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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 12 FOR THE COUNTY OF SAN BERNARDINO

15 CHINO BASIN MUNICIPAL WATER
 DISTRICT,

16 Plaintiff,

17 vs.

18 CITY OF CHINO, et al.,

19 Defendants.

CASE NO.: RCV 51010

STATUS CONFERENCE STATEMENT
 OF CUCAMONGA COUNTY WATER
 DISTRICT AND THE CITY OF
 POMONA

Date: March 16, 2000
 Time: 1:30 p.m.
 Dept: R8

22 Cucamonga County Water District (CCWD) and the City of Pomona are submitting this status
 23 conference statement on the date of the status conference because Monte Vista Water District's
 24 Response to Watermaster's Status Report was unexpected, raised new issues, and was not received by
 25 the parties until March 14.

26 Monte Vista's response says that its position on wet water recharge was not adequately
 27 presented in the status report. However, the response goes farther and gives an extensive discussion
 28 of the merits of Monte Vista's position.

1 This status conference is not the time or place to determine the merits of wet water recharge.
 2 For one thing, the parties have not had an opportunity to brief the issue. For another, the issue will
 3 be addressed in the OBMP process.

4 CCWD and Pomona are concerned because Monte Vista's response appears to be an attempt
 5 to predispose the court to a particular decision on issues which have not yet been brought before the
 6 court.

7 Further, Monte Vista puts forth unsupported allegations regarding the Watermaster's motives
 8 in replacing its former counsel, and alleged undue influence on the Watermaster's current counsel.
 9 The court should not permit such allegations unless they are supported by evidence.

10 Finally, Monte Vista gives a very misleading picture of the Watermaster's decision on
 11 December 16, 1999, regarding transfer policy. At the meeting, Monte Vista took the position, as it
 12 does now, that the judgment and the rules require Watermaster approval of an extraction plan before
 13 transferred production rights can be exercised. However, it was pointed out that the judgment
 14 provisions at issue only apply to the transfer of *stored water*. Some parties took the position that the
 15 judgment provisions regarding "stored water" did not apply to transfers of production rights.

16 Wayne Lemieux's opinion letter, Exhibit A to the response, did not deal directly with this
 17 issue, but instead said that due process required an administrative hearing before any Watermaster
 18 determination, and evidence in the record to support that determination.

19 At the December 16 meeting, different positions on the administrative hearing issue were
 20 presented both orally and in writing. Ultimately, Mr. Lemieux agreed that the administrative hearing
 21 requirement could be satisfied by action taken at a properly noticed meeting at which parties were
 22 given an opportunity to object.

23 At the meeting the parties agreed that Monte Vista's arguments for extending the transfer
 24 approval requirements should be addressed as part of the OBMP process. Accordingly, the
 25 Watermaster decided by formal motion not to extend the requirements for extraction of stored water
 26 to the exercise of leased production rights at that time, but to make sure the issue was addressed in
 27 the OBMP.

28

1 If Monte Vista wishes to challenge the Watermaster's decision of December 16, 1999, there is
2 a procedure for doing so. It has chosen not to avail itself of this procedure, but rather to put forward
3 its position in an inappropriate way.

4 CCWD and Pomona believe that both issues, wet water recharge and transfer policy, are best
5 addressed in the development of the OBMP. If the issues cannot be resolved there, the court may be
6 asked to decide. Accordingly, the court should require that arguments on the merits be presented in a
7 manner in which both sides have an opportunity to be heard.

8
9 Dated March 16, 2000

Respectfully submitted,

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12 BEST, BEST & KRIEGER LLP

LAGERLOF, SENECA, BRADLEY,
GOSNEY & KRUSE, LLP

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