

SEP 22 1999

By *[Signature]*
Deputy

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7 Chino Basin Watermaster

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

10
11 CHINO BASIN MUNICIPAL WATER)
12 DISTRICT,)
13 Plaintiff,)
14 vs.)
15 CITY OF CHINO, et al.,)
16 Defendants.)

) CASE NO.: RCV 51010
)
) SUPPLEMENTAL MEMORANDUM OF POINTS
) AND AUTHORITIES, AND SUPPLEMENTAL
) DECLARATION OF TRACI STEWART
) CONCERNING STATUS OF NEGOTIATIONS WITH
) THE DEPARTMENT OF WATER RESOURCES
) AND THE OPTIMUM BASIN MANAGEMENT
) PROGRAM

) Hearing Date: September 30, 1999
) Time: 1:30 p.m.; Dept. R-8

17
18 Specially assigned to the Honorable J. Michael Gunn

19
20 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

21 Chino Basin Watermaster submits the following Supplemental Points and Authorities
22 in Support of Notice of Motion and Motion concerning status of negotiations with the
23 Department of Water Resources and the Optimum Basin Management Program, and the
24 Supplemental Declaration of Traci Stewart ("Stewart Supp.Decl.").

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2 **SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES**

3 **Introduction**

4 Watermaster filed a notice of motion, motion and memorandum of points and
5 authorities concerning the status of negotiations with the Department of Water Resources
6 (DWR) and the OBMP on August 31, 1999. This is submitted as a supplement to that filing.
7

8 **Background**

9 Watermaster conducted a public hearing on September 15, 1999, at 9:00 a.m. in the
10 City of Ontario Council Chambers. (Stewart Supp. Decl., paragraph 3.) At that hearing,
11 oral comments were heard by the Watermaster Board regarding the OBMP Phase I Report.
12 (Ibid.) The Board members discussed the comments and took action to forward the Phase
13 I Report to the Court. (Stewart Supp. Decl., paragraph 5.) A transcript of the hearing is
14 included in the "Optimum Basin Management Program Appendix A – Public Comments."
15 (See Stewart Supp. Decl., Exhibit "C.")
16

17 **Receive and File the OBMP Phase I Report**

18 There is consensus among the parties the OBMP Phase I Report, including all
19 written and oral comments, should be submitted to the Court to be received and filed as a
20 Phase I Report.
21

22 **Conclusion**

23 The Court is requested to:

- 24 (1) Order the OBMP to be developed in two phases;
25 (2) Receive and file the OBMP Phase I Report;
26 (3) Cancel the October 28, 1999, hearing on the Watermaster Board;
27 (4) Schedule a hearing for April 30, 2000, on the continuation of the nine-member
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Watermaster board; and

(5) Schedule a hearing for March 31, 2000, on the status of negotiations with

DWR.

Dated: SEP 21, 1999

Respectfully submitted,

LEMIEUX & O'NEILL

By: Wayne K. Lemieux
Wayne K. Lemieux

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2 **DECLARATION OF TRACI STEWART**

3 I, Traci Stewart, declare:

4 1. I am the Chief of Watermaster Services for Chino Basin Watermaster and I
5 have served in this capacity for approximately five years.

6 2. I caused a copy of the Optimum Basin Management Program ("OBMP")
7 Phase I Report to be mailed to all participating Board and Committee Members and any
8 Interested Parties on August 19, 1999. Since that time, I caused copies of the Report to be
9 provided to members of the public who requested it, and I caused a copy of the Report to
10 be mailed to all remaining parties shown on the list attached to the proof of service for this
11 filing on September 21, 1999. For convenience, this document is herein referred to as the
12 "Phase I Report." A copy of this Phase I Report is attached to this declaration as Exhibit
13 "A".

14 3. On September 15, 1999, Watermaster conducted a duly noticed public
15 hearing in the City of Ontario Council Chambers on the Phase I Report. At the hearing,
16 several parties gave comments to the Watermaster Board. Exhibit "B" attached hereto is a
17 list of the parties who presented oral testimony at the hearing regarding the Phase I Report.

18 4. During the process of its development, Watermaster also invited and received
19 written comments on the Phase I Report. Attached as Exhibit "C" is Appendix A – Public
20 Comments. It contains the written comments received concerning the Phase I Report and
21 a copy of the transcript from the September 15, 1999 hearing.

22 5. At the conclusion of the hearing, the Watermaster considered all the
23 comments it received, and unanimously adopted the following motion:

24 "Move, that the Watermaster, making note of all of the objections that have been
25 raised and concerns, nonetheless move ahead and accept Sections 1 through 4 as
26 a report and forward it on to the Court."

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6. The Phase I Report attached hereto is an unaltered version of the Phase I Report distributed on August 19, 1999.

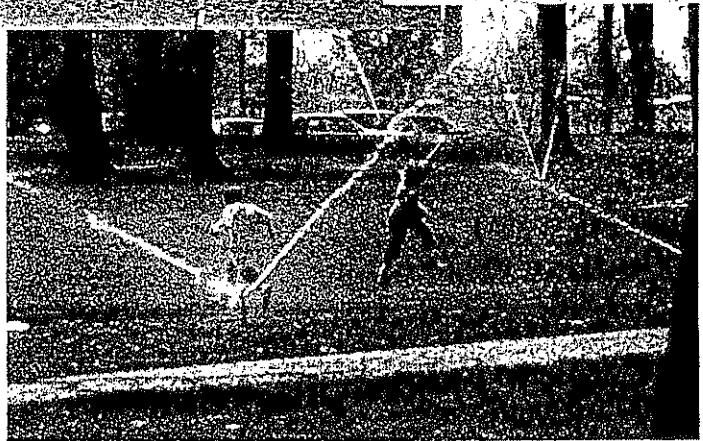
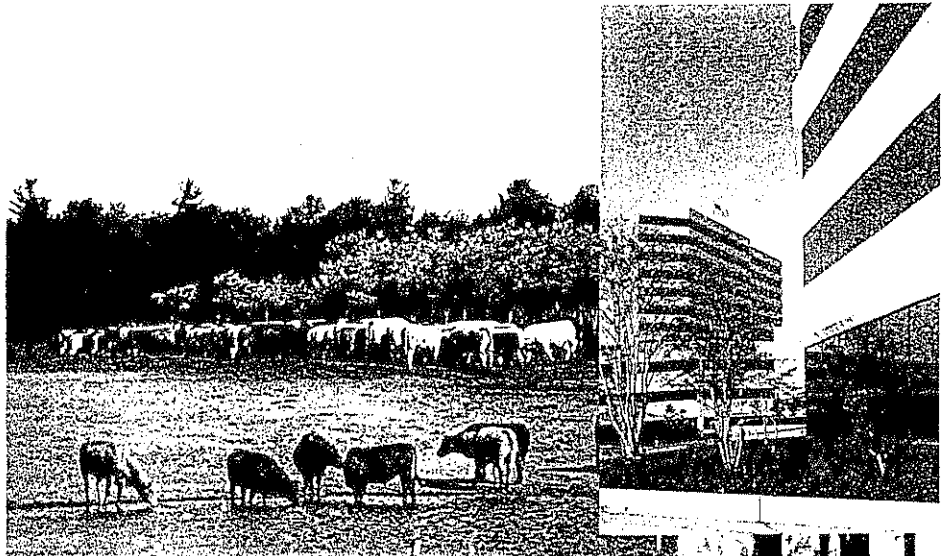
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed on Sept 21, 1999, at Rancho Cucamonga, California.



Traci Stewart

Optimum Basin Management Program



Phase I Report

Prepared for
Chino Basin Watermaster

August 19, 1999

WE WILDERMUTH
ENVIRONMENTAL, INC.

EXHIBIT A

Digitally scanned on August 10, 2000