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

CHINO BASIN MUNICIPAL WATER DISTRICT,

Plaintiff,

vs.

CITY OF CHINO, et al.,

Defendants

CASE NO. RCV 51010

ORDER ON MOTION FOR APPROVAL OF WATERMASTER'S LONG TERM PLAN FOR THE MANAGEMENT OF SUBSIDENCE

Date: Nov. 15, 2007
Dept: 8
Time: 1:30 p.m.

Introduction

This is an order on Chino Basin Watermaster's motion, under paragraph 31 of the Judgment herein, for court review and approval of its adoption of a long-term plan for managing subsidence in Management Zone 1 of Chino Basin (MZ-1). A copy of the second revised MZ-1 Subsidence Management Plan, dated October 2007, (October 17, 2007 document) was submitted to this Court with Watermaster's Clarification Re: Special Referee's Comments Re: Subsidence Management Plan. It also is available on Watermaster's website.

This Court has considered the following pleadings and reports:

1. Watermaster's Notice of Motion for Approval of Watermaster's Long Term Plan for the Management of Subsidence; and
2. Watermaster's Points and Authorities in Support of Motion for Approval of Watermaster's Long Term Plan for the Management of Subsidence; Exhibits and Declaration thereof, including Exhibit "A" MZ-1 Subsidence Management Plan, dated June 2007 (June 28, 2007 document); and
3. City of Chino Hills' Ex Parte Application to Continue Hearing on Watermaster Motion for Approval of Long Term Plan; and
4. Watermaster's Response to Chino Hills Ex Parte Motion; and
5. Stipulation to Continue Defendant City of Chino's Motion under Paragraph 15; and
6. City of Chino Hills' Evidentiary Objections to Watermaster's Motion for Approval of Watermaster's Long Term Plan for the Management of Subsidence and Exhibits A through J attached thereto; and
7. Comments on Chino Basin Watermaster's Proposed Long Term Plan for the Management of Subsidence in MZ-1, by Dennis E. Williams, Ph.D., dated September 21, 2007; and
8. Watermaster's Request to Cancel October 3, 2007 Special Referee Workshop, including Stipulation Re: Long Term Plan for Management Zone Number One (MZ1), between Watermaster and City of Chino Hills; and
9. Watermaster's Supplemental Filing Re: Subsidence Long Term Plan, including Exhibit A, Stipulation Regarding Long Term Plan for Management Zone Number One (MZ1), between Watermaster and City of Chino Hills; Exhibit B; Management Zone 1 Subsidence Management Plan (first revised), dated October 2007 (October 7 & 8, 2007 document); and Exhibit C, Declaration of Sheri Lynne Molino; and
10. Special Referee's Comments and Recommendations Concerning Motion for Approval of Watermaster's Long Term Plan for Management of Subsidence;

1 11. Watermaster's Clarification Regarding Special Referee's Comments re:
2 Subsidence Management Plan, including Management Zone 1 Subsidence
3 Management Plan (second revised), dated October 2007 (October 17, 2007
4 document).

5 This Court approves the MZ-1 Subsidence Management Plan calling for an
6 adaptive management program with expanded monitoring and investigation of
7 pumping and subsidence in other areas within and adjacent to MZ-1, including
8 groundwater flow and subsidence modeling. That modeling will include recharge.
9 Watermaster will attempt to determine whether or not aquifer recharge through
10 injection is a viable tool to manage subsidence. (Watermaster's Clarification, p. 2-3.)
11 This court is of the opinion that continued monitoring and interpretation of pumping,
12 groundwater levels and ground level data, which yields additional scientific knowledge,
13 is essential to the management of subsidence in MZ-1. This Court also is pleased
14 Watermaster will be assisting Chino Hills and other parties with water supply planning.
15 (Watermaster's Clarification, p. 5-6.)

16 Order

17 The Court hereby adopts the recommendations made in Special Referee's
18 Comments and Recommendations Concerning Motion for Approval of Watermaster's
19 Long-Term Plan for Management of Subsidence and incorporates them into this order.

20 The Court makes the following findings:

- 21 1. The OBMP requires Watermaster to address subsidence in the Chino Basin,
22 but it does not specify particular actions to be taken;
- 23 2. The Interim Plan has successfully addressed subsidence on a short-term basis;
- 24 3. The MZ-1 Subsidence Management Plan proposes a reasonable approach to
25 the issue of subsidence on a long-term basis; and
- 26 4. The MZ-1 Subsidence Management Plan furthers the provisions of the OBMP
27 Implementation Plan, which is attached to the Peace Agreement as Exhibit A.
28 This Court has previously found that the Peace Agreement is consistent with


1 the OBMP, which consists of the OBMP Phase I Report and the OBMP
2 Implementation Plan. (Order Concerning Adoption of OBMP, dated July 13,
3 2000, p. 4, Ins.1-6.) This Court also has previously found that the
4 Watermaster's support and approval of the Peace Agreement, and its
5 commitment to carry out the OBMP Implementation Plan as expressly set forth
6 in Article V of the Peace Agreement, is in furtherance of the Physical Solution
7 set forth in the Judgment and Article X, Section 2 of the California Constitution.
8 (*Id.* at p. 4, Ins. 7-11.)

9 Watermaster shall proceed with the MZ-1 Subsidence Management Plan (second
10 revised), which was presented to this Court as Exhibit "A" to Watermaster's
11 Clarification Re: Special Referee's Comments Re: Subsidence Management Plan.
12 The MZ-1 Subsidence Management Plan provides that Watermaster will produce a
13 MZ-1 annual report at the end of each fiscal year, and that the Subsidence
14 Management Plan may be revised based on that report. Watermaster is directed to
15 timely file the MZ-1 annual reports with this Court. It is expected the reports will be
16 filed by September 1st of each year. In addition, Watermaster is directed to advise
17 this Court regarding implementation of--and revisions to--the plan as part of its regular
18 OBMP implementation status reporting.

19 The hearing on City of Chino's motion under paragraph 15 of the Judgment has
20 been continued to February 15, 2008. In view of Watermaster's adoption of a long-
21 term plan for management of subsidence, unless City of Chino objects, this Court
22 intends to take the City of Chino's paragraph 15 motion off calendar on that date.

23 IT IS SO ORDERED.

24 Dated: November 15, 2007

25 
26 J. Michael Gunn, Judge
27
28

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 November 15, 2007 I served the following:

1) ORDER ON MOTION FOR APPROVAL OF WATERMASTER'S LONG TERM PLAN FOR THE MANAGEMENT OF SUBSIDENCE

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 November 15, 2007 in Rancho Cucamonga, California.



Janine Wilson
Chino Basin Watermaster

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