

APPROPRIATIVE POOL COMMITTEE  
RESOLUTION 89-1

RESOLUTION OF THE APPROPRIATIVE POOL COMMITTEE  
SETTING FORTH A PROCEDURE AND ACCEPTING THE  
OFFER OF ASSISTANCE FROM THE ATTORNEY GENERAL  
OF THE STATE OF CALIFORNIA TO USE ITS GOOD  
OFFICES TO ENSURE COMPLIANCE WITH THOSE TERMS  
OF THE CHINO BASIN ADJUDICATION JUDGMENT AND  
WATERMASTER RULES AND REGULATIONS REQUIRING  
INSTALLATION, MAINTENANCE, AND REPAIR OR  
REPLACEMENT OF WATER MEASURING DEVICES

WHEREAS, the Judgment entered in Chino Basin M.W.D. v. City of Chino, et al., San Bernardino Superior Court No. 164327, and the Chino Basin Watermaster Rules and Regulations promulgated thereunder require the installation of water measuring devices and maintenance of such devices in good working order by all parties to the Judgment except those exempted therefrom as "minimal producers"; and

WHEREAS, members of the Appropriative Pool will be the beneficiaries of all waters not produced by the members of the Overlying (Agricultural) Pool pursuant to the terms of the aforesaid Judgment and Rules and Regulations; and

WHEREAS, the members of said Pools, by and through their respective pool committees, have undertaken to work together to ensure compliance with the said terms of the said Judgment and Rules and Regulations; and

WHEREAS, it has been brought to the attention of the members of the Appropriative Pool that certain water measuring devices are not now in proper operation condition; and

WHEREAS, the State of California, by and through the Attorney General of the State of California, is a member of the Overlying (Agricultural) Pool and its Committee; and

WHEREAS, the matter of enforcement of compliance with the provisions of the said Judgment and Rules and Regulations relative to water measuring devices has been discussed in the said Pool Committees; and

WHEREAS, it is the desire of the Appropriative Pool to install a program which will provide for a systematic means of enforcement of rules and regulations regarding installation, maintenance and repair or replacement of water measuring devices; and

WHEREAS, the Attorney General of the State of California has offered the use of its good offices in an enforcement program regarding installation, maintenance, and repair or replacement of water measuring devices by members of the Overlying (Agricultural) Pool; and

WHEREAS, it is the desire of the Appropriative Pool Committee to accept the offer of services made by the Attorney General of the State of California, and incorporate the same into its program for enforcement of the requirements of the Judgment and Rules and Regulations relative to the installation, maintenance, and repair or replacement of water measuring devices,

NOW, THEREFORE, the Appropriative Pool Committee determines as follows:

1. It is the obligation of every member of the Appropriative Pool to report to the Chino Basin Watermaster Staff, any inoperative or malfunctioning water measuring device(s) of any party to the Judgment as soon as such information becomes known to such member.

2. Watermaster Staff is directed to undertake an investigation into such report and, upon determining that a party is not in compliance with the requirements of the Judgment and Rules and Regulations relative to installation, maintenance, and repair or replacement of water measuring devices, request that such non-complying party take such steps as may be necessary to bring the water measuring device(s) into compliance with said requirements. Such request shall be sent by Watermaster Staff to any non-complying party via certified mail, return receipt requested.

3. In the event a non-complying party in the Overlying (Agricultural) Pool fails to take such steps as may be necessary to bring such party into compliance with the requirements of the Judgment and Rules and Regulations relative to water measuring devices within thirty (30) days of request for remedial action by Watermaster Staff, Watermaster Staff shall forward to the Office of the Attorney General of the State of California a copy of Watermaster Staff's letter to such non-complying party requesting that remedial action be taken, along with a report of Watermaster Staff showing failure of the non-complying party to take the proper remedial measures, and requesting the aid of the Attorney General of the State of California to seek voluntary compliance by such non-complying party with the applicable requirements of the Judgment and Watermaster Rules and Regulations.


4. Sixty (60) days after transmittal of the Watermaster Staff letter and report referenced in Paragraph 3 hereof to the Attorney

General of the State of California, Watermaster Staff shall investigate whether or not such non-complying party has made repairs pursuant to efforts made by the Attorney General of the State of California requesting voluntary compliance by such non-complying party. If Watermaster Staff determines that the non-complying party still has not taken the necessary steps to bring such party's water measuring device(s) into compliance with the requirements of the Judgment and Watermaster Rules and Regulations, Watermaster Staff is directed to report the same to the Advisory Committee at the Advisory Committee meeting next following such determination, along with a request of the Appropriative Pool that the Advisory Committee recommend to Watermaster that Watermaster Attorney be authorized to take such steps as may be necessary to compel compliance by such non-complying party.

ADOPTED this 11th day of May, 1989.

  
Chairman of the Appropriative  
Pool Committee

ATTEST:

  
Secretary of the Appropriative  
Pool Committee


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

I, Donald R. Peters, Secretary of the Appropriative Pool, DO HEREBY CERTIFY that the foregoing Resolution being Number 89-1, was adopted at a regular meeting of said Appropriative Pool by the following vote:

AYES:       Messrs. Funk, Pace, Teal, Dilley, Skvarek, Smith, Ashcraft, Ray, Rodriguez, Andersen, and Rugge

NOES:       None

ABSENT:     Messrs. Wellington, Michael, Hamann, Thompson, Rose, and Downey

  
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(Secretary