

1 WAYNE K. LEMIEUX (Bar No. 43501)
LEMIEUX & O'NEILL
2 200 N. Westlake Boulevard, Suite 100
Westlake Village, California 91362-3755
3 805/495-4770; FAX: 805/495-2787

COPY
FEE EXEMPT
FILED WEST DISTRICT
San Bernardino Co

DEC 18 1998

Cindy Morris

4
5 Attorneys for Chino Basin Watermaster
6

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

10
11 CHINO BASIN MUNICIPAL WATER
DISTRICT,

12 Plaintiff,

13 v.

14 CITY OF CHINO, et al.,

15 Defendants.
16

CASE NO. RCV 51010

NOTICE OF MOTION AND MOTION TO
AMEND THE JUDGMENT
CONCERNING WATERMASTER
COMPENSATION; and MEMORANDUM
OF POINTS AND AUTHORITIES

Hearing Date: January 21, 1999

Time: 10:00 a.m.

Department: RC-H

Specially assigned to the Honorable
Judge J. Michael Gunn

17
18
19 PLEASE TAKE NOTICE on Thursday, January 21, 1999, at 10:00 a.m., or as soon
20 thereafter as the matter may be heard, in Department RC-H of the San Bernardino County
21 Municipal Court, West Region, located at 8303 North Haven Avenue, Rancho Cucamonga,
22 California 91730-3862, Judge J. Michael Gunn, special assigned judge presiding, Chino
23 Basin Watermaster ("Watermaster") will move the Court to amend the Judgment
24 concerning Watermaster compensation.

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

This motion is based on this notice, memorandum of points and authorities,
declaration of Traci Stewart, and such other evidence the court deems appropriate.

Dated: December 16, 1998

Respectfully submitted,

LEMIEUX & O'NEILL

By: 

Wayne K. Lemieux

///
///
///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **Preliminary**

3 On September 9, 1998, the court invited the Chino Basin Watermaster
4 ("Watermaster") to file a motion to address the possible increase in compensation of
5 Watermaster members. This motion requests the court to amend the Judgment with
6 respect to compensation paid to Watermaster.

7 The change in compensation for Watermaster members was initiated by, and has
8 been reviewed and approved by the Pools, the Advisory Committee, and the Watermaster
9 pursuant to paragraph 38 of the Judgment.

10 Under Paragraph 15 of the Judgment (further references are to the Judgment,
11 unless noted), the Court has reserved "full jurisdiction, power and authority . . . as to all
12 matters contained in the judgment, except [for matters not relevant to this motion]." This
13 motion is presented pursuant to both Paragraphs 15 and 38 of the Judgment.

14 **Watermaster Compensation**

15 Watermaster proposes to amend Paragraph 18 to incorporate a new standard for
16 compensation, as follows:

17 "Upon recommendation of the Advisory Committee, Watermaster shall
18 make and adopt, after public hearing, appropriate rules and
19 regulations for conduct of Watermaster affairs, including meeting
20 schedules and procedures. ~~and compensation of members of~~
21 ~~Watermaster at not to exceed \$25 per member per meeting, or \$300~~
22 ~~per member per year, whichever is less~~ Watermaster shall be paid
23 for each day's attendance at meetings at the direction of the board.
24 Watermaster shall adopt Rules specifying the amount of
25 compensation and types of meetings eligible for compensation. The
26 Rules shall also provide for members to obtain reimbursement for plus
27 reasonable and necessary expenses related to activities within the
28 Basin. Thereafter, Watermaster may amend said the rules from time to

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

time upon recommendation, or with approval of the Advisory
Committee after hearing noticed to all active parties. A copy of
said the rules and regulations and of any amendments thereof, shall be
mailed to each active party."

It is proposed this amendment on compensation be effective, nunc pro tunc, beginning on
March 1, 1998.

Watermaster respectfully requests the court to approve the foregoing amendment to
Paragraph 18 of the Judgment.

Dated: December 16, 1998

Respectfully submitted,
LEMIEUX & O'NEILL

By:  _____

Wayne K. Lemieux

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

DECLARATION OF TRACI STEWART


I, TRACI STEWART, declare:

1. I am the Chief of Watermaster Services for Chino Basin Watermaster and I have served in this capacity for about 8 years.

2. The Pools and the Advisory Committee formed under the Judgment met, considered and approved the proposal to modify the Judgment concerning Watermaster compensation as set forth in the instant motion.

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

Executed on December 14, 1998; at Rancho Cucamonga, California.



Traci Stewart

CHINO BASIN MUNICIPAL WATER DISTRICT V. CITY OF CHINO et al.
CASE NO. RCV 51010

PROOF OF SERVICE

I, Michelle Lauffer:

1. I am over the age of 18 and not a party to this action. My business address is Chino Basin Watermaster, 8632 Archibald Avenue, Suite 109, Rancho Cucamonga, California 91730.

2. On today's date, I served the documents identified below by placing a true and correct copy of same in sealed envelopes addressed to each of the addresses shown on the attached mailing lists.

NOTICE OF RULING CONCERNING SCOPE AND LEVEL OF DETAIL
OF OPTIMUM BASIN MANAGEMENT PROGRAM

NOTICE OF MOTION AND MOTION TO AMEND THE JUDGMENT
CONCERNING WATERMASTER COMPENSATION; and MEMORANDUM OF
POINTS AND AUTHORITIES

Hearing Date: January 21, 1999
Time: 10:00 a.m.
Department: RC-H

3. I then placed said envelopes for collection, processing and mailing by Chino Basin Watermaster personnel with the United States Postal Service on today's date, following Chino Basin Watermaster's ordinary business practices. Pursuant to these practices, with which I am familiar, such sealed, addressed envelopes are deposited in the ordinary course of business with the United States Postal Service on the same date they are collected and processed, with postage thereon fully prepaid.

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

Executed on December 18, 1998, at Rancho Cucamonga, California.


Michelle Lauffer

ATTORNEY SERVICE LIST

RICHARD ADAMS II
DEPUTY COUNSEL - POMONA
ALVAREZ-GLASMAN & CLOVEN
505 S GAREY AVE
POMONA CA 91766

ROBERT DOUGHERTY
GENERAL COUNSEL-ONTARIO
COVINGTON & CROWE
P O BOX 1515
ONTARIO CA 91762

MARK HENSLEY
ATTORNEY-CITY OF CHINO HILLS
BURKE WILLIAMS & SORENSON
511 W 6TH ST STE 2500
LOS ANGELES CA 90071-1469

ARTHUR KIDMAN
ATTORNEY-MVWD
MC CORMICK KIDMAN & BEHRENS
695 TOWN CENTER DR STE 1400
COSTA MESA CA 92626-1924

JAMES L MARKMAN
RICHARDS WATSON & GERSHON
P O BOX 1059
BREA CA 92822-1059

JOHN SCHATZ
COUNSEL-JCSD
P O BOX 2279
MISSION VIEJO CA 92690-2279

GENE TANAKA
BEST BEST & KRIEGER LLP
P O BOX 1028
RIVERSIDE CA 92502-1028

WAYNE K LEMIEUX
LEMIEUX & O'NEILL
200 N WESTLAKE BLVD STE 1400
WESTLAKE VILLAGE CA 91362-3755

WILLIAM J. BRUNICK ESQ.
BRUNICK ALVAREZ & BATTERSBY
P O BOX 6425
SAN BERNARDINO CA 92412

FREDERIC FUDACZ
NOSSAMAN GUTHNER KNOX & ELLIOTT LLP
445 S FIGUEROA ST 31ST FL
LOS ANGELES CA 90071-1672

BOYD HILL
ATTORNEY-CITY OF UPLAND
RICHARDS WATSON & GERSHON
333 S HOPE ST 38TH FL
LOS ANGELES CA 90071-1469

JARLATH OLAY
DEPUTY GENERAL COUNSEL MWD
700 N ALAMEDA ST
LOS ANGELES CA 90012

THOMAS H MC PETERS
MC PETERS MC ALEARNEY SHIMFF & HATT
P O BOX 2084
REDLANDS CA 92373

ANNE J SCHNEIDER
ELLISON & SCHNEIDER
2015 H ST
SACRAMENTO CA 95814-3109

ANNE T THOMAS
BEST BEST & KRIEGER LLP
P O BOX 1028
RIVERSIDE CA 92502-1028

JEAN CIHIGOYENETCHE
GENERAL COUNSEL-IEUA
CIHIGOYENETCHE GROSSBERG & CLOUSE
3602 INLAND EMPIRE BLVD STE C315
ONTARIO CA 91764

JIMMY GUTIERREZ
ATTORNEY-CITY OF CHINO
EL CENTRAL REAL PLAZA
12612 CENTRAL AVE
CHINO CA 91710

STEVEN KENNEDY
GENERAL COUNSEL-TVMWD
BRUNICK ALVAREZ & BATTERSBY
P O BOX 6425
SAN BERNARDINO CA 92412

MARILYN LEVIN
STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
300 S SPRING ST 11TH FL N TOWER
LOS ANGELES CA 90013-1232

DAN MC KINNEY
SPECIAL COUNSEL-AG POOL
REID & HELLYER
P O BOX 1300
RIVERSIDE CA 92502-1300

TIMOTHY J RYAN
SAN GABRIEL VALLEY WATER COMPANY
P O BOX 6010
EL MONTE CA 91734

SUSAN TRAGER
LAW OFFICES OF SUSAN M TRAGER
2100 SE MAIN ST STE 104
IRVINE CA 92614-6238

AAA AA
MAILING LIST 1
UPDATED 12/17/98

CURTIS AARON
CITY OF FONTANA
8353 SIERRA AVE
FONTANA CA 92335-3598

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 L. ANDERSON
CBWM BOARD
12455 HOLLY AVE
CHINO CA 91710-2633

RICHARD ANDERSON
1365 W FOOTHILL BLVD STE 1
UPLAND CA 91786

RICHARD ANDERSON
BEST BEST & KRIEGER
P.O. BOX 1028
RIVERSIDE CA 92501

A W ARAIZA
WEST SAN BERNARDINO C W D
P.O. BOX 920
RIALTO CA 92376-0920

STEVE ARBELBIDE
CBWM BOARD
417 PONDEROSA TR
CALIMESA CA 92320

RICHARD ATWATER
BOOKMAN-EDMONSTON ENG INC
225 W BROADWAY SUITE 400
GLENDALE CA 91204-1331

RODNEY BAKER
P.O. BOX 438
COULTERVILLE CA 95311-0438

VICTOR BARRION
MTN VISTA POWER GEN CO
8996 ETIWANDA AVE
ETIWANDA CA 91739

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

BOB BEST
NAT'L RESOURCES CONS SVS
25809 BUSINESS CENTER DR B
REDLANDS CA 92374

GERALD BLACK
FONTANA UNION WATER CO
P.O. BOX 638
RCHO CUCA CA 91729-0638

KATHIE BLYSKAL
SUNKIST GROWERS INC
760 E SUNKIST ST
ONTARIO CA 91761

PATTI BONAWITZ
IEUA * MWD
P.O. BOX 697
RCHO CUCA CA 91729-0697

GEORGE BORBA JR
7955 EUCALYPTUS AVE
CHINO CA 91710-9065

BEVERLY BRADEN
WEST END CONS WATER CO
P.O. BOX 460
UPLAND CA 91785

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

RICK BUFFINGTON
STATE OF CA CIM
P.O. BOX 1031
CHINO CA 91710

TERRY CATLIN
CBWM BOARD
2344 IVY CT
UPLAND CA 91784

NEIL CLIFTON
IEUA * MWD
P.O. BOX 697
RANCHO CUCAMONGA CA 91729-0697

TERRY COOK
KAISERVENTURES INC
3633 E INLD EMP BLVD STE 850
ONTARIO CA 91764

GEORGE COSBY
CALMAT PROPERTIES CO
3200 N SAN FERNANDO RD
LOS ANGELES CA 90065

DAVE CROSLEY
CITY OF CHINO
5050 SCHAEFER AVE
CHINO CA 91710-5549

ROBERT DEBERARD
CHAIRMAN-AG POOL
P.O. BOX 1223
UPLAND CA 91785-1223

ROBERT DELOACH
CUCAMONGA COUNTY WATER DIST
P.O. BOX 638
RANCHO CUCA CA 91729-0638

BILL DENDY
BILL DENDY & ASSOCIATES
429 F ST SUITE 2
DAVIS CA 95616-4111

GREG DEVEREAUX
CITY OF ONTARIO
303 E "B" ST
ONTARIO CA 91764

GERALD A. DUBOIS
CBWM BOARD
303 E B ST
ONTARIO CA 91764

DICK DYKSTRA
10129 SCHAEFER
ONTARIO CA 91761-7973

RALPH FRANK
755 LAKEFIELD RD #3
WESTLAKE VILLAGE CA 91361

SAM FULLER
SAN BERNARDINO VALLEY MWD
P.O. BOX 5906
SAN BERNARDINO CA 92412-5906

MARK GAGE P E
GEOMATRIX CONSULTANTS INC
100 PINE ST 10TH FL
SAN FRANCISCO CA 94111

JIM GALLAGHER
SOUTHERN CALIFORNIA WATER CO
2143 CONVENTION CTR WAY STE 110
ONTARIO CA 91764

ALLAN E GLUCK
N AMERICAN COMM REAL EST
123 S. FIGUEROA ST STE 190 B
LOS ANGELES CA 90012-5517

JOE GRINDSTAFF
SAWPA
11615 STERLING AVE
RIVERSIDE CA 92503

JACK HAGERMAN
STATE OF CA CIM
4158 CENTER ST
NORCO CA 91760

RICK HANSEN
THREE VALLEYS M W D
P.O. BOX 1300
CLAREMONT CA 91711

DONALD HARRIGER
CBWM BOARD
P.O. BOX 5286
RIVERSIDE CA 92517-5286

CARL HAUGE
DEPT OF WATER RESOURCES
1020 9TH ST 3RD FL
SACRAMENTO CA 95814

SCOTT HENDRIX
ARROWHEAD WATER COMP
5772 JURUPA RD
ONTARIO CA 91761-3672

ATTORNEY AT LAW
HIGGS FLETCHER & MACK
401 W A STREET
SAN DIEGO CA 92101-7908

PAUL HOFER
CBWM BOARD
11248 S TURNER AVE
ONTARIO CA 91761

NINA JAZMADARIAN
METROPOLITAN WATER DISTRICT
P.O. BOX 54153
LOS ANGELES CA 90054-0153

KEN JESKE
CITY OF ONTARIO
1425 S BON VIEW AVE
ONTARIO CA 91761-4406

JOSEPHINE JOHNSON
CBWM BOARD
3635 RIVERSIDE DR
CHINO CA 91710

GENERAL MANAGER
JURUPA COMM SVCS DIST
8621 JURUPA RD
RIVERSIDE CA 92509-3229

BARRETT KEHL
CBWCD
P.O. BOX 2400
MONTCLAIR CA 91763-0900

PATRICK KING
CBWM BOARD MEMBER
303 E "B" ST
ONTARIO CA 91764-4196

MARK KINSEY
MONTE VISTA WATER DISTRICT
P.O. BOX 71
MONTCLAIR CA 91763-0071

VERN KNOOP
DEPT OF WATER RESOURCES
770 FAIRMONT AVE
GLENDALE CA 91203-1035

GENE KOOPMAN
13898 ARCHIBALD AVE
ONTARIO CA 91761-7979

J KOPALD & L HAIT
KOPALD & MARK
8888 OLYMPIC BLVD
BEVERLY HILLS CA 90211

MANAGER
KRONICK MOSKOVITZ TIEDEMANN &
GIRARD
400 CAPITOL MALL 27TH FL
SACRAMENTO CA 95814-4417

A. A. KRUEGER
CBWM BOARD
3736 TOWNE PARK CR
POMONA CA 91767

KENNETH KULES
METROPOLITAN WATER DISTRICT
P.O. BOX 54153
LOS ANGELES CA 90054-0153

ARTHUR LITTLEWORTH
BEST BEST & KRIEGER
P.O. BOX 1028
RIVERSIDE CA 92501

ALAN MARKS
CTY OF SAN BERN CTY CNSL
157 W 5TH ST
SAN BERNARDINO CA 92415

MIKE MCGRAW
FONTANA WATER COMPANY
P.O. BOX 987
FONTANA CA 92334-0987

BILL MILLS
ORANGE COUNTY WATER DIST
P.O. BOX 8300
FTN VALLEY CA 92728-8300

RUBEN MONTES
SAN BERNARDINO CTY FLD CONT DIS
825 E THIRD ST
SAN BERNARDINO CA 92415

JIM MOODY
CITY OF UPLAND
P.O. BOX 460
UPLAND CA 91785-0460

CHRIS NAGLER
DEPT OF WATER RESOURCES
770 FAIRMONT AVE SUITE 102
GLENDALE CA 91203-1035

ROBERT NEUFELD
CHAIRMAN CBWM BOARD
14111 SAN GABRIEL CT
RANCHO CUCAMONGA CA 91739

DANA OLDENKAMP
MILK PRODUCERS COUNCIL
3214 CENTURION PL
ONTARIO CA 91761

ROBERT OLISLAGERS
CNTY OF SAN BERNARDINO
7000 MERRILL AVE BOX 1
CHINO CA 91710-9027

HENRY PEPPER
CITY OF POMONA
505 S GAREY AVE
POMONA CA 91766

JEFFREY PIERSON
UNITEX /CORONA FARMS
3090 PULLMAN ST STE 209
COSTA MESA CA 92626

ROBB D QUINCEY
IEUA * MWD
P.O. BOX 697
RCHO CUCA CA 91729-0697

LEE R REDMOND III
KAISER VENTURES INC
3633 E INLD EMP BLVD STE 850
ONTARIO CA 91764

BILL RICE
RWQCB - SANTA ANA REGION
3737 MAIN ST STE 500
RIVERSIDE CA 92501-3339

DAVID RINGEL
MONTGOMERY WATSON
P.O. BOX 7009
PASADENA CA 91109-7009

ARNOLD RODRIGUEZ
SANTA ANA RIVER WATER CO
10530 54TH ST
MIRA LOMA CA 91752-2331

GLEN ROJAS
CITY OF CHINO
P.O. BOX 667
CHINO CA 91708-0667

MICHAEL RUDINICA
RBF & ASSOCIATES
14725 ALTON PARKWAY
IRVINE CA 92619-7057

MANAGER
RUTAN & TUCKER
611 ANTON BLVD STE 1400
COSTA MESA CA 92626

WAYNE SALMI
PRAXAIR
5735 AIRPORT DR
ONTARIO CA 91761

PATRICK SAMPSON
P.O. BOX 660
POMONA CA 91769

JOSEPH C SCALMANINI
500 FIRST ST
WOODLAND CA 95695

JOHN SCHATZ
FOR JURUPA COMM SVS DIST
P.O. BOX 7775
LAGUNA NIGUEL CA 92607-7775

JOE SCHENK
CITY OF NORCO
P.O. BOX 428
NORCO CA 91760-0428

DONALD SCHROEDER
CBWM BOARD
3700 MINTERN
RIVERSIDE CA 92509

DAVID SCRIVEN
KRIEGER & STEWART
3602 UNIVERSITY AVE
RIVERSIDE CA 92501

MARILYN SMITH
SECY ONTARIO CITY COUNCIL
303 E "B" STREET
ONTARIO CA 91764

MICHAEL SMITH
NICHOLS STEAD BOILEAU & KOSTOF
223 W FOOTHILL BLVD #200
CLAREMONT CA 91711-2708

MS. PHIL SMITH
STATE OF CA
P.O. BOX 942883
SACRAMENTO CA 94283-0001

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

DAVID STARNES
MOBILE COMMUNITY MGMT CO
1801 E EDINGER AVE STE 230
SANTA ANA CA 92705

ED STRAUB
CALIFORNIA SPEEDWAY
P.O. BOX 9300
FONTANA CA 92334-9300

SWRCB
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO CA 95809-2000

LENNA TANNER
CITY CLERK - CITY OF CHINO
P.O. BOX 667
CHINO CA 91708-0667

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

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

DAVID THOMPSON
GE-MGR ENV REMEDIATION PROGRA
640 FREEDOM BUSINESS CTR.
KING OF PRUSSIA PA 19406

JOHN THORNTON
PSOMAS AND ASSOCIATES
3187 RED HILL AVE, SUITE 250
COSTA MESA CA 92626

HAROLD TREDWAY
10841 PARAMOUNT BLVD
DOWNEY CA 90241

ARLAN VAN LEEUWEN
FAIRVIEW FARMS
6875 PINE AVE
CHINO CA 91710-9165

GEOFFREY VANDEN HEUVEL
CBWM BOARD
7551 KIMBALL AVE
CHINO CA 92710-9269

ERICK VAUGHN
ANGELICA RENTAL SERVICE
P.O. BOX 1209
BREA CA 92822-1209

WILLIAM C. WALKER JR.
CBWM BOARD
3768 E GRAND AVE
POMONA CA 91766

JAMES WARD
THOMPSON & COLGATE
P.O. BOX 1299
RIVERSIDE CA 92502

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

RAY WELLINGTON
SAN ANTONIO WATER COMPANY
139 N EUCLID AVE
UPLAND CA 91786-6036

CHARLES R. WHITE
DEPT WATER RESOURCES-SO DIST
770 FAIRMONT AVE
GLENDALE CA 91203-1035

MICHAEL WHITEHEAD
SAN GABRIEL VALLEY WATER CO
P.O. BOX 6010
EL MONTE CA 91734

MARK WILDERMUTH
WILDERMUTH ENVIRONMENTAL INC
415 N EL CAMINO REAL STE A
SAN CLEMENTE CA 92672

JEROME WILSON
CBWM BOARD
6035 FALLING TREE LN
ALTA LOMA CA 91737

STAN YARBROUGH
CITY OF CHINO HILLS
2001 GRAND AVE
CHINO HILLS CA 91709-4869