

COPY
ORIGINAL

JOSEPH S. AKLUFİ (Bar No. 68619)
AKLUFİ AND WY SOCKI
3403 Tenth Street, Suite 610
Riverside, California 92501
(909) 682-5480 Office
(909) 682-2619 Fax

NO FILING FEE REQUIRED PER
GOVERNMENT CODE, SEC. 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB - 4 2004

Attorneys for Plaintiff, SAN TIMOTEO
WATERSHED MANAGEMENT AUTHORITY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE, RIVERSIDE COURT

SAN TIMOTEO WATERSHED
MANAGEMENT AUTHORITY, a public
agency,

Plaintiff,

vs.

CITY OF BANNING, a municipal
corporation; BEAUMONT-CHERRY VALLEY
WATER DISTRICT, an irrigation
district; YUCAIPA VALLEY WATER
DISTRICT, a county water district;
PLANTATION ON THE LAKE LLC, a
California limited liability
company; SHARONDALE MESA OWNERS
ASSOCIATION, an unincorporated
association; SOUTH MESA MUTUAL
WATER COMPANY, a mutual water
company; CALIFORNIA OAK VALLEY
GOLF AND RESORT LLC, a California
limited liability company; OAK
VALLEY PARTNERS LP, a Texas limited
partnership; SOUTHERN CALIFORNIA
SECTION OF THE PROFESSIONAL GOLFERS
ASSOCIATION OF AMERICA, a
California corporation; SUNNY-CAL
EGG AND POULTRY COMPANY, a
California corporation; MANHEIM,
MANHEIM & BERMAN, a California
General Partnership; WALTER M.
BECKMAN, individually and as
Trustee of the BECKMAN FAMILY TRUST)
dated December 11, 1990; THE ROMAN
CATHOLIC BISHOP of San Bernardino,

CASE NO. RIC 389197

STIPULATION FOR ENTRY OF
JUDGMENT ADJUDICATING
GROUNDWATER RIGHTS IN THE
BEAUMONT BASIN

AKLUFİ AND WY SOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

1 a California corporation; MERLIN)
2 PROPERTIES, LLC; LEONARD M.)
3 STEARNS and DOROTHY D. STEARNS,)
4 individually and as Trustees of the)
5 LEONARD M. STEARNS FAMILY TRUST OF)
6 1991; and DOES 1 through 500,)
7 inclusive,)
8 Defendants.)

9
10
11 I. STIPULATING PARTIES IDENTIFIED

12 The following parties, and each of them, agree to the terms
13 of this Stipulation:

14 Plaintiff:

15 SAN TIMOTEO WATERSHED MANAGEMENT AUTHORITY

16 Overlying Defendants:

- 17 1. SHARONDALE MESA OWNERS ASSOCIATION, an unincorporated
18 association
- 19 2. CALIFORNIA OAK VALLEY GOLF AND RESORT LLC, a California
20 limited liability company
- 21 3. OAK VALLEY PARTNERS LP, a Texas limited partnership
- 22 4. SOUTHERN CALIFORNIA SECTION OF THE PROFESSIONAL GOLFERS
23 ASSOCIATION OF AMERICA, a California corporation
- 24 5. SUNNY-CAL EGG AND POULTRY COMPANY, a California
25 corporation
- 26 6. MANHEIM, MANHEIM & BERMAN, a California general
27 partnership
- 28 7. WALTER M. BECKMAN, individually, and as Trustee of the
BECKMAN FAMILY TRUST dated December 11, 1990
8. THE ROMAN CATHOLIC BISHOP of San Bernardino, a
California corporation
9. MERLIN PROPERTIES, LLC
10. LEONARD M. STEARNS and DOROTHY D. STEARNS, individually
and as Trustees of the LEONARD M. STEARNS FAMILY TRUST
OF 1991
11. PLANTATION ON THE LAKE LLC, a California limited
liability company

12 Appropriating Defendants:

- 13 1. CITY OF BANNING, a municipal corporation
- 14 2. BEAUMONT-CHERRY VALLEY WATER DISTRICT, an irrigation
15 district
- 16 3. SOUTH MESA MUTUAL WATER COMPANY, a mutual water company
- 17 4. YUCAIPA VALLEY WATER DISTRICT, a county water district

18 ///

AKLUFIAN WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CA 92501
(909) 682-5480

II. RECITALS

WHEREAS, plaintiff is a joint powers public agency, formed in 2001 for the purpose, among others, of preparing and implementing a Water Resources Management Plan for the San Timoteo Watershed and the waters tributary thereto, including the Beaumont Basin, in order to conserve local water supplies, improve surface and subsurface water quality and quantity, and to protect and enhance groundwater storage, for the benefit of the public;

WHEREAS, the Beaumont Basin, also known as the Beaumont Storage Unit, is the common source of water supply for appropriative water uses within the communities of Banning, Beaumont, Cherry Valley and Calimesa, and for various overlying uses including, but not limited to, golf courses and related facilities and agricultural production, including egg production and related agricultural irrigation uses;

WHEREAS, the maximum quantity of water which can be produced from the Beaumont Basin, at safe yield, is currently estimated to be 8650 acre feet per year, and the total groundwater production from the Beaumont Basin has exceeded and continues to exceed its safe yield;

WHEREAS, much of the land area within and adjacent to the Beaumont Basin is proposed to be intensively developed with residential, commercial and industrial uses, which will place additional demands on local water resources;

WHEREAS, it is estimated that the Beaumont Basin has the capability of storing more than 200,000 acre feet of water for overlying and appropriative use by water users within and

1 adjacent to the Beaumont Basin;

2 WHEREAS, the plaintiff proposes to invest substantial public
3 funds to construct facilities that will enable the storage of
4 water within the Beaumont Basin, in addition to the storage that
5 occurs naturally;

6 WHEREAS, the Overlying and Appropriating Defendants wish to
7 secure the provision and availability of a reliable, affordable,
8 long-term water supply for the area within plaintiff's
9 jurisdiction, making reasonable and beneficial use of the native
10 groundwater in the Beaumont Basin, and other local water
11 resources, promoting the importation of water into the area, and
12 storage of such water, and local surface waters, in the Beaumont
13 Basin;

14 WHEREAS, the Overlying Defendants believe that it is in
15 their best interest to enter into this Stipulation and be subject
16 to the attached Judgment, rather than continue to litigate the
17 safe yield of the Beaumont Basin, the quantity of their overlying
18 rights, both historical and unexercised, the rights they may have
19 to use the storage volume existing beneath their respective
20 lands, and other issues;

21 WHEREAS, in order to protect existing overlying and
22 appropriative uses and to justify and protect the public
23 investment necessary to utilize the available groundwater storage
24 capacity in the Beaumont Basin, it is necessary to adjudicate the
25 Beaumont Basin and to define the respective water rights of the
26 overlying and appropriative producers of groundwater.

27 NOW, THEREFORE, the undersigned parties, and each of them,
28 hereby agree to the following Stipulated Terms.

III. STIPULATED TERMS

1. Form of Judgment: Judgment may be filed and entered in the form attached hereto as Exhibit "1" and made a part hereof.

2. Fees and Costs: Each party shall bear its own costs, attorneys fees and litigation expenses arising out of this adjudication.

3. Waiver: Notice of entry of judgment, the right to trial, stay of execution and appeal, is hereby waived, except as expressly set forth in the Judgment.

4. Binding Effect: This Stipulation and all obligations herein, shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

5. Construction and Interpretation: No adverse construction or interpretation of this Stipulation shall be made under the Civil Code simply because the parties drafted or participated in the drafting of this Stipulation. The terms of the Judgment shall be interpreted to further the purposes of this Stipulation.

6. Jurisdiction and Venue: The Superior Court of California in and for the County of Riverside shall have jurisdiction of this matter. In the event of any litigation arising out of this Stipulation, venue shall conclusively be deemed to lie in the County of Riverside.

7. Advice of Counsel: The undersigned each have had the opportunity to consult with or have consulted with their own legal counsel regarding this Stipulation and all matters set forth herein, or have knowingly waived the right to do so.

1 8. Authority: Each person executing this Stipulation on
2 behalf of any of the undersigned has been fully empowered to
3 execute this Stipulation and that all necessary action for the
4 execution of this Stipulation has been taken.

5 IT IS SO STIPULATED:

6 SAN TIMOTEO WATERSHED MANAGEMENT
7 AUTHORITY

8 Dated: 1/6/04

9 By [Signature]
President, Board of Directors

10 CITY OF BANNING

11 Dated: 12/23/03

12 By [Signature]
13 Mayor

14 BEAUMONT-CHERRY VALLEY WATER
15 DISTRICT

16 Dated: _____

17 By _____
18 President, Board of Directors

19 YUCAIPA VALLEY WATER DISTRICT

20 Dated: _____

21 By _____
22 President, Board of Directors

23 PLANTATION ON THE LAKE LLC

24 Dated: _____

25 By _____
26 President, Board of Directors

27 SHARONDALE MESA OWNERS
28 ASSOCIATION

Dated: _____

By _____
President, Board of Directors

AKLUF AND WYSOCKI
3403 TEN REET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

1 8. Authority: Each person executing this Stipulation on
2 behalf of any of the undersigned has been fully empowered to
3 execute this Stipulation and that all necessary action for the
4 execution of this Stipulation has been taken.

5 IT IS SO STIPULATED:

6 SAN TIMOTEO WATERSHED MANAGEMENT
7 AUTHORITY

8 Dated: _____ By _____
9 President, Board of Directors

10 CITY OF BANNING

11 Dated: _____ By _____
12 Mayor

13 BEAUMONT-CHERRY VALLEY WATER
14 DISTRICT

15 Dated: July 3, 2003 By [Signature]
16 President, Board of Directors

17 YUCAIPA VALLEY WATER DISTRICT

18 Dated: _____ By _____
19 President, Board of Directors

20 PLANTATION ON THE LAKE LLC

21 Dated: _____ By _____
22 President, Board of Directors

23 SHARONDALE MESA OWNERS
24 ASSOCIATION

25 Dated: _____ By _____
26 President, Board of Directors

AKLUF AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

AKLUF AND WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CA 92501
(909) 682-5480

8. Authority: Each person executing this Stipulation on behalf of any of the undersigned has been fully empowered to execute this Stipulation and that all necessary action for the execution of this Stipulation has been taken.

IT IS SO STIPULATED:

SAN TIMOTEO WATERSHED MANAGEMENT
AUTHORITY

Dated: _____ By _____
President, Board of Directors

CITY OF BANNING

Dated: _____ By _____
Mayor

BEAUMONT-CHERRY VALLEY WATER
DISTRICT

Dated: _____ By _____
President, Board of Directors

YUCAIPA VALLEY WATER DISTRICT

Dated: 10/1/03 By 
President, Board of Directors

PLANTATION ON THE LAKE LLC

Dated: _____ By _____
President, Board of Directors

SHARONDALE MESA OWNERS
ASSOCIATION

Dated: _____ By _____
President, Board of Directors

8. Authority: Each person executing this Stipulation on behalf of any of the undersigned has been fully empowered to execute this Stipulation and that all necessary action for the execution of this Stipulation has been taken.

IT IS SO STIPULATED:

SAN TIMOTEO WATERSHED MANAGEMENT
AUTHORITY

Dated: _____ By _____
President, Board of Directors

CITY OF BANNING

Dated: _____ By _____
Mayor

BEAUMONT-CHERRY VALLEY WATER
DISTRICT

Dated: _____ By _____
President, Board of Directors

YUCAIPA VALLEY WATER DISTRICT

Dated: _____ By _____
President, Board of Directors

PLANTATION ON THE LAKE LLC

Dated: 7/30/03 By *James H. Kavanagh*
~~President, Board of Directors~~
Manager of Meadows Management Company LLC, Manager
SHARONDALE MESA OWNERS
ASSOCIATION

Dated: _____ By _____
President, Board of Directors

8. Authority: Each person executing this Stipulation on behalf of any of the undersigned has been fully empowered to execute this Stipulation and that all necessary action for the execution of this Stipulation has been taken.

IT IS SO STIPULATED:

SAN TIMOTEO WATERSHED MANAGEMENT
AUTHORITY

Dated: _____ By _____
President, Board of Directors

CITY OF BANNING

Dated: _____ By _____
Mayor

BEAUMONT-CHERRY VALLEY WATER
DISTRICT

Dated: _____ By _____
President, Board of Directors

YUCAIPA VALLEY WATER DISTRICT

Dated: _____ By _____
President, Board of Directors

PLANTATION ON THE LAKE LLC

Dated: _____ By _____
President, Board of Directors

SHARONDALE MESA OWNERS
ASSOCIATION

Dated: June 27, 2003 By Lena Jo Alexander
President, Board of Directors

AKLUF AND WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CA 92501
(909) 682-5480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SOUTH MESA MUTUAL WATER COMPANY

Dated: 6-27-03

By *George Martinic*
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____

By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

AKLUF AND WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CA 92501
(909) 682-5480

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____

By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: 7-31-2003

By [Signature]
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

ANLUPI AND WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____

By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____

By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____

By 
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____

By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____

By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____

By _____

3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 254-480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____ By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____ By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____ By _____
D. CRAIG MARTIN
Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: July 8, 2003 By Thomas C. Gustafson
~~President, Board of Directors~~
CHIEF Executive Officer

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____ By _____
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____ By _____

3403 TENTH STREET, SUITE 610
RIVERSIDE, CA 92501
(909) 5480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SOUTH MESA MUTUAL WATER COMPANY

Dated: _____ By _____
President, Board of Directors

CALIFORNIA OAK VALLEY GOLF AND
RESORT LLC

Dated: _____ By _____
President, Board of Directors

OAK VALLEY PARTNERS LP,
A Texas Limited Partnership

By: Oak Valley-Hunt, Inc.
a Texas Corporation
Managing General Partner

Dated: _____ By _____
D. CRAIG MARTIN

Its: President

SOUTHERN CALIFORNIA SECTION OF THE
PROFESSIONAL GOLFERS ASSOCIATION
OF AMERICA

Dated: _____ By _____
President, Board of Directors

SUNNY-CAL EGG AND POULTRY COMPANY

Dated: _____ By Michael Markson
President, Board of Directors

MANHEIM, MANHEIM & BERMAN

Dated: _____ By Dexter Berman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: 7-23-03

Walter M. Beckman
WALTER M. BECKMAN

Dated: 7-23-03

Walter M. Beckman
WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

Dated: _____

CECIL MERLE MURRAY

MERLIN PROPERTIES, LLC

Dated: _____

By _____

Dated: _____

LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

Dated: _____

DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

Dated: _____

JUDGE OF THE SUPERIOR COURT

AKLIFT AND WYSOCKI
3403 TENTH ST, SUITE 610
RIVERSIDE, CA 92501
(909) 682-5480

AKLUFIA WYSOCKI
3403 TENTH STREET, SUITE 610
RIVERSIDE, CALIFORNIA 92501
(909) 682-5480

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____
WALTER M. BECKMAN

Dated: _____
WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

THE ROMAN CATHOLIC BISHOP of
San Bernardino, a California
corporation

Dated: 9/18/03 By Mary. L. M. Fygg

MERLIN PROPERTIES, LLC

Dated: _____ By _____

Dated: _____
LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

Dated: _____
DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

Dated: _____

JUDGE OF THE SUPERIOR COURT

1 Dated: _____

WALTER M. BECKMAN

3 Dated: _____

WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

THE ROMAN CATHOLIC BISHOP of
San Bernardino, a California
corporation

8 Dated: _____

By _____

MERLIN PROPERTIES, LLC

12 Dated: July 31, 2003

By Paul L. Rushmer

14 Dated: _____

LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

17 Dated: _____

DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

24 Dated: _____

JUDGE OF THE SUPERIOR COURT

1 Dated: _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

WALTER M. BECKMAN

Dated: _____
WALTER M. BECKMAN, Trustee of the
BECKMAN FAMILY TRUST dated
December 11, 1990

Dated: _____
CECIL MERLE MURRAY

MERLIN PROPERTIES, LLC

Dated: _____ By _____

Dated: 7-23-03
Leonard M. Stearns
LEONARD M. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

Dated: 7-23-03
Dorothy D. Stearns
DOROTHY D. STEARNS, individually
and as Trustee of the LEONARD M.
STEARNS FAMILY TRUST OF 1991

APPROVAL AND ORDER

The foregoing Stipulation is hereby approved and is so
ordered.

FEB - 4 2004

Dated: _____

GARY TRANBARGER

JUDGE OF THE SUPERIOR COURT