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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER  
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendant.

**Case No. RCV 51010**

[Assigned for All Purposes to the  
Honorable STANFORD E. REICHERT]

**NOTICE OF EX PARTE MOTION AND EX  
PARTE MOTION TO REQUEST A 180-DAY  
EXTENSION OF TIME RE FILING OF  
RECHARGE MASTER PLAN STATUS  
REPORT; PROPOSED ORDER**

Hearing Date: December 16, 2011  
Hearing Time: 10:30 am  
Dept: C-1

PLEASE TAKE NOTICE THAT, on December 16, 2011 at 10:30 am in Department C-1 of the Chino Division of the San Bernardino Superior Court, the Chino Basin Watermaster will request a 180-day extension on the deadline to file its report on implementation of the Recharge Master Plan as required by the Court's October 8, 2010 Order. This request will be based upon this Motion as well as any argument presented at the hearing.

**MOTION REQUESTING 180-DAY EXTENSION**

1  
2 The purpose of this motion is to request a 180-day extension of the December 17, 2011  
3 deadline to provide a report to the Court regarding progress of implementation of the Recharge  
4 Master Plan.

5 **I. Background of the December 17, 2011 Deadline**

6 In its December 21, 2007 Order approving the Peace II Measures, the Court required  
7 Watermaster to complete a number of conditions subsequent. The last of these, condition  
8 subsequent number eight, required Watermaster to update its Recharge Master Plan (“RMP”). In  
9 broad terms, the purpose of the RMP is to articulate the manner in which Watermaster will fulfill  
10 its responsibilities under the Judgment to ensure that groundwater production from the Chino  
11 Basin in excess of the Safe Yield is replenished. In order to do this, the RMP must make  
12 projections concerning anticipated pumping from the Basin, the availability of imported water  
13 supplies, and the facilities necessary to make use of those imported supplies. In addition, In  
14 addition, Watermaster’s discretion with regard to the manner in which recharge activities are  
15 conducted is constrained by commitments made in the Peace I and Peace II Agreements, and  
16 implementation of the RMP recommendations must satisfy these commitments.

17 On June 30, 2010, Watermaster submitted the updated Recharge Master Plan in  
18 compliance with condition subsequent number eight. However, due to legislation enacted  
19 subsequent to the Court’s December 2007 Order, at the time of filing the updated RMP, the  
20 parties had not yet completed their 2010 Urban Water Management Plans (“UWMP”) which were  
21 to provide important information about the projected pumping by members of the Appropriative  
22 Pool. Because this information was not yet available in June 2010, the Inland Empire Utilities  
23 Agency (“IEUA”) was not in a position to approve the updated RMP as required by the Peace II  
24 Agreement.

25 Therefore, in its October 8, 2010 Order approving the updated RMP, the Court made the  
26 following orders:

- 27 (3) Watermaster is hereby ordered to convene the committee described in item 3 of  
28

1 section 7.1 of the updated RMP to develop the monitoring, reporting, and accounting practices  
2 that will be required to estimate local project stormwater recharge and new yield.

3 (4) Watermaster is hereby ordered to conduct further analyses as described in section  
4 7.2 of the updated RMP of the Phase I through III projects to refine the projects, to develop a  
5 financing plan, and to develop an implementation plan.

6 (5) By December 17, 2011, six months following completion of the parties UWMPs,  
7 Watermaster will report to the Court on any changes to the 2010 RMP necessitated by  
8 information received through the UWMPs. In this report Watermaster will also report on  
9 progress made under items (3) and (4) above, and will report on the status of IEUA's approval of  
10 the RMP.

11 (October 8, 2010 Order, 4:9-18.)

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13 **II. Conditions Requiring a 180-Day Extension of the December 17, 2011 Deadline**

14 **A. Personnel Changes at Watermaster**

15 At the beginning of 2011, Watermaster's longtime Chief Executive Officer left  
16 Watermaster. Watermaster immediately began a search process and in April of 2011 hired a new  
17 CEO. Throughout the Spring and Summer of 2011, the new CEO became familiar with  
18 Watermaster and the parties, but progress on the items required by the Court's October 2010  
19 Order was delayed. In October of 2011 the CEO convened the committee described in the Court's  
20 Order, and this committee held its first meeting on October 22, 2011. However, on November 8,  
21 2011, the Watermaster Board placed the CEO on administrative leave. One reason for the  
22 requested extension is therefore to allow time for the hiring of a new CEO in order to allow  
23 progress on the required tasks to recommence.

24 **B. Policies Regarding Pre-emptive Replenishment**

25 As described above, the parties have initiated a stakeholder process to better identify  
26 goals, objectives and strategies associated with the RMP. A key issue to be addressed is the  
27 scope of Watermaster's authority to obtain water for replenishment in advance of a over-pumping.

28 While the 1978 Judgment describes replenishment as occurring after over production has

1 occurred, the RMP recommends that Watermaster seek-out imported water whenever it is  
2 available, even if this availability occurs prior to the over pumping that such water would  
3 replenish. One such opportunity arose this year when the Metropolitan Water District of Southern  
4 California made available a large amount of surplus water. This opportunity necessitated policy  
5 discussions regarding the concept of pre-emptive replenishment, and such discussions have now  
6 become an integral part of the planning under the RMP. While these discussions are ongoing, in  
7 2011 Watermaster was able to pre-emptively recharge over 30,000 acre-feet of wet water into the  
8 Basin. A second reason for the requested extension is therefore to allow the parties time to  
9 develop policies regarding pre-emptive replenishment to be a part of the report to the Court.

10 C. UWMPs: Regional vs. Localized Impacts

11 In its report to the Court, Watermaster will present updated projections of replenishment  
12 needs based on pumping plans by the parties contained in their most recent UWMPs. However, as  
13 the analysis of these pumping plans has progressed, it has become clear that there is a distinction  
14 between regional (eg., basin-wide) needs vs. localized needs. Thus, while the recharge capacity  
15 for the Basin as a whole may currently be adequate, this does not mean that there are not local  
16 issues of concern that still need resolution. One of these local concerns was introduced to the  
17 Court at the October 28, 2011 hearing regarding drawdown issues within Management Zone 3  
18 and particularly within the Jurupa Community Services District (“JCSD”) area. In the absence of  
19 expeditious resolution of its issues concerning the achievement of the balance of recharge and  
20 discharge as required by the Peace Agreement, JCSD is concerned that it will lose the ability to  
21 provide water to its customers. A third reason for the requested extension is thus to allow  
22 Watermaster time to address these different issues as a part of the process of preparing its report  
23 to the Court. To be clear, this request for an extension should not be interpreted to suggest that  
24 localized recharge issues will not be addressed for another 180 days. To the contrary,  
25 Watermaster and the parties should begin to address these issues immediately.

26  
27 **III. 180-Day Extension Request**


28 Based on all of the foregoing reasons, Watermaster respectfully requests a 180-Day

1 extension of the deadline to support its report to the Court as described in the Court's October 8,  
2 2010 Order. This request was discussed by the Advisory Committee and Board at their meetings  
3 on November 17, 2011, and a draft of this pleading was distributed to each of the three Pools at  
4 their meetings on December 8, 2011. Watermaster knows of no opposition to this request.

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Dated: December 12, 2011

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By:   
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MICHAEL T. FIFE  
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WATERMASTER

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**[PROPOSED] ORDER GRANTING EX  
PARTE MOTION TO REQUEST A 180-DAY  
EXTENSION OF TIME RE FILING OF  
RECHARGE MASTER PLAN STATUS  
REPORT**

Hearing Date: December 16, 2011  
Hearing Time: 10:30 am  
Dept: C-1

Chino Basin Watermaster's Ex Parte Motion requesting a 180-day extension of time on the deadline to file its report on implementation of the Recharge Master Plan, as required by the Court's October 8, 2010 Order, came on for hearing on December 16, 2011 at 10:30 am in Department C-1 of the above-entitled court. Michael T. Fife appeared on behalf of Chino Basin Watermaster.

Having considered the Ex Parte Motion and finding GOOD CAUSE, Chino Basin

1 Watermaster's Ex Parte Motion to Request a 180-Day Extension of Time Re Filing of Recharge  
2 Master Plan Status Report is GRANTED and IT IS HEREBY ORDERED as follows:

3  
4 The original December 17, 2011 deadline for Chino Basin Watermaster to file its report  
5 on implementation of the Recharge Master Plan, as required by the Court's October 8, 2010  
6 Order, shall be extended 180 days from that date. Chino Basin Watermaster shall file its report  
7 on implementation of the Recharge Master Plan no later than June 14, 2012.

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Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Judge of the Superior Court

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.

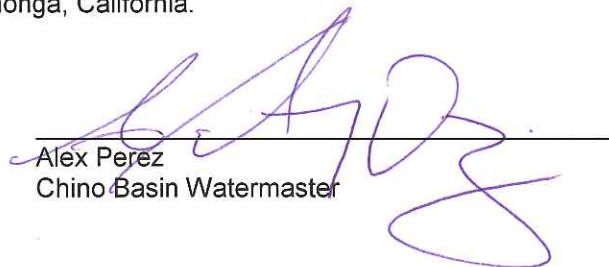
On December 13, I served the following:

**1. NOTICE OF EX PARTE MOTION AND EX PARTE MOTION TO REQUEST A 180-DAY EXTENSION OF TIME RE FILING OF RECHARGE MASTER PLAN STATUS REPORT; PROPOSED ORDER**

- 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 December 13, in Rancho Cucamonga, California.

  
\_\_\_\_\_  
Alex Perez  
Chino Basin Watermaster



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