

OBMP

Filed 12/18/98

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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
17

CASE NO. RCV 51010

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

Specially assigned to the Honorable
Judge J. Michael Gunn

18 PLEASE TAKE NOTICE Judge J. Michael Gunn entered the ORDER
19 CONCERNING SCOPE AND LEVEL OF DETAIL OF OPTIMUM BASIN MANAGEMENT
20 PROGRAM, attached as Exhibit "A" hereto.

21 Dated: December 16, 1998

LEMIEUX & O'NEILL

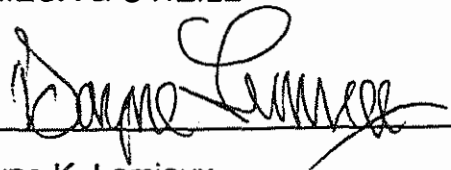
22
23 By: 
24 Wayne K. Lemieux
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EXHIBIT "A"

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FILED-West District
San Bernardino County Clerk

DEC 15 1998

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5 Attorneys for Chino Basin Watermaster

By  Deputy

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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.

CASE NO. RCV 51010

[PROPOSED] ORDER CONCERNING
SCOPE AND LEVEL OF DETAIL OF
OPTIMUM BASIN MANAGEMENT
PROGRAM

Hearing Date: November 5, 1998

Time: 8:30 a.m.

Department: RC-H

Specially assigned to the Honorable
Judge J. Michael Gunn

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19 On September 9, 1998, the court conducted a hearing to determine the appropriate
20 "scope and level of detail" of the Optimum Basin Management Program ("OBMP"). The
21 Chino Basin Watermaster ("Watermaster") proposed the scope and level of detail in
22 moving papers dated June 29, 1998. The Watermaster's original proposal was expanded
23 in supplemental papers submitted October 23, 1998. Another hearing was held on
24 November 5, 1998. Wayne K. Lemieux of Lemieux & O'Neill, represented the
25 Watermaster, Jimmy Gutierrez represented the City of Chino, David Boyer of McCormick,
26 Kidman & Behrens represented the Monte Vista Water District, Arthur L. Littleworth of
27 Best, Best & Krieger represented Cucamonga County Water District, Steven M. Kennedy
28 of Brunick, Alvarez & Battersby represented Three Valleys Municipal Water District, and

1 Marilyn H. Levin, Deputy Attorney General, represent the State of California and the
2 Department of Corrections. The court considered the moving and supplemental papers
3 and argument. Good cause appearing,

4 IT IS ORDERED that the Scope and Level of Detail of the Optimum Basin
5 Management Program is approved as set forth in the Watermaster's moving papers and
6 supplemental papers.

7 IT IS FURTHER ORDERED that this approval shall not constitute approval of the
8 substance of the Optimum Basin Management Program. More particularly, identification
9 of the causes for Basin problems, and possible solutions for the problems, as set forth in
10 the moving papers, are not addressed by this order.

11

12 IT IS SO ORDERED. DEC 15 1998

13 DATED: ~~December 15~~, 1998

J. Michael Gunn

14 HONORABLE J. MICHAEL GUNN

15

16 APPROVED AS TO FORM AND CONTENT:
17 LEMIEUX & O'NEILL

18 By: Wayne K. Lemieux
19 Wayne K. Lemieux, Attorneys for Watermaster

20 Jimmy Gutierrez
21 Jimmy Gutierrez, Attorney for City of Chino
22 McCORMICK, KIDMAN & BEHRENS

23 By: _____
24 David Boyer, Attorneys for Monte Vista Water District
25 BEST, BEST & KRIEGER

26 By: _____
27 Arthur L. Littleworth, Attorneys for Cucamonga County Water District

28 ///

1 Marilyn H. Levir Deputy Attorney General, represent the State of California and the
2 Department of Corrections. The court considered the moving and supplemental papers
3 and argument. Good cause appearing,

4 IT IS ORDERED that the Scope and Level of Detail of the Optimum Basin
5 Management Program is approved as set forth in the Watermaster's moving papers and
6 supplemental papers.

7 IT IS FURTHER ORDERED that this approval shall not constitute approval of the
8 substance of the Optimum Basin Management Program. More particularly, identification
9 of the causes for Basin problems, and possible solutions for the problems, as set forth in
10 the moving papers, are not addressed by this order.

11
12 IT IS SO ORDERED.

13 DATED: _____, 1998
14 _____
15 HONORABLE J. MICHAEL GUNN

16 APPROVED AS TO FORM AND CONTENT:
17 LEMIEUX & O'NEILL

18 By: _____
19 Wayne K. Lemieux, Attorneys for Watermaster

20 _____
21 Jimmy Gutierrez, Attorney for City of Chino
22 McCORMICK, KIDMAN & BEHRENS

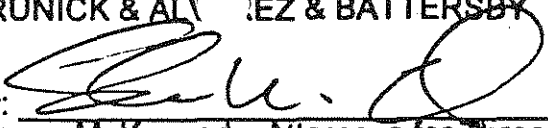
23 By: _____
24 David Boyer, Attorneys for Monte Vista Water District
25 BEST, BEST & KRIEGER

26 By: *Arthur L. Littleworth*
27 Arthur L. Littleworth, Attorneys for Cucamonga County Water District

28 ///

1 BRUNICK & ALI KEZ & BATTERSBY

2

By: 

3 Steven M. Kennedy, Attorneys for Three Valleys Municipal Water District

4 STATE OF CALIFORNIA and DEPARTMENT OF CORRECTIONS

5

By: _____
6 Marilyn H. Levin, Deputy Attorney General

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1 BRUNICK & ALV EZ & BATTERSBY

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3 By: Steven M. Kennedy, Attorneys for Three Valleys Municipal Water District

4 STATE OF CALIFORNIA and DEPARTMENT OF CORRECTIONS

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6 By: Marilyn H. Levin, Deputy Attorney General

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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)
17)
18)

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

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 //
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27 ///
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1 This motion based on this notice, memorandum of points and authorities,
2 declaration of Traci Stewart, and such other evidence the court deems appropriate.

3 Dated: December 16, 1998

Respectfully submitted,
4 LEMIEUX & O'NEILL

5
6 By: 
7 Wayne K. Lemieux

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

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

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

9
10 Dated: December 16, 1998

Respectfully submitted,
LEMIEUX & O'NEILL

11
12
13 By: 
14 Wayne K. Lemieux

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

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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