

RESOLUTION 92-4

RESOLUTION OF THE CHINO BASIN WATERMASTER
SAN BERNARDINO COUNTY, CALIFORNIA
AMENDING WATERMASTER RULES AND REGULATIONS

WHEREAS, on January 24, 1978, the Chino Basin Watermaster was appointed by the Superior court of the State of Californian in and for the County of San Bernardino to administer and enforce the provisions of Judgment Number RCV 51010 (formerly Judgment No. SCV 164327; and

WHEREAS, Watermaster has heretofore adopted Rules and Regulations implementing the program established pursuant to said Judgment,

NOW, THEREFORE, the Chino Basin Watermaster does hereby RESOLVE, DETERMINE AND ADOPT as follows:

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

A. Watermaster is charged with administration and the basin management program and Physical Solution adopted in Judgment Number RCV 51010. Pursuant thereto, Watermaster has heretofore adopted uniform Rules and Regulations for the implantation and administration of said program and Physical Solution.

B. Rights to produce water from Chino Basin by members of the Overlying (Non-Agricultural) Pool are individually decreed in tthe Judgment and set forth in Exhibit "D" thereof; are appurtenant to the land; and may be carried over and stored pursuant to a uniform storage agreement executed and filed with Watermaster; and

C. As a consequence of patterns of production by members of the Overlying (Non-Agricultural) Pool substantial amounts of water have been stored by members of that Pool; and

D. Allowing unproduced water to accumulate in storage without the opportunity to put such water to the highest and best use is antithetical to the purpose and objective of the Physical Solution and optimum management of the water of Chino Basin; and

E. Rights to water decreed by the Judgment to members of the Overlying (Non-Agricultural) Pool can only be (1) assigned for use appurtenant to the lands to which such rights attach or (2) abandoned by (a) the execution of a written election by the owner thereof filed with Watermaster or (b) by order of the Court upon noticed motion and after hearing; and

F. The purpose and objective of the Physical Solution can greatly benefit by a program which will permit use of water stored by members of the Overlying (Non-Agricultural) Pool for purposes which benefit the basin and persons dependent upon the basin for water; and

G. Incentives for election of abandonment of water in storage to the benefit of Watermaster are essential to the operation of such special program; and

H. Watermaster Rules and Regulations and Overlying (Non-Agricultural) Pool Committee Rules and Regulations should be amended to permit the implementation of a special program for abandonment of water in storage by members of said Pool for the benefit of Watermaster.

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

A. Watermaster shall adopt and hereby adopts the following amendments to the Watermaster Rules and Regulations and Overlying (Non-Agricultural) Pool Rules and Regulations, to wit:

Section 3.14 of the Watermaster Rules and Regulations shall be amended as follows:

3.14 Assignment, Lease and/or License. Except as provided in Section 2.18 through 2.20 of the Overlying (Non-Agricultural) Pool Committee rules and Regulations, assignment, lease and/or license of rights decreed in the Judgment, other than overlying non-agricultural rights which are appurtenant to the land, shall only take place in the Appropriative Pool. Should an appropriator take an assignment of rights from an Overlying (Non-Agricultural) Pool member, the agreement shall provide that the appropriator may undertake to provide water service to such land, but only to the extent necessary to provide water service to said overlying lands.

Watermaster shall make available to members of the Overlying (Non-Agricultural) Pool and/or Appropriative Pool, a standard form which shall be completed and filed with Watermaster by June 30, of the fiscal year in which a member of the Overlying (Non-Agricultural) Pool and/or Appropriative Pool desire to assign, lease, or license appropriative and/or overlying (non-agricultural) rights.

Any assignment, lease and/or license shall be ineffective unless provided on the standard form approved by Watermaster and filed with Watermaster by June 30 of each year exercised. [Based on Judgment, page 32, Section 61; Exhibit H, page 77, Section 13; Exhibit G, page 66, Section 6.]

Section 2.18 of the Overlying (Non-Agricultural) Pool Committee Rules and Regulations shall be amended as follows:

2.18 Assignment. The rights pertaining to this pool are appurtenant to the land and are only assignable with the land for overlying use thereon; provided, however, that any Appropriator who may, directly or indirectly, undertake to provide water service to such overlying lands may, by an appropriate agency agreement on a form approved by Watermaster, exercise said overlying right to the extent, but only to the extent necessary to provide water service to said overlying lands; and, provided further, that assignments may be made to Watermaster pursuant to Section 2.20 of these Rules and Regulations. [Based on Judgment, page 32, Section 61; page 66, Section 5.]

Section 2.20 of the Overlying (Non-Agricultural) Pool Committee Rules and Regulations shall be re-numbered as Section 2.21.

The following section shall be added to the Overlying (Non-Agricultural) Pool Committee Rules and Regulations:

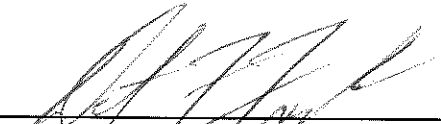
2.20 Assignment and/or Abandonment of Water Stored Pursuant to Section 2.19. Any pool member having water in storage pursuant to Section 2.19 of these Pool Committee Rules and Regulations may assign such water in storage to Watermaster pursuant to Section 3.14 and Section 3.22 of the Watermaster Rules and Regulations. Water assigned to Watermaster pursuant to this section shall be deemed abandoned and shall be available for use by Watermaster pursuant to the Abandoned Overlying (Non-Agricultural) Pool Water Program adopted by Watermaster. [Based on Judgment, page 32, Section 61.]

The following section shall be added to the Watermaster Rules and Regulations:

3.22 Special Programs. Watermaster may, with the consent of the Advisory Committee, adopt by resolution such special programs as may promote the purposes and objectives of the Physical Solution provided for and adopted in the Judgment. To the extent funding is required to execute any special program, the resolution adopting such special program shall contain the funding mechanism necessary to implement and operate such program. To the extent any special program creates or potentially creates a surplus of funds, the resolution adopting the special program shall also set forth guidelines for application of any surplus funds created by operation of the special program so adopted.

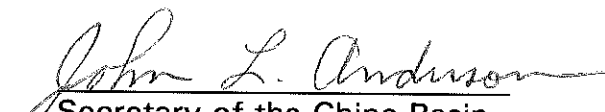
Section 3. Filing. That the Secretary is hereby authorized and directed to file a certified copy of this resolution with the Board of Directors of Chino Basin Municipal Water District for inclusion in the public notice procedures for that local government.

ADOPTED this 5th day of August, 1992.



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

ATTEST:



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

STATE OF CALIFORNIA)
)SS
COUNTY OF SAN BERNARDINO)

I, John Anderson, Secretary of the Chino Basin Watermaster, DO
HEREBY CERTIFY that the foregoing Resolution being No. 92-4, was adopted at a
regular meeting of said district by the following vote:

AYES: Directors French, Anderson, Dunihun and Hill

NOES: None

ABSENT: Borba


Secretary

(SEAL)