

MVWD
4/29/97
REAPT
B

RECEIVED
APR 21 1997
CHINO BASIN
WATERMASTER SERVICES

1 MCCORMICK, KIDMAN & BEHRENS, LLP
2 ARTHUR G. KIDMAN, Bar No. 61719
3 DAVID D. BOYER, Bar No. 144697
4 695 Town Center Drive, Suite 1400
5 Costa Mesa, California 92626-1924
6 (714) 755-3100

7 Attorneys for Defendants
8 MONTE VISTA WATER DISTRICT

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

MCCORMICK, KIDMAN & BEHRENS, LLP
LAWYERS

11 CHINO BASIN MUNICIPAL WATER)
12 DISTRICT,)
13 Plaintiff,)
14 v.)
15 CITY OF CHINO, et al.,)
16 Defendants.)
17

CASE NO. RCV 51010

MONTE VISTA WATER DISTRICT'S
RESPONSE TO COURT'S ORDER TO
SHOW CAUSE RE: APPOINTMENT OF
ANN SCHNEIDER AS REFEREE AND
ADOPTION OF COURT'S TENTATIVE
RULING

DATE: April 29, 1997
TIME: 1:30 p.m.
DEPT: H

SPECIALLY ASSIGNED TO THE
HONORABLE JUDGE J. MICHAEL
GUNN

18
19
20
21 ///
22 ///
23 ///
24 ///
25
26
27
28

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

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION	2
II. GOOD CAUSE EXISTS FOR THE APPOINTMENT OF A REFEREE RESIDING OUTSIDE OF SAN BERNARDINO COUNTY	3
III. IT IS IMPERATIVE THAT THE COURT MAINTAIN THE STATUS QUO UNTIL ANNE SCHNEIDER HAS SUBMITTED HER RECOMMENDATIONS	5
IV. THE COURT SHOULD DELETE THE STATEMENTS IN THE INTENDED DECISION THAT THE ADVISORY COMMITTEE IS THE POLICY- MAKING BODY FOR THE BASIN	6
A. The Watermaster is the Policy-Making Body Under Judgment	6
B. Statements in Judge Turner's 1989 Ruling Have Been Misconstrued ...	6
C. In Context, Judge Turner's Ruling Identifies the Advisory Committee as the Policy-Making Group vis-à-vis Pool Committees	7
D. The Advisory Committee's Reading of Judge Turner's Ruling Would Modify the Judgment	8
V. THE COURT SHOULD DELETE REFERENCES IN THE INTENDED DECISION REGARDING THE ABILITY OF WATERMASTER TO CONDUCT AN INDEPENDENT AUDIT IS NOT SUBJECT TO CONTROL	9
VI. CONCLUSION	12

TABLE OF AUTHORITIES

PAGE

CASES

Orange County Water Dist. v. Colton
 (1964) 226 Cal.App.2d 642 9

Southern Pacific Pipe Lines, Inc. v. State Board of
 Equalization (1993) 14 Cal.App.4th 42 10

MCCORMICK, KIDMAN & BEHRENS, LLP
LAWYERS

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

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

I

INTRODUCTION

The groundwater producers in the Chino Basin have an obvious, direct and undeniable pecuniary interest in decisions of the Watermaster, which are mandated under the Judgment. As a result of this direct pecuniary interest, these producers should not sit on a Watermaster board, much less constitute a voting majority of that board, as is contemplated by the underlying motion of the Advisory Committee. The interests of the public in the Basin are too great to allow even the possibility that decisions by the Watermaster will be perverted by the pecuniary interests of the producers. (See Declarations of Senator Ruben Ayala [filed March 4, 1997] and P. Joseph Grindstaff, attached to Opposition to Chino Basin Watermaster's Motion, filed March 5, 1997.)

MONTE VISTA WATER DISTRICT supports the court's appointment of Ann Schneider as referee to investigate and provide recommendations upon the respective roles to be played by the Watermaster and the Advisory Committee, as well as upon water quality and quantity issues in the Basin. To allow Ms. Schneider a complete opportunity to fully investigate and report upon these issues, it is imperative that neither the court nor any party take any action that will change the status quo. Otherwise the court risks tying Ms. Schneider's hands. Consequently, MONTE VISTA WATER DISTRICT also supports the continuation of Chino Basin Municipal Water District as interim Watermaster.

For this reason, MONTE VISTA WATER DISTRICT also requests that the court not rule upon the motion of the Advisory Committee seeking to disallow the expenses of the independent audit. The court's ruling upon this motion will depend upon whether the retention of an independent accounting firm by the Watermaster requires Advisory Committee approval under the Judgment. Clearly this issue overlaps with Ms. Schneider's recommendations concerning the respective powers and roles of the Watermaster and the Advisory Committee.

For this same reason, MONTE VISTA WATER DISTRICT requests that the court remove from its order any statement to the effect that the Advisory Committee is the "policy

1 making body in the Basin." This statement is contrary to the Judgment which specifically
2 provides that the Watermaster is to develop an optimum basin management program for the
3 Basin. (Judgment, ¶ 41, p. 23.) Furthermore, as this statement by the court relates to the
4 respective roles of the Watermaster and the Advisory Committee, the court should not
5 render any opinion on this issue until Anne Schneider has submitted her recommendations.

6 II

7 GOOD CAUSE EXISTS FOR THE APPOINTMENT OF A REFEREE
8 RESIDING OUTSIDE OF SAN BERNARDINO COUNTY

9 This litigation and the resulting Judgment occurred because of a serious over-
10 production of water in the Chino Basin since the 1950s, causing significant water quantity
11 and quality problems for the Basin. The overdraft not only increased the cost and
12 threatened the supply of water producers, but it put at risk the very health and safety of
13 every member of the public. Moreover, the overdraft may have constituted an unreasonable
14 method of use of water in violation of Article X, Section 2 of the California Constitution.

15 The Judgment created a Watermaster. The Watermaster, among other things,
16 collects assessments from each producer of the Basin based upon that producer's amount
17 of production. That assessment is used to replenish water supplies, as well as to implement
18 measures to protect, maintain and improve water quality. The Watermaster is vested with
19 both the duty and the power to develop an optimum basin management program, with
20 advice from the Advisory and Pool Committees. (Judgment, ¶ 41, p. 23.) Obviously, water
21 management programs create costs for the producers, which in turn creates conflicting
22 interests as to program choices and cost apportionment.

23 Most of the water quality issues for the Chino Basin involve problems with nitrate
24 contamination, which is manifested, but may not be caused in the southern end of the Basin.
25 The northern water producers, on the other hand, use the largest share of water and have
26 the least incentive to strictly account for water losses and to be responsible for water
27 degradation. (See Declaration of P. Joseph Grindstaff.)

28 Given that the water quality and quantity in the northern end of the Basin is not

1 significantly lowered by the current overdraft, producers on the northern end of the Basin
 2 have little financial incentive to involve themselves in water quantity or quality improvement
 3 of the Basin, and have a significant financial incentive to oppose apportionment of the costs
 4 among all producers for an effective all basin management program. (Decl. of P. Joseph
 5 Grindstaff.) These northern producers have great incentive to maximize pumping from the
 6 Basin, as they can pump from an area where the water is clean and plentiful. In that they
 7 pump the most water from the Basin, they stand to pay the highest assessments under the
 8 Judgment and have the greatest number of votes in the Advisory Committee. Thus the
 9 same producers who have a financial incentive to oppose increased cost of basin
 10 management plans to benefit the entire Basin, also have the ability to block any activity
 11 within the Advisory Committee directed toward Basin cleanup or replenishment.

12 For fifteen years these controlling producers have steadily undermined the
 13 Watermaster and usurped Watermaster authority to the Advisory Committee in the
 14 implementation of basin management activities, by asserting that an 80 percent vote from
 15 the Advisory Committee on any subject was mandate to the Watermaster. To comment the
 16 take-over of Watermaster, the Advisory Committee hired the law firm of Nossaman,
 17 Guthner, Knox & Elliott, LLP, and thereafter sought to replace the Watermaster with the
 18 Advisory Committee itself and later with a nine-member board of producers.

19 In bringing its second nine-member board motion before the court, as well as the
 20 motion to disallow audit expenses, the Advisory Committee also challenges whether the
 21 Watermaster has any role in Basin management. The Advisory Committee argues that, with
 22 the assistance of the newly emancipated watermaster services staff, it is the policy-making
 23 body for the Basin. In order to confuse this court, the Advisory Committee has raised
 24 spurious concerns regarding watermaster services staff, an entity not identified in the
 25 Judgment.¹ Now, the Advisory Committee is using these same arguments to support an
 26 improper motion to appoint an interim Watermaster.

27
 28 ¹ It is interesting to note that these concerns were never raised in the initial
 motion or in any of the preceding motions by the Advisory Committee
 seeking to replace the current Watermaster.

1 Good cause also exists for the appointment of a referee residing outside of San
2 Bernardino County. The parties opposing an apportionment of whole Basin management
3 costs are economically large and politically powerful, and stand to benefit with the
4 appointment of a board of water producers as Watermaster. As their current actions reveal,
5 they will stop at little to prevent an effective basin management plan from being
6 implemented.

7 To ask any attorney practicing in San Bernardino County to act as referee and not
8 to be influenced or biased by these parties is asking the improbable. Furthermore, as the
9 parties in this matter are motivated greatly by their geographical location (i.e., northern vs.
10 southern end of the Basin), similar biases may exist with a referee residing within the basin
11 area. Certainly, the appearance of bias would exist.

12 The concerns are lessened greatly by the appointment of a referee residing outside
13 of the Basin area. This clearly constitutes "good cause" for such an appointment.

14 III

15 IT IS IMPERATIVE THAT THE COURT MAINTAIN THE STATUS QUO UNTIL
16 ANNE SCHNEIDER HAS SUBMITTED HER RECOMMENDATIONS

17 The court's tentative ruling suggests that Anne Schneider conduct "a thorough review
18 of the checks and balances contained in the 1978 judgment, an interpretation of the phrase
19 'discretionary determinations' used in paragraph 38, subdivision (b) of the judgment, and a
20 delineation of the functions of the Watermaster and the Advisory Committee." (Tentative
21 Ruling, p.13) The tentative ruling also notes the importance of ensuring that the referee
22 is impartial. (Id.)

23 If the court issues any edict or allows a party to take any action involving the above
24 described issues before the referee submits her recommendations, the referee cannot help
25 but be influenced. All decisions regarding the above issues should be left in abeyance until
26 the referee has submitted her recommendations to ensure her complete objectivity.

27 Consequently, the court should submit to the referee for investigation and
28 recommendation the motion to disallow auditor expenses and the motion to appoint an

1 interim Watermaster. Additionally, the court should refrain from placing in its order
2 appointing a referee any statement concerning the relationship between the Watermaster
3 and the Advisory Committee or indicating which of those entities is the policy maker for the
4 Basin.

5 IV

6 THE COURT SHOULD DELETE THE STATEMENTS IN THE INTENDED
7 DECISION THAT THE ADVISORY COMMITTEE IS THE
8 POLICY-MAKING BODY FOR THE BASIN

9 A. The Watermaster is the Policy-Making Body Under the Judgment.

10 The Judgment clearly states that:

11 Watermaster, with the advice of the Advisory and Pool Committees, is
12 granted discretionary powers in order to develop an optimum basin manage-
13 ment program for Chino Basin, including both water quantity and quality
14 considerations. (Judgment, ¶ 41, p. 23)

15 There is no question from this paragraph that Watermaster is to take the lead in the
16 development of an optimum basin management program.

17 The preceding paragraph of the Judgment notes:

18 It is essential that this Physical Solution provide maximum flexibility and
19 adaptability in order that Watermaster and the Court may be free to use
20 existing and future technological, social, institutional and economic options,
21 in order to maximize beneficial use of the waters of Chino Basin
(Judgment, ¶ 40, p. 23)

22 There is no mention of the Advisory Committee in the above paragraph. In fact
23 when one reviews the first three paragraphs of the Physical Solution portion of the
24 Judgment (Article IV), there should be no doubt that the Watermaster is intended to be the
25 policy maker for the Basins.

26 B. Statements in Judge Turner's 1989 Ruling Have Been Misconstrued.

27 The Advisory Committee is suggesting that Judge Turner interpreted the Judgment
28 as providing for the Advisory Committee to act as the "policy making group for the Basin"
in his 1989 ruling. When one reads that ruling in its entirety, however, it becomes clear that

1 Judge Turner intended nothing of the sort by his ruling.

2 Judge Turner's ruling was the result of motions filed by the City of Chino, the City
3 of Norco, and the San Bernardino County Water Works. These motions sought review of
4 various Watermaster actions, including the adequacy of its data gathering, the optimum
5 basin management program, the validity of the exchange agreements, the method and timing
6 of the distribution of the Agricultural Pool transfer, and Ontario's storage of 10,000 acre
7 feet of water.

8 The Watermaster and the Advisory Committee acted together to oppose these
9 motions. No issue was before the court at that time concerning the proper relationship
10 between the Watermaster and the Advisory Committee, or concerning their respective roles
11 and duties. Thus, any statement made by the court concerning these issues are, at most,
12 dicta.

13 The court's ruling, which denied of the motions, was based solely upon the moving
14 parties' failure to properly bring these issues before their pool committee and the Advisory
15 Committee and, thereafter, before the Watermaster. The ruling was analogous to a finding
16 of a failure to exhaust administrative remedies. The court, however, was clearly impressed
17 that substantive issues were raised concerning deteriorating water quality in the basin.

18 The Court is convinced that there are some legitimate concerns in the way of
19 long-range planning for improved quality of the water of the basin and for an
20 equitable method of spreading the costs of improving the quality. The motion
21 filed by the Moving Parties has served to point out these problems and bring
22 them to the surface. (Statement of Decision and Order, etc., dated July 31,
1989, p. 15.)

23 The Declaration of J. Grindstaff shows these same issues remain today and have been
24 exacerbated.

25 C. In Context. Judge Turner's Ruling Identifies the Advisory Committee as the Policy-
26 Making Group vis-à-vis Pool Committees.

27 The court dedicated the first three pages of its ruling to a discussion of the
28 background of the Judgment and of the entities created by the Judgment. On page three

1 of the ruling the court noted:

2
3 The Advisory Committee takes actions on all matters considered by the
4 various pools and submits its recommendations to the Watermaster. The
5 Advisory Committee is the policy making group for the Basin. Any action
6 approved by 80 percent or more of the Advisory Committee constitutes a
7 mandate for action by the Watermaster consistent therewith. (Statement of
8 Decision and Order, etc., p. 3.)

9 Focusing on the second sentence of that paragraph, the Advisory Committee argues
10 that it is the sole policy maker for the Chino Basin. This paragraph, however, is clearly
11 dicta and not outcome determinative. Thus, it is not binding upon the parties.

12 More importantly, this paragraph does not establish that the Advisory Committee has
13 any policy making role in its relationship to the Watermaster. Rather, the second sentence
14 of that paragraph is referring to the sentence and the paragraph immediately preceding it.²
15 In other words, it is stating that as between the various pool committees and the Advisory
16 Committee, the Advisory Committee is the central policy-making body.³

17 The last sentence of that paragraph simply paraphrases Paragraphs 38 and 41 of the
18 Judgment. Those paragraphs of the Judgment state that with regard to discretionary
19 decisions concerning the development of an optimum basin management program, an 80
20 vote by the Advisory Committee shall constitute a mandate to the Watermaster.

21 D. The Advisory Committee's Reading of Judge Turner's Ruling Would Modify the
22 Judgment.

23 MONTE VISTA WATER DISTRICT's reading of Judge Turner's ruling is clearly
24 consistent with the portion of the Judgment discussing the relationship between of the Pool
25 Committees and the Advisory Committee:

26 ² Interestingly, the Advisory Committee and the City of Ontario conveniently
27 fail to include the first sentence when quoting this paragraph from Judge
28 Turner's past ruling.

³ This interpretation of Judge Turner's ruling is supported by Exhibit 4 to the
Reply by the law firm of Nossaman, Guthner, Knox & Elliott, LLP. (Exhibit
4-Chino Basin Water Production Assessment Operations for 1974-75, p. 2, ¶
4(a).)

1 (a) Pool Committee. Each Pool Committee shall have the power and res-
2 sponsibility for developing policy recommendations for administration of its
3 particular pool, as created under the Physical Solution. All actions and
4 recommendations of any Pool Committee which require Watermaster
5 implementation shall first be noticed to the other two pools. If no objection
6 is received in writing within thirty (30) days, such action or recommendation
7 shall be transmitted directly to Watermaster for action. If any such objection
8 is received, such action or recommendation shall be reported to the Advisory
9 Committee before being transmitted to Watermaster. (Judgment, ¶ 38(a).)

10 Any other interpretation of Judge Turner's ruling is inconsistent with the terms of
11 the Judgment, especially Paragraph 41. The City of Ontario recognized this fact in its
12 previously filed Response, when it suggested that Judge Turner modified the Judgment by
13 his ruling.

14 MONTE VISTA WATER DISTRICT is confident that Judge Turner never intended
15 by his ruling to modify any portion of the Judgment. Moreover, had he intended such a
16 modification, it would be invalid and void, as issues concerning modification of the
17 Judgment were not before the court at the time of his ruling and as no party was given
18 notice that the court was considering modifying the Judgment. (See Orange County Water
19 Dist. v. Colton (1964) 226 Cal.App.2d 642.)

20 There is no question that the Judgment vested the Watermaster with the powers of
21 policy maker for the Chino Basin. When policy making involves the development of an
22 optimum basin management program for the Basin, Paragraph 38 gives the Advisory
23 Committee the power of mandate over the Watermaster if the Advisory Committee receives
24 80 votes or more of its members. Statements to the contrary in the intended decision
25 should be deleted.

26
27 **V**
28
29 **THE COURT SHOULD DELETE REFERENCES IN THE INTENDED**
30 **DECISION CONCERNING THE ABILITY OF WATERMASTER**
31 **TO CONDUCT AN INDEPENDENT AUDIT**

32 Article V of the Judgment is titled "Watermaster" and describes some of the duties
33 and powers of the Watermaster. These duties and powers include making and adopting

1 rules and regulations (¶ 18), acquiring facilities (¶ 19), employing experts (¶ 20), installing
2 and maintaining measuring devices (¶ 21), levying and collecting assessments (¶ 22),
3 investing funds (¶ 23), borrowing funds (¶ 24), entering into contracts for the performance
4 of powers granted by the Judgment (¶ 25), cooperating with other agencies (¶ 26),
5 undertaking relevant studies of hydrologic conditions (¶ 27), entering into groundwater
6 storage agreements (¶ 28), accounting for stored water (¶ 29), and preparing an annual
7 administrative budget (¶ 30).

8
9 Of the enumerated powers and duties, some note Advisory Committee involvement,
10 while others do not. Under the maxim of *expressio unius est exclusio alterius* ("the expression
11 of one thing is the exclusion of another"), omission of Advisory Committee involvement
12 when describing a Watermaster duty or power indicates that the Judgment did not intend
13 Advisory Committee involvement in that enumerated duty or power. (See Southern Pacific
14 Pipe Lines, Inc. v. State Board of Equalization (1993) 14 Cal.App.4th 42 [Maxim applied
15 to the interpretation of a judgment].)

16 As the paragraph providing for the retention of experts by the Watermaster omits
17 mention of the Advisory Committee, under this maxim the Advisory Committee has no
18 control over the Watermaster's retention of experts. Thus, Watermaster's retention of an
19 accounting firm to conduct an independent audit is an allowed expense.

20 It has been argued previously that Paragraph 38(b) of the Judgment provides for
21 mandate power by the Advisory Committee over the Watermaster on all decisions.
22 Paragraph 38(b), however, only gives the Advisory Committee mandate power over
23 "discretionary determinations." Paragraph 41 of the Judgment defines discretionary powers
24 of the Watermaster as involving the development of "an optimum basin management
25 program for Chino Basin." Thus, "discretionary determinations" do not include the retention
26 of an accounting firm to conduct an audit.

27 The Court's Tentative Ruling notes that Paragraph 54 of the Judgment provides for
28 a division of Watermaster administrative expenses into either special project expenses or
general administrative expenses. As the audit is not a general administrative expense and

1 as the Watermaster did not comply with the provisions concerning special project expenses,
2 the court concludes that the audit is not an allowable Watermaster expense.

3 The use of the term "administrative" in Paragraph 54, however, is not intended to be
4 interpreted as broadly as the court has done. Rather, Paragraph 54 refers to the expenses
5 discussed in Paragraph 41 of the Judgment:

6 . . . Withdrawals and supplemental water replenishment of Basin Water, and
7 the full utilization of the water resources of Chino Basin, must be subject to
8 procedures established by and administered through Watermaster with the
9 advice and assistance of the Advisory and Pool Committees composed of the
10 affected producers. Both the quantity and quality of said water resources may
11 thereby be preserved and the beneficial utilization of the Basin maximized.
12 (Judgment, ¶ 41, p. 23.)

13 The audit conducted by the Watermaster is not an expense falling within Paragraph
14 54. Rather, it is an allowable expense under Paragraph 20. Employment of Experts and
15 Agents.

16 Watermaster may employ or retain such administrative, engineering, geologic,
17 accounting, legal or other specialized personnel and consultants as may be
18 deemed appropriate in the carrying out of its powers and shall require
19 appropriate bonds from all officers and employees handling Watermaster
20 funds. Watermaster shall maintain records for purposes of allocation of costs
21 of such services as well as of all other expenses of Watermaster administration
22 as between the several pools established by the Physical Solution.
23 (Judgment, ¶ 20, p. 13.)

24 Paragraph 54 was never intended to apply to every allowable expense incurred by the
25 Watermaster. In fact, given that the Watermaster is a fiduciary, Watermaster had clear legal
26 obligations to conduct an independent audit after an alleged attempt to embezzle its funds.
27 Thus, the expense was legally mandated.

28 To rule otherwise would be to impose legal liability upon the Watermaster and allow
another and often time adverse entity limit the Watermaster's ability to protect itself from
that liability. This surely was never the intention of the Judgment.

///

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


VI
CONCLUSION

Clearly, judicial economy is served by the appointment of a referee to investigate and report upon the proper relationship among the Watermaster, the Advisory Committee, the water production parties and the public interest. Good cause clearly exists for appointing a referee residing outside of San Bernardino County.

It is clear that none of the contested issues before the court is simple and they all are interrelated. A decision upon one of these issues, limits the referee's flexibility on another issue. For these reasons MONTE VISTA WATER DISTRICT respectfully requests that the court refrain from issuing any order at this time other than the appointment of Anne Schneider as referee, and, thereafter, allow Anne Schneider to investigate and report to the court concerning the matters currently at issue.

DATE: April 18, 1997

MCCORMICK, KIDMAN & BEHRENS, LLP
ARTHUR G. KIDMAN
DAVID D. BOYER

By: 
ARTHUR G. KIDMAN
Attorneys for Defendants MONTE VISTA
WATER DISTRICT

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I am employed in the County of Orange, State of California. I am over the age
4 of 18 and not a party to the within action; my business address is: 695 Town Center
5 Drive, Suite 1400, Costa Mesa, California 92626-1924.

6 On April 18, 1997, I served the foregoing document described as MONTE
7 VISTA WATER DISTRICT'S RESPONSE TO COURT'S ORDER TO SHOW CAUSE
8 RE: APPOINTMENT OF ANN SCHNEIDER AS REFEREE AND ADOPTION OF
9 COURT'S TENTATIVE RULING on the interested parties in this action by placing a
true copy thereof enclosed in a sealed envelope addressed as follows:

10 SEE ATTACHED SERVICE LIST

11 BY MAIL:

12 As follows: I am "readily familiar" with the firm's practice of collection and
13 processing correspondence for mailing. Under that practice it would be
14 deposited with the U.S. Postal Service on that same day with postage thereon
15 fully prepaid at Costa Mesa, California in the ordinary course of business. I am
aware that on motion of the party served, service is presumed invalid if postal
cancellation date or postage meter date is more than one day after date of
deposit for mailing in affidavit.

16 Executed on April 18, 1997, at Costa Mesa, California.

17
18 (STATE) I declare under penalty of perjury under the laws of the State of
19 California that the above is true and correct.

20 Nora M. Blair
21 NORA M. BLAIR, PLS

MAILING LIST A INTERESTED
PARTIES ATTORNEYS OF RECORD

ARNOLD ALVAREZ-GLASMAN ESQ
ALVAREZ-GLASMAN & CLOVEN
505 S GAREY AVE
POMONA CA 91766

HAROLD ANDERSEN
MONTE VISTA IRRIGATION CO
2529 W TEMPLE ST
LOS ANGELES CA 90026-4819

CHET ANDERSON
SOUTHERN CALIFORNIA WATER CO
401 S SAN DIMAS CANYON RD
SAN DIMAS CA 91773

JOHN ANDERSON
BOARD OF DIRECTORS - CBMWD
12455 HOLLY AVE
CHINO CA 91710-2633

RICHARD ANDERSON
BEST, BEST & KRIEGER
PO BOX 1028
RIVERSIDE CA 92501

RICHARD ANDERSON
ATTORNEY AT LAW
1365 WEST FOOTHILL BLVD STE 1
UPLAND CA 91786

A W ARAIZA
WEST SAN BERNARDINO CNTY WD
PO BOX 920
RIALTO CA 92376-0920

STEVE ARBELBIDE
CALIFORNIA STEEL INDUSTRIES IN
PO BOX 5080
FONTANA CA 92334-5080

RODNEY BAKER
ATTORNEY AT LAW
PO BOX 438
COULTERVILLE CA 95311-0438

DANIEL BERGMAN
PYRITE CANYON GROUP INC
3200 C PYRITE ST
RIVERSIDE CA 92509

BOB BEST
NATL RESOURCES CONSERV. SVS
25809 BUSINESS CENTER DR B
REDLANDS CA 92374

GERALD BLACK
FONTANA UNION WATER CO
C/O CCWD
PO BOX 638
RANCHO CUCAMONGA CA 91729-0638

GEORGE BORBA
BOARD OF DIRECTORS - CBMWD
7955 EUCALYPTUS AVE
CHINO CA 91710-9065

KATHRYN H K BRANMAN
MOBILE COMMUNITY MGMT CO
1801 EAST EDINGER AVE #230
SANTA ANA CA 92705-4754

WILLIAM J BRUNICK ESQ
BRUNICK ALVAREZ & BATTERSBY
PO BOX 6425
SAN BERNARDINO CA 92412

TERRY CATLIN
BOARD OF DIRECTORS - CBMWD
2344 IVY COURT
UPLAND CA 91784

CHIEF OF WATERMASTER SERVICE
CHINO BASIN WATERMASTER
8632 ARCHIBALD AVE STE 109
RANCHO CUCAMONGA CA 91730

JEAN CIHIGOYENETCHE
CIHIGOYENETCHE GROSSBERG &
CLOUSE FOR CBMWD
3602 INLAND EMPIRE BLVD STE C315
ONTARIO CA 91764

TERY COOK
KAISER VENTURES INC
3633 E INLAND EMP BLVD STE 850
ONTARIO CA 91764

MAYOR AND COUNCIL MEMBERS
CITY OF CHINO
13220 CENTRAL AVE
CHINO CA 91710

DAVE CROSLY
CITY OF CHINO
5050 SCHAEFER AVE
CHINO CA 91710-3549

SAM CROWE
1131 WEST SIXTH STREET
ONTARIO CA 91762

STEVE CUMMINGS
155 BUCKNELL AVE
VENTURA CA 93003-3919

RICK DARNELL
SOUTHERN CALIFORNIA EDISON
8996 ETTWANDA AVE
ETTWANDA CA 91739-9697

ROBERT DEBERARD
PO BOX 1223
UPLAND CA 91785-1223

ROBERD DELOACH
CITY OF POMONA - DIR. PUBLIC W
PO BOX 660
POMONA CA 91769-0660

ROBERT DOUGHERTY
COVINGTON & CROWE
PO BOX 1515
ONTARIO CA 91762

RICHARDS, WATSON DREYFUSS &
GERSHN
333 SOUTH HOPE ST 30TH FLOOR
LOS ANGELES CA 90071

ANNE W DUNIHUE
BOARD OF DIRECTORS - CBMWD
9395 MANGO AVE
FONTANA CA 92335-5845

BILL STAFFORD
MARYGOLD MUTUAL WATER CO
9715 ALDER ST
BLOOMINGTON CA 92316-1637

DIVISION OF WATER RIGHTS
STATE WTR RESOURCES CNTRL BD
PO BOX 2000
SACRAMENTO CA 95809-2000

MIKE STENBERG
PRAXAIR
5735 AIRPORT DR
ONTARIO CA 91761

GENE TANAKA
BEST BEST & KRIEGER LLP
PO BOX 1028
RIVERSIDE CA 92502

GREG TAYLOR
MWD OF SOUTHERN CALIFORNIA
PO BOX 54153
LOS ANGELES CA 90054-0153

MICHAEL TEAL
CITY OF ONTARIO
1425 S BON VIEW AVENUE
ONTARIO CA 91761-4406

JERRY THIBEAULT
RWQCB - SANTA ANA REGION
3737 MAIN ST STE 500
RIVERSIDE CA 92501-3339

MICHAEL THIES
SPACE CENTER MIRA LOMA INC
3401 E ETIWANDA AVE BLDG 503
MIRA LOMA CA 91752-1126

JOHN THORNTON
PSOMAS & ASSOCIATES
3187 REDHILL AVENUE STE 250
COSTA MESA CA 92626

SUSAN TRAGER
LAW OFFICES OF SUSAN M TRAGER
2100 MAIN ST STE 104
IRVINE CA 92714-6238

HAROLD TREDWAY
10841 PARAMOUNT BLVD
DOWNEY CA 90241

WYATT TROXEL
BOARD OF DIRECTORS - CBMWD
5791 JADEITE AVE
ALTA LOMA CA 91737-2264

ARLAN VAN LEEUWEN
FAIRVIEW FARMS
6829 PINE AVE
CHINO CA 91709

GEOFFREY VANDEN HUEVEL
FOR BROGUERRE & CBWCD
4619 EUCALYPTUS AVENUE
CHINO CA 91710-9215

ERICK VAUGHN
ANGELICA RENTAL SERVICE
300 RANGER AVE
BREA CA 92821

BILL WALLER
PILLSBURY MADISON & SUTRO
725 S FIGUEROA ST, STE 1200
LOS ANGELES CA 90017-5413

JAMES WARD
THOMPSON & COLGATE
PO BOX 1299
RIVERSIDE CA 92502

MARK WARD
AMERON INTERNATIONAL
13032 SLOVER AVE
FONTANA CA 92335-6990

DENNIS WEHSELS
DEPT OF CORRECTIONS
PO BOX 942883
SACRAMENTO CA 95814

RAY WELLINGTON
SAN ANTONIO WEST END OPER.
COMP
139 N EUCLID AVE
UPLAND CA 91786-6036

MICHAEL WHITEHEAD
SAN GABRIEL VALLEY WTR COM
PO BOX 6010
EL MONTE CA 91734

SCOTT J WILCOTT
CALMAT (CONROCK)
PO BOX 2950
LOS ANGELES CA 90051

MARK WILDERMUTH
WATER RESOURCES ENGINEER
415 N EL CAMINO REAL
SAN CLEMENTE CA 92672