

FEE EXEMPT

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO**

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT

Case No. RCV 51010

[Assigned for All Purposes to the
Honorable MICHAEL GUNN]

12 Plaintiff,

13 vs.

**REQUEST TO CANCEL OCTOBER 3,
2007 SPECIAL REFEREE WORKSHOP**

14 CITY OF CHINO, ET AL.

15 Defendant.

Department: R8

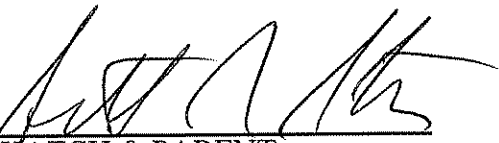
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18 Attached to this pleading as Exhibit "A" is a stipulation between the Chino Basin
19 Watermaster and the City of Chino Hills regarding Watermaster's Long Term Plan for the
20 Management of Subsidence. Under paragraph nine of the Stipulation, both Watermaster and Chino
21 Hills stipulate that the Special Referee workshop currently scheduled for October 3, 2007 is not
22 longer necessary and should be cancelled.

23 Watermaster knows of no opposition to the Long Term Plan by any other party, nor does it
24 know of any information needed by any other party that would justify the expense of holding the
25 workshop. To the extent the Special Referee has questions to be answered prior to the issuance of the
26 Referee Report, those can be submitted in writing to Watermaster and Watermaster can respond
27 accordingly.
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1 Watermaster respectfully requests that the Court Order that the October 3, 2007 workshop be
2 cancelled.

3
4 Dated: October 2, 2007

5 By: 
6 HATCH & PARENT
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8 Michael T. Fife
9 Attorneys for Chino Basin Watermaster
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Exhibit A

**STIPULATION RE
LONG TERM PLAN FOR MANAGEMENT ZONE NUMBER ONE (MZ1)**

1. Consistent with its overall obligations to manage the Chino Basin to ensure hydrologic balance within each management zone, for the duration of the Peace Agreement (until June of 2030), Watermaster will ensure that a minimum of 6,500 acre-feet of wet water recharge occurs within MZ1 on an annual basis. However, to the extent that water is unavailable for recharge or there is no replenishment obligation in any year, the obligation to recharge 6,500 acre-feet will accrue and be satisfied in subsequent years.

(a) Watermaster will implement this measure in a coordinated manner so as to facilitate compliance with other agreements among the parties, including but not limited to the Dry-Year Yield Agreements.

(b) In preparation of the Recharge Master Plan, Watermaster will consider whether existing groundwater production facilities owned or controlled by producers within MZ1 may be used in connection with an aquifer storage and recovery ("ASR") project so as to further enhance recharge in specific locations and to otherwise meet the objectives of the Recharge Master Plan.

2. Five years from the effective date of the Peace II Measures, Watermaster will cause an evaluation of the minimum recharge quantity for MZ1. After consideration of the information developed in accordance with the studies conducted pursuant to paragraph 3 below, the observed experiences in complying with the Dry Year Yield Agreements as well as any other pertinent information, Watermaster may increase the minimum requirement for MZ1 to quantities greater than 6,500 acre-feet per year. In no circumstance will the commitment to recharge 6,500 acre-feet be reduced for the duration of the Peace Agreement.

3. The Long-Term Plan for MZ1 will be amended to require:

(a) Watermaster's further evaluation of the potential contribution of pumping in the central and northern portions of MZ1 on groundwater conditions in the central and southern portions of MZ1. Watermaster, in consultation with the MZ1 Technical Committee, will specifically design a study to address whether production in the northern and central areas have a material impact on subsidence.

(b) Watermaster, in consultation with the MZ1 Technical Committee, will design additional controlled pump tests at its Ayala Park facilities and at other locations that Watermaster may determine are suitable for the purpose of further refining the guidance criteria and to improve the prudent extraction of groundwater within MZ1.

(c) Watermaster, in consultation with the MZ1 Technical Committee, will cooperate with the City of Chino Hills to evaluate the best available options for the City to produce a reasonable quantity of groundwater from within MZ1, taking into account the information derived from 3(a) and 3(b), the City's relative share of Operating Safe Yield, its historical

Privileged and Confidential: Offer of Compromise: Evidence Code Section 1152: 10/01/07: 8.00 a.m.

investments in water supply development, its water supply requirements and the physical limitations within MZI.

4. The Long-Term Plan for MZI is acknowledged to be adaptive in character and it may be amended at any time to account for best management practices, best available information and prudent management practices, including but not limited to reflecting the results of the studies contemplated in paragraph 3(a) and 3(b) above.

5. Watermaster's reserves its authority to take further actions consistent with the Judgment and the Peace Agreement to avoid or address an existing or threatened emergency to prevent Material Physical Injury as may be authorized by the Judgment or the Peace Agreement.

6. Watermaster will amend its motion regarding the approval of the MZI Plan to delete a request for any findings regarding the appropriateness of available credits arising under Watermaster Rules and Regulations Section 4.5 or 5.4 of the Peace Agreement. All Parties to the Judgment reserve their rights, whatever they may be, to seek credits or reimbursements.

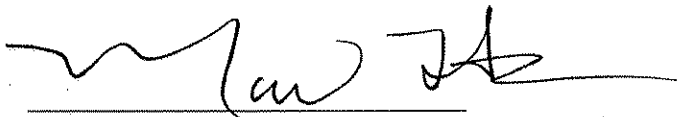
7. The stipulation, the motion and the requested relief as presented by Watermaster shall be construed without an express or implied allegation, contention or admission of any kind that the actions, inaction or conduct of any party to the Judgment is a contributing cause of subsidence or that any party failed to meaningfully participate in the development of the Long Term Plan and no such findings are requested by Watermaster and Watermaster further requests that the Court avoid making any such findings.

8. The City of Chino Hills will withdraw its opposition to Watermaster's request for approval of the Long Term Plan for MZI.

9. Both Chino Hills and Watermaster stipulate that the Special Referee hearing scheduled for October 3, 2007 is unnecessary and shall be cancelled and if it cannot be cancelled, Watermaster may present this stipulation for the record.

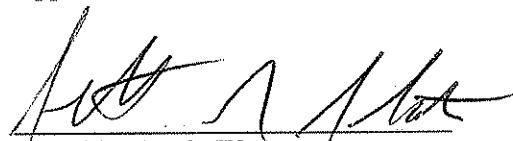
10. Watermaster will conform the Peace II legal instruments consistent with this stipulation.

Approved:



For City of Chino Hills

Approved:



For Chino Basin Watermaster

CHINO BASIN WATERMASTER
Case No. RCV 51010
Chino Basin Municipal Water District v. The City of Chino

PROOF OF SERVICE

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the within action. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On October 2, 2007, I served the following:

1) REQUEST TO CANCEL OCTOBER 3, 2007 SPECIAL REFEREE WORKSHOP

BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:

See attached service list: Mailing List 1

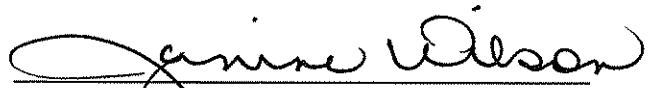
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 2, 2007 in Rancho Cucamonga, California.



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