

RESOLUTION NO. 94-7

A RESOLUTION OF CHINO BASIN APPROPRIATIVE POOL COMMITTEE  
REGARDING PRE-PURCHASE OF REPLENISHMENT WATER

WHEREAS, pursuant to the Judgment in Chino Basin Municipal Water District v. City of Chino, et al., Case No. RCV 51010 (formerly Case No. SCV 164327), January 10, 1978, (the "Judgment") the Appropriative Pool Committee was established to administer the Appropriative Pool created under the physical solution.

WHEREAS, pursuant to the pooling plan for the Appropriative Pool, the voting power of the Appropriative Pool Committee is 1000 votes, with 500 votes allocated in proportion to decreed percentage shares in Operating Safe Yield and the remaining 500 votes allocated "proportionately on the basis of assessments paid to Watermaster during the preceding year" (Judgment, Exhibit "H", ¶ 3).

WHEREAS, members of the Appropriative Pool have pre-purchased replenishment water for the purpose of satisfying a replenishment obligation which would otherwise be assessed for production in excess of such members' share of operating safe yield.

WHEREAS, the Appropriative Pool Committee is desirous of clarifying whether and under what circumstances monies paid for such pre-purchased replenishment water shall constitute "assessments paid to Watermaster" for purposes of determining voting power within the Appropriative Pool pursuant to its pooling plan;

NOW, THEREFORE, the Chino Basin Appropriative Pool Committee hereby determines, resolves and orders as follows:

Section 1. A member of the Appropriative Pool may pre-purchase water in an amount and manner approved in advance by Watermaster for the purpose of meeting that Appropriative Pool member's replenishment obligation in any year;

Section 2. To extent that a member of the Appropriative Pool makes payments for the pre-purchase of replenishment water in accordance with the provisions of Section 1, such payments (less any credit received pursuant to the 85/15 Rule) will constitute "assessments paid to Watermaster" in that year for the purpose of determining voting power under Paragraph 3 of Exhibit "H" to the Judgment.

The foregoing resolution is approved and executed on this 10th day of Nov., 1994.

  
Gerald Black, Chairman

ATTEST:

  
Traci Stewart, Secretary

(RESOLUTION 947)