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12 Senior Counsel
13 UNITED STATES DEPARTMENT OF JUSTICE
14 Environment and Natural Resources Division
15 999 18TH STREET, SUITE 945
16 DENVER, COLORADO 80202

17 Attorneys for the United States of America

18 UNITED STATES DISTRICT COURT
19 SOUTHERN DISTRICT OF CALIFORNIA

20 UNITED STATES OF AMERICA,
21 Plaintiff,

22 v.

23 FALLBROOK PUBLIC UTILITY
24 DISTRICT, a public service corporation of the
25 State of California, et al.,

26 Defendants.

27 Case No. 1247-SDG

28 STIPULATION AND ORDER
APPROVING COOPERATIVE
WATER RESOURCE
MANAGEMENT AGREEMENT

1 WHEREAS, the parties have entered into a Cooperative Water Resource Management
2 Agreement (hereinafter "Agreement"). Attached hereto as Exhibit "A" is a true and correct copy of
3 the executed Agreement, the terms of which are incorporated by reference as though fully set forth
4 herein.

5 WHEREAS, the parties' rights with respect to the water supplies from the Santa Margarita
6 River Watershed are presently affected by two judgments. The first is a Stipulated Judgment in the
7 case of *Rancho Santa Margarita v. Vail*, San Diego Superior Court Action No. 42850 (hereinafter
8 "1940 Judgment"), and the second is the Judgment in the case of *United States v. Fallbrook Public*
9 *Utility District*, United States District Court, Southern District of California, Civ. No. 1247
10 (hereinafter "*Fallbrook Case*").

11 WHEREAS, the parties agree that the 1940 Judgment and Judgment in the *Fallbrook Case*
12 do not effectively meet the needs of the parties for effective water management under present
13 conditions. The Agreement proposes to manage the water resources in a practical way that will meet
14 the needs of the parties, consistent with the essential rights and obligations of the 1940 Judgment and
15 Judgment in the *Fallbrook Case*, while avoiding potential conflicts over disputed provisions.

16 WHEREAS, without waiving any of their rights and entitlements under the 1940 Judgment,
17 the parties agrees that, to the extent provisions of the Agreement are inconsistent with the 1940
18 Judgment, the provisions of the Agreement shall control for so long as the Agreement is in effect and
19 being complied with.

20 WHEREAS, the parties desire to invoke the continuing jurisdiction reserved by this Court in
21 the *Fallbrook Case*, and respectfully request that this Court approve and incorporate the Agreement
22 into the *Fallbrook Case*, pursuant to this Court's continuing jurisdiction.

23 WHEREAS, the parties agree that the Agreement shall be administered by the Water Master
24 appointed by this Court by order dated March 13, 1989, or subsequent order.

25 WHEREAS, the parties agree that this Court shall maintain continuing jurisdiction to make
26 further orders as necessary to interpret or enforce the Agreement, provided that the Court shall not
27 have the power to modify the terms of the Agreement, or the 1940 Judgment.

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IT IS HEREBY STIPULATED BETWEEN THE PARTIES, through their respective counsel of record, that the Agreement be approved and incorporated into the *Fallbrook* Case pursuant to this Court's continuing jurisdiction.

Dated: 3 June, 2002

MARINE CORPS BASE
CAMP PENDLETON, CALIFORNIA
By: David F. Bice
DAVID F. BICE
MajGen USMC
Commanding General

Dated: May 8, 2002

RANCHO CALIFORNIA WATER DISTRICT
By: Lisa D. Herman
LISA D. HERMAN
President of the Board of Directors

APPROVED AS TO FORM AND CONTENT:

BEST BEST & KRIEGER/LLP
By: C. Michael Cowett
C. MICHAEL COWETT
Attorney for Defendant
RANCHO CALIFORNIA WATER DISTRICT

Dated: May 13, 2002

APPROVED AS TO FORM AND CONTENT:

UNITED STATES OF AMERICA
By: Andrew F. Walch
ANDREW F. WALCH, Senior Counsel
United States Department of Justice,
Environment and Natural Resources
Division

Dated: May 23, 2002

ORDER

Having considered the Stipulation of the Parties and good cause appearing therefore:

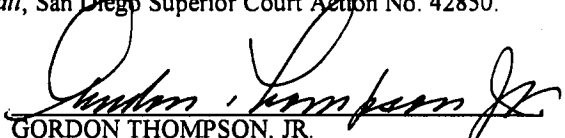
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Cooperative Water Resource Management Agreement entered into by and between the United States of America and the Rancho California Water District is hereby approved and incorporated into the case of *United States of America v. Fallbrook Public Utility District*, United States District Court, Southern District of California, Civ. No. 1247.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, to the extent provisions
2 of the Cooperative Water Resource Management Agreement are inconsistent with the Stipulated
3 Judgment in the case of *Rancho Santa Margarita v. Vail*, San Diego Superior Court Action No.
4 42850, the provisions of the Cooperative Water Resource Management Agreement shall control for
5 so long as the Cooperative Water Resource Management Agreement is in effect and being complied
6 with.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Cooperative Water
8 Resource Management Agreement shall be administered by the Water Master appointed by this Court
9 by Order dated March 13, 1989, or subsequent order.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall maintain
11 continuing jurisdiction to make further orders as necessary to interpret or enforce the Cooperative
12 Water Resource Management Agreement, provided that the Court shall not have the power to modify
13 the terms of the Cooperative Water Resource Management Agreement, or the Stipulated Judgment
14 in the case of *Rancho Santa Margarita v. Vail*, San Diego Superior Court Action No. 42850.

15
16 Dated: August 20, 2002


GORDON THOMPSON, JR.
UNITED STATES DISTRICT COURT JUDGE

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C. MICHAEL COWETT, Bar No. 53353

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Senior Counsel

UNITED STATES DEPARTMENT OF JUSTICE
Environment and Natural Resources Division

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Attorneys for the United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FALLBROOK PUBLIC UTILITY
DISTRICT, a public service corporation of the
State of California, et al.,

Defendants.

Case No. 1247-SD-T

PROOF OF SERVICE BY MAIL

1 I declare under penalty of perjury under the laws of the State of California that the

2 I am a resident of the State of California, over the age of eighteen years, and not a party to
3 this within action. My business address is Best Best & Krieger LLP, 402 West Broadway, 13th
4 Floor, San Diego, California 92101-3542. On August 19, 2002, I served the within document(s):

5 STIPULATION AND ORDER APPROVING COOPERATIVE WATER
6 RESOURCE MANAGEMENT AGREEMENT

7 by transmitting via facsimile the document(s) listed above to the fax number(s)
8 set forth below on this date before 5:00 p.m.

9 by placing the document(s) listed above in a sealed envelope with postage
10 thereon fully prepaid, in the United States mail at San Diego, California
11 addressed as set forth below.

12 by causing personal delivery by _____ of the document(s) listed above
13 to the person(s) at the address(es) set forth below.

14 by personally delivering the document(s) listed above to the person(s) at the
15 address(es) set forth below.

16 Water Litigation Officer
17 Western Area Counsel Office
18 Box 555231
19 Camp Pendleton, CA 92055-5231

Andrew F. Walch, Esquire
U.S. Department of Justice/ENRD
999 18th Street
Suite 945
Denver, CO 80202

20 Patrick Barry, Esq.
21 Justice Dept. Land & Natural Resources
22 Indian Resources Section
23 P.O. Box 44378
24 Washington, DC 20026-4378

Pamela Williams, Solicitors Office
U.S. Department of the Interior
Division of Indian Affairs
1849 C Street
Washington, DC 20240

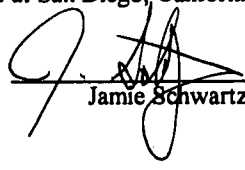
25 John F. Hennigar, General Manager
26 Rancho California Water District
27 P.O. Box 9017
28 Temecula, CA 92589-9017

29 I am readily familiar with the firm's practice of collection and processing correspondence for
30 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with
31 postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the
32 party served, service is presumed invalid if postal cancellation date or postage meter date is more than
33 one day after date of deposit for mailing in affidavit.

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

Executed on August 19, 2002 at San Diego, California.



Jamie Schwartz