Chairman

APPROVED BY THE OVERLYING
(NON-AGRICULTURAL) POOL
ON March 8, 1988


Hooite Rugge, Chairman

APPROVED BY THE WATERMASTER
ADVISORY COMMITTEE
ON March 17, 1988


Michael Thies, Chairman

EVALUATION OF AGRICULTURAL POOL TRANSFERS
as proposed by the Overlying (Agricultural) Pool

Total transfers to date:

	<u>Production Year</u>	<u>Amount of Production</u> (Ac.Ft.)	<u>Total Transferred</u> (Ac.Ft.)
1)	1977/78	84,095	
2)	1978/79	74,087	
3)	1979/80	70,377	
4)	1980/81	68,040	
5)	1981/82	65,117	
6)	1982/83	56,759	Combined 5th & 6th year trans. 26,354.8
7)	1983/84	59,033	19,136.4
8)	1984/85	55,543	21,901.6
9)	1985/86	52,061	37,158.8
10)	1986/87	59,847	-0-
	TOTALS	644,959 Ac.Ft.	104,551.6 Ac. Ft.

Per new proposal:

<u>Yr.</u>	<u>Production</u>	<u>Avg. Allocation</u>	<u>Total Transfer</u>
1)	84,095	Less 82,800	(1,295)
2)	74,087	Less 82,800	8,713
3)	70,377	Less 82,800	12,423
4)	68,040	Less 82,800	14,760
5)	65,117	Less 82,800	17,683
6)	56,759	Less 82,800	26,041
7)	59,033	Less 82,800	23,767
8)	55,543	Less 82,800	27,257
9)	52,061	Less 82,800	30,739
10)	59,847	Less 82,800	22,953
	644,959		Reserve for FY 1987-88 and transferred in FY 1988-89

Therefore: Total transferrable i.e., 1) through 9) = 160,088.0
Less Previous Transfer = 104,551.6
55,536.4

OR for 10 year Total:

10 year allocation = 414,000 x 2 = 828,000.0
Less 10 year production 644,959.0
183,044.0
Less previous transfer and 10th year reserve 127,504.6
55,536.4

Unallocated safe yield transfers proposed for FY 1988-89 are as follows:

Year 10 underproduction..... 22,953.0
Plus pick-up transfers from years 1 through 9..... 55,536.4
TOTAL PROPOSED TRANSFERS..... 78,489.4 Acre Feet

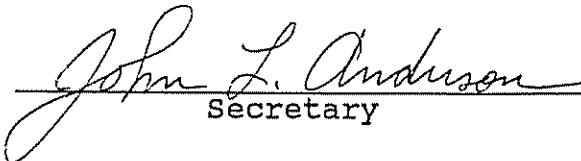
STATE OF CALIFORNIA)
)SS
COUNTY OF SAN BERNARDINO)

I, John L. Anderson, Secretary of the Chino Municipal Water District, DO HEREBY CERTIFY that the foregoing resolution being No. 88-3, was adopted at a regular meeting of said district by the following vote:

AYES: Borba, French, Girard, Anderson

NOES: None

ABSENT: Dunihue


Secretary

(SEAL)