

1 GENE TANAKA, Bar No. 101423
2 BEST BEST & KRIEGER LLP
3 3750 University Avenue, Suite 400
4 P.O. Box 1028
5 Riverside, California 92502-1028
6 Telephone: (909) 686-1450
7 Telecopier: (909) 686-3083

8 Attorneys for Defendant
9 Cucamonga County Water District

FEE EXEMPT

FILED - West District
San Bernardino County Clerk

APR 17 2001

By Susan King
Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN BERNARDINO
12 RANCHO CUCAMONGA DISTRICT

13 CHINO BASIN MUNICIPAL WATER
14 DISTRICT,

15 Plaintiff,

16 v.

17 THE CITY OF CHINO, et al.,

18 Defendants.

Case No. RCV 51010
Judge: Honorable J. Michael Gunn

DEFENDANT CUCAMONGA COUNTY
WATER DISTRICT'S RESPONSE TO
DEFENDANT MONTE VISTA WATER
DISTRICT'S STATEMENT OF NON-
OPPOSITION AND RESERVATION OF
RIGHTS

Date: April 19, 2001
Time: 2:00 p.m.
Dept: R8

CUCAMONGA'S RESPONSE TO MONTE VISTA'S STATEMENT

1
2
3 With reluctance, Defendant Cucamonga County Water District ("Cucamonga") responds to
4 the Statement of Non-Opposition and Reservation of Rights, etc., dated April 12, 2001
5 ("Statement"), of Defendant Monte Vista Water District ("Monte Vista"). Of all the negotiating
6 parties, only Monte Vista has expressed reservations to the Chino Basin Watermaster's Rules and
7 Regulations before they are even adopted. Because Monte Vista's reservations are premature and
8 baseless, Cucamonga will set forth its disagreement.

9
10 All of the parties negotiating the Rules and Regulations brought their concerns and
11 reservations to the negotiating table. After months of hard negotiations, everyone, including Monte
12 Vista, compromised their positions and agreed upon the proposed Rules and Regulations. As a
13 result, Cucamonga no longer has reservations and whole-heartedly embraces the Rules and
14 Regulations. Unfortunately, Monte Vista's Statement creates opposing concerns for other parties
15 and thereby, undermines the trust and cooperation crucial to successful implementation of the
16 Optimum Basin Management Plan ("OBMP").

17
18 In the spirit of cooperation, Cucamonga will not, at this time, set forth its position regarding
19 Monte Vista. However, it is necessary to clear the record as to Monte Vista's false assertions. First,
20 Monte Vista's prospectively objects to Advisory Committee mandates that undermine the
21 Watermaster's authority. (Statement, pp. 2-4.) However, the Rules and Regulations provide that
22 the relationship between the Advisory Committee and the Watermaster Board shall remain exactly
23 the same under the Judgment. All parties could argue about whether prior actions of the Watermaster
24 Board or the Advisory Committee improperly usurped their respective powers, but those previous
25 actions are just that, past actions. Since the Rules and Regulations do not change the legal
26 relationships between the Advisory Committee and Watermaster under the Judgment, and any actions
27 enforcing the OBMP under the Rules and Regulations are prospective, Monte Vista has jumped the
28 gun.

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE
POST OFFICE BOX 1028
RIVERSIDE, CALIFORNIA 92502

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE
POST OFFICE BOX 1028
RIVERSIDE, CALIFORNIA 92502

1 Second, Monte Vista expresses concern that many water producers "would like to be freed
2 from oversight by the Special Referee so that they, through the Advisory Committee, can return to
3 the regime of dominion over the Watermaster." (Statement, p. 5.) Cucamonga disagrees with Monte
4 Vista's characterization of "regime of dominion" and could argue that the exact opposite is true.
5 (Statement, pp. 4-5.) More importantly, Cucamonga certainly would not and could not "pull a fast
6 one," and does not believe any of the other parties have similar intentions. Given the heightened
7 involvement of all parties under the OBMP and the Rules and Regulations, and the active oversight
8 of counsel for the Watermaster, no one will be able to subvert this process without the parties
9 becoming aware, and, if necessary, the Court becoming involved. Monte Vista's efforts to align itself
10 with the Court and Special Referee is troubling and meritless.

11
12 Third, Monte Vista reserves its right to seek enforcement of the Implementation Plan in the
13 event that the Advisory Committee pressures the Watermaster to backslide on it. (Statement, pp. 5-
14 6.) Again, the parties will not be able to perform their actions in "secret," and if they do, Monte
15 Vista, as well as every other party, has the ability to raise its concerns. However, it is unfair to
16 suggest this will occur prior to the implementation of the Rules and Regulations.

17
18 The crux of Monte Vista's Statement is that other parties will subvert the OBMP process.
19 Ironically, undercutting the compromise will do as much to undermine the process.

20
21 DATED: April 17, 2001

BEST BEST & KRIEGER LLP

22
23 By: Gene Tanaka
24 Gene Tanaka
25 Attorney for Defendant
26 Cucamonga County Water District
27
28

1 BURTON J. GINDLER (State Bar No. 21990)
2 MORRISON & FOERSTER LLP
3 555 West Fifth Street, Suite 3500
4 Los Angeles, California 90013-1024
5 Telephone: (213) 892-5200
6 Facsimile: (213) 892-5454

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APR 17 2001

By *Burton J. Gindler* De

7 Attorneys for Defendant
8 SAN GABRIEL VALLEY WATER COMPANY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN BERNARDINO
11 RANCHO CUCAMONGA DISTRICT

12 CHINO BASIN MUNICIPAL WATER
13 DISTRICT,

Plaintiff,

v.

14 THE CITY OF CHINO, et al.,

15 Defendants.

Case No. RCV 51010
Judge: Honorable J. Michael Gunn

DEFENDANT SAN GABRIEL
VALLEY WATER COMPANY'S
RESPONSE BY JOINDER TO
DEFENDANT MONTE VISTA
WATER DISTRICT'S STATEMENT
OF NON-OPPOSITION AND
RESERVATION OF RIGHTS

16 Date: April 19, 2001
17 Time: 2:00 p.m.
18 Dept.: R-8

19
20 Defendant San Gabriel Valley Water Company joins in the Response filed
21 by defendant Cucamonga County Water District to Defendant Monte Vista
22 Water District's Statement.

23 Dated: April 17, 2001

Respectfully submitted,

24 BURTON J. GINDLER
25 MORRISON & FOERSTER LLP

26 By: *Burton J. Gindler*
27 **Burton J. Gindler**
28 Attorneys for Defendant San Gabriel
Valley Water Company

1 **Thomas H. McPeters/Bar No. 034300**
2 **McPeters McAlearney Shimoff & Hatt**
3 A Professional Corporation
4 4 West Redlands Blvd., 2nd Floor
5 Redlands, California 92373
6 Ph. No. (909) 792-8919
7 Fax No. (909) 792-6234
8 Attorney for San Antonio Water Company

FEE EXEMPT

FILED - West Dist
San Bernardino County

APR 17 2001

By *[Signature]*
Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION

11 CHINO BASIN MUNICIPAL)
12 WATER DISTRICT,)
13 Plaintiff,)
14 v.)
15)
16 THE CITY OF CHINO,)
17 DEFENDANTS.)
18)
19)

CASE NO. REV 51010

Judge: Honorable J. Michael Gunn

**SAN ANTONIO WATER COMPANY'S
RESPONSE TO MONTE VISTA WATER
DISTRICT'S STATEMENT OF
NON-OPPOSITION AND RESERVATION
OF RIGHTS**

Date: April 19, 2001
Time: 2:00 PM
Dept: R8

21 San Antonio Water Company ("San Antonio") objects to the injection in these proceedings,
22 which deal with the adoption of the Rules and Regulations, of the supposition of malicious intent
23 by "many water producers" in order to emphasis the "narrow interests" of Monte Vista Water
24 District ("MVWD").

26 Our collective discussions and negotiations during the past two-plus years has surfaced many
27 diverse perspectives, but we have been unified on the resulting products of operation. We have been
28 in agreement that the Judgement, the Peace Agreement, the OBMP and the Rules and Regulations

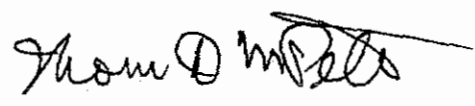
1 are in concert with one another and that the terms of the Judgment are paramount in matters of
2 operation of the basin.

3
4 MVWD has full recourse to the Court under the Judgment to address any perceived
5 wrong by either the Watermaster or the Advisory Committee or any Party. Discussion of speculative
6 actions serves no purpose in the present proceeding and does not advance the management of the
7 basin, which should be the object of every action taken.

8
9 San Antonio would have preferred for MVWD to support the adoption of the Rules and
10 Regulations rather than just "not" oppose their adoption, but even so, that is as far as MVWD should
11 be permitted to go in these proceedings. Everyone else is focused on the issue at hand and so should
12 MVWD.

13
14 DATED: April 17, 2001

15
16 MCPETERS MCALEARNEY SHIMOFF & HATT
17 A Professional Corporation

18
19 

20 By: _____
21 Thomas H. McPeters

22
23
24
25
26
27
28

FILE EXEMPT

1 **Thomas H. McPeters/Bar No. 034300**
2 **McPeters McAlearney Shimoff & Hatt**
3 A Professional Corporation
4 4 West Redlands Blvd., 2nd Floor
5 Redlands, California 92373
6 Ph. No. (909) 792-8919
7 Fax No. (909) 792-6234

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APR 17 2001

Attorney for Fontana Union Water Company

By Susan King Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION

11 CHINO BASIN MUNICIPAL)
12 WATER DISTRICT,)

13 Plaintiff,)

14 v.)

15 THE CITY OF CHINO,)

16 DEFENDANTS.)

CASE NO. REV 51010

Judge: Honorable J. Michael Gunn

**FONTANA UNION WATER COMPANY'S
RESPONSE TO MONTE VISTA WATER
DISTRICT'S STATEMENT OF
NON-OPPOSITION AND RESERVATION
OF RIGHTS**

Date: April 19, 2001

Time: 2:00 PM

Dept: R8

21 Fontana Union Water Company ("Fontana") has reluctantly determined that it is necessary,
22 and at the very least appropriate, to respond to the Statement of Non-Opposition and Reservation of
23 Rights ("Non-Opposition") filed by Monte Vista Water District ("MVWD"), which it views as more
24 of a statement of no confidence and an attack upon the process and the good faith efforts of the
25 participants who have labored long and hard in it than the subject matter caption of its filing.
26
27
28

1 Rules and Regulations

2

3 The Rules and Regulations are presented for approval. That is the subject matter of the
4 present proceeding. MVWD does not oppose their adoption.

5

6 MVWD states its “non-opposition” to the Rules and Regulations in 3 lines on page 1, and 16
7 lines on page 2, a total of 19 lines. That should be the end of it, but the “non-opposition” accounts
8 for only 15% of the text of its filing.

9

10 Statement of Narrow Interest

11

12 There follows the “non-opposition” to the Rules and Regulations , however, 111 lines of a
13 statement of the “narrow interest” of MVWD, meaning that 85% of the of the Statement of Non-
14 Opposition and Reservation of Rights does not relate to the purpose of the present proceeding.

15

16 MVWD is guilty, and prematurely so, of what purportedly concerns it about others in the
17 process, i.e., assertion of their respective “narrow interests.” .

18

19 The Chino Basin is an “interest based basin” and everyone can be and should be expected
20 to protect their “interest”—within the parameters of the Judgment and the law. It is not appropriate,
21 however, to do so in the present proceeding and under the guise of a Statement of Non-opposition
22 of Reservation of Rights.

23

24 Judgment

25

26 All of the parties are subject to the Judgment. The Judgment controls the Rules and
27 Regulations.

28

There are no provisions in the Judgment for correction or condemnation of speculative “in

1 futuro" actions, which seems to be the gravamen of MVWD's complaint.

2

3 Role of the Special Referee and Engineer.

4

5 All of the parties recognize and respect the role of the Special Referee and Engineer. Their
6 work in the process has been helpful, and, positive. Not everyone agrees with everything, but that
7 is healthy, not detrimental.

8

9 The assertion that the parties will not act in accordance with the Judgment or orders of the
10 Court without the permanent appointment of the Special Referee and Engineer is a groundless
11 assertion and has no place in the present proceeding.

12

13 There will come a time when the role of the Special Referee and Engineer will come to an
14 end. Nobody knows when that would be, or under what circumstances, but it is a virtual certainty.
15 To assert that management of the basin will cease at that time and become a full time regime of
16 pursuit of "narrow interests" and "power struggles" is just wrong. The parties who have labored long
17 and hard in the process that brought us all to this point have earned and deserve a contrary
18 presumption.

19

20

DATED: April 17, 2001

21

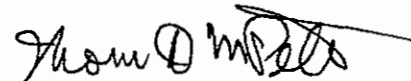
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23

MCPETERS MCALEARNEY SHIMOFF & HATT
A Professional Corporation

24

25



26

By: _____
Thomas H. McPeters

27

28

CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

PROOF OF SERVICE

FILED - West District
San Bernardino County Clerk

APR 17 2001

By Susan King
Deputy

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the within action. My business address is Chino Basin Watermaster, 8632 Archibald Avenue, Suite 109, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On April 17, 2001, I served the documents identified below

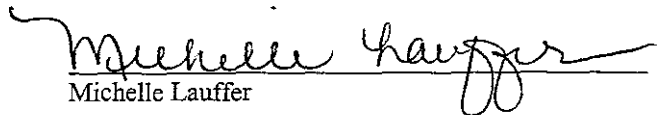
For Hearing on April 19, 2001 at 2:00 p.m. Department 8.

- 1) DEFENDANT CUCAMONGA COUNTY WATER DISTRICT'S RESPONSE TO DEFENDANT MONTE VISTA WATER DISTRICT'S STATEMENT OF NON-OPPOSITION AND RESERVATION OF RIGHTS
- 2) DEFENDANT SAN GABRIEL VALLEY WATER COMPANY'S RESPONSE BY JOINDER TO DEFENDANT MONTE VISTA WATER DISTRICT'S STATEMENT OF NON-OPPOSITION AND RESERVATION OF RIGHTS
- 3) SAN ANTONIO WATER COMPANY'S RESPONSE TO MONTE VISTA WATER DISTRICT'S STATEMENT OF NON-OPPOSITION AND RESERVATION OF RIGHTS
- 4) FONTANA UNION WATER COMPANY'S RESPONSE TO MONTE VISTA WATER DISTRICT'S STATEMENT OF NON-OPPOSITION AND RESERVATION OF RIGHTS

by placing a true copy of same in sealed envelopes for delivery by United States Postal Service mail at Rancho Cucamonga, California, to each of the addresses shown on the attached service lists:

- Attorney Service List
- Mailing List A

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Rancho Cucamonga, California, on April 17, 2001.


Michelle Lauffer

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

DAVID B. ANDERSON
DEPARTMENT OF WATER RESOURCES
1416 NINTH ST
P.O. BOX 94236
SACRAMENTO CA 94236-0001

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

THOMAS S. BUNN III
LAGERLOF SENEAL BRADLEY
GOSNEY & KRUSE
301 N LAKE AVE 10TH FL
PASADENA CA 91101-4108

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

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

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

JIM ERICKSON
LAW OFFICES OF JIMMY GUTIERREZ
EL CENTRAL REAL PLAZA
12616 CENTRAL AVE
CHINO CA 91710

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

ERIC GARNER
BEST BEST & KRIEGER LLP
P O BOX 1028
RIVERSIDE CA 92502-1028

JIMMY GUTIERREZ
ATTORNEY-CITY OF CHINO
EL CENTRAL REAL PLAZA
12616 CENTRAL AVE
CHINO CA 91710

SHARON JOYCE
LEGAL COUNSEL - STATE OF CA - CDC
1515 S STREET ROOM 125
SACRAMENTO, CA 95814

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

ARTHUR KIDMAN
ATTORNEY-MVWD
MC CORMICK KIDMAN & BEHRENS
695 TOWN CENTER DR STE 400
COSTA MESA CA 92626

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

JAMES L MARKMAN
RICHARDS WATSON & GERSHON
P O BOX 1059
BREA CA 92622-1059

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

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

JAMES P MORRIS
BEST BEST & KRIEGER LLP
P O BOX 1028
RIVERSIDE CA 92502-1028

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

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

JOHN SCHATZ
COUNSEL-JCSD
P O BOX 7775
LAGUNA NIGUEL CA 92607-7775

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

JESS SENEAL
LAGERLOF SENEAL BRADLEY
GOSNEY & KRUSE
301 N LAKE AVE 10TH FL
PASADENA CA 91101-4108

GERALYN SKAPIK ATTORNEY
CITY OF CHINO HILLS
BURKE WILLIAMS & SORENSON
611 W 6TH ST STE 2500
LOS ANGELES CA 90071-1469

SCOTT SLATER
HATCH & PARENT
21 E CARRILLO ST
SANTA BARBARA CA 93101-2782

MICHELE A STAPLES
JACKSON DEMARCO & PECKENPAUGH
4 PARK PLAZA 16TH FL
IRVINE CA 92614

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

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

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

BURTON J. GINDLER
MORRISON & FOERSTER LLP
555 W 5TH ST
LOS ANGELES CA 90013-1024

AAA AA
MAILING LIST 1
UPDATED 1/21/01

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

RICHARD ANDERSON
1365 W FOOTHILL BLVD STE 1
UPLAND CA 91786

A W ARAIZA
WEST SAN BERN CWD
P.O. BOX 920
RIALTO CA 92376-0920

STEVE ARBELBIDE
CBWM BOARD
417 PONDEROSA TR
CALIMESA CA 92320

DAVE ARGO
BLACK & VEATCH
6 VENTURE STE 315
IRVINE CA 92618-3317

DAN ARRIGHI
SAN GABRIEL VALLEY WATER CO
P.O. BOX 6010
EL MONTE CA 91734-2010

RICH ATWATER
IEUA
P.O. BOX 697
RCHO CUCA CA 91729-0697

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

VIC BARRION
RELIANT ENERGY ETIWANDA
8996 ETIWANDA AVE
ETIWANDA CA 91739

KEITH BELAND
STATE OF CALIFORNIA CDC
P.O. BOX 942883
SACRAMENTO CA 94283-0001

BILL BENNETT
VULCAN MATERIALS COMPANY
P.O. BOX 39756
LOS ANGELES CA 90039

BOB BEST
NAT'L RESOURCES CONS SVS
25864 BUSINESS CENTER DR K
REDLANDS CA 92374

JOHN BEZZANT
CCG ONTARIO, LLC
4000 WESTERLY PL
NEWPORT BEACH CA 92660-2314

GERALD BLACK
FONTANA UNION WATER CO
P.O. BOX 309
FONTANA CA 92334

MICHAEL BOCCADORO
THE DOLPHIN GROUP
925 L ST STE 800
SACRAMENTO CA 95814

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

FRANK BROMMENSCHENKEL
134 DAVIS ST
SANTA PAULA CA 93060

JIM BRYSON
FONTANA WATER COMPANY
P.O. BOX 987
FONTANA CA 92334-0987

BRUCE CASH
UNITED WATER MGMT CO INC
1905 BUSINESS CENTER DR STE 100
SAN BERNARDINO CA 92408

TERRY CATLIN
CBWM BOARD
2344 IVY CT
UPLAND CA 91784

NEIL CLIFTON
IEUA
P.O. BOX 697
RCHO CUCA CA 91729-0697

LAURA COOMBS
ARROWHEAD WATER COMP
5772 JURUPA RD
ONTARIO CA 91761-3672

DAVID COOPER
SUNKIST GROWERS INC
760 E SUNKIST ST
ONTARIO CA 91761

DAVID B COSGROVE
RUTAN & TUCKER
611 ANTON BLVD STE 1400
COSTA MESA CA 92626

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

DAVID DE JESUS
CBWM BD MEMBER (TVMWD)
146 E COLLEGE ST
COVINA CA 91723

ROBERT DEBERARD
CHAIRMAN-AG POOL
1886 UKIAH WAY
UPLAND CA 91784

ROBERT DELOACH
CUCAMONGA CTY WD
P.O. BOX 638
RANCHO CUCA CA 91729-0638

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

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

DOUG DRURY
IUEA
P.O. BOX 697
RANCHO CUCAMONGA CA 91730

GLENN DUNCAN
CHINO, CITY OF
P.O. BOX 667
CHINO CA 91708-0667

GLEN DURRINGTON
5512 FRANCIS ST
CHINO CA 91710

DICK DYKSTRA
10129 SCHAEFER
ONTARIO CA 91761-7973

MOHAMED EL AMAMY
CITY OF ONTARIO
1425 S BON VIEW
ONTARIO CA 91761-4406

BOB FEENSTRA
MILK PRODUCERS COUNCIL
13545 S EUCLID AVE
ONTARIO CA 91762-6656

RALPH FRANK
755 LAKEFIELD RD #E
WESTLAKE VILLAGE CA 91361

COLE FRATES
AZURIX
5657 WILSHIRE BLVD STE 330
LOS ANGELES CA 90036

CARL FREEMAN
L. D. KING
2151 CONVENTION CENTRE WAY
ONTARIO CA 91764

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

MARK GAGE P E
GEOMATRIX CONSULTANTS INC
2101 WEBSTER ST #1200
OAKLAND CA 94612

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

JOE GRINDSTAFF
SAWPA
11615 STERLING AVE
RIVERSIDE CA 92503

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

LISA HAMILTON
GE/MGR ENV REMEDIATION PRGM
640 FREEDOM BUSINESS CTR
KING OF PRUSSIA PA 19406

PATSY HAMILTON
STATE OF CALIFORNIA, CIW
P.O. BOX 6000
CORONA CA 91718

DONALD HARRIGER
CBWM BD/ALTERNATE (WMWD)
P.O. BOX 5286
RIVERSIDE CA 92517-5286

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

PAUL HOFER
CBWM BOARD
11248 S TURNER AVE
ONTARIO CA 91761

ANNESLEY IGNATIUS
COUNTY OF SAN BERNARDINO FCD
825 E 3RD ST
SAN BERNARDINO CA 92415-0835

JOHN WILLIAM INGRAHAM
CNTY OF SAN BERNARDINO
7000 MERRILL AVE BOX 1
CHINO CA 91710-9027

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

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

ROB KETTLE
STATE OF CALIFORNIA, CIW
P.O. BOX 6000
CORONA CA 91718

PATRICK KING
CONSULTANT TO SENATOR NELL SOTO
822 N EUCLID AVE
ONTARIO CA 91762

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

MARK KINSEY
MONTE VISTA IRRIGATION CO
10575 CENTRAL AVE
MONTCLAIR CA 91763

GENE KOOPMAN
13898 ARCHIBALD AVE
ONTARIO CA 91761-7979

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

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

RONALD LA BRUCHERIE
12953 S BAKER AVE
ONTARIO CA 91761-7903

FRED LANTZ
CBWM BD/ALTERNATE (TVMWD)
P.O. BOX 2701
POMONA CA 91769

CARLOS LOZANO
STATE OF CA YTS
15180 S. EUCLID
CHINO CA 91710

MIKE MAESTAS
CITY OF CHINO HILLS
2001 GRAND AVE
CHINO HILLS CA 91709-4869

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

MIKE MCGRAW
CBWM BD MEMBER/FWC
P.O. BOX 987
FONTANA CA 92334-0987

CAROLE MCGREEVY
JURUPA COMM SVCS DIST
8621 JURUPA RD
RIVERSIDE CA 92509-3229

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

EILEEN MOORE
SECY ONTARIO CITY COUNCIL
303 E "B" STREET
ONTARIO CA 91764

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

ROBERT NICHOLSON
SAN GABRIEL VALLEY WC
P.O. BOX 6010
EL MONTE CA 91734-2010

DANA OLDENKAMP
MILK PRODUCERS COUNCIL
3214 CENTURION PL
ONTARIO CA 91761

SANDY OLSON
WALNUT VALLEY WATER DISTRICT
271 S BREA CANYON RD
WALNUT CA 91789

STAN OWENS
STATE OF CA CIM
P.O. BOX 128
CHINO CA 91710

MARY PARENTE
8559 EDISON AVE
CHINO CA 91710-9242

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

JEFF PIERSON
2 HEXAM ST
IRVINE CA 92612

ROBB QUINCEY
CITY OF HESPERIA
15776 MAIN ST
HESPERIA CA 92345

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

LES RICHTER
CALIFORNIA SPEEDWAY
P.O. BOX 9300
FONTANA CA 92334-9300

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

WAYNE SALMI
PRAXAIR
5705 AIRPORT DR
ONTARIO CA 91761

PATRICK SAMPSON
P.O. BOX 660
POMONA CA 91769

DIANE SANCHEZ
DWR
770 FAIRMONT AVE
GLENDALE CA 91203-1035

JOSEPH C SCALMANINI
500 FIRST ST
WOODLAND CA 95695

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

DONALD SCHROEDER
CBWM BOARD
3700 MINTERN
RIVERSIDE CA 92509

JUDY SCHURR
30587 LOS ALTOS DR
REDLANDS CA 92373

DAVID SCRIVEN
KRIEGER & STEWART ENGINEERING
3602 UNIVERSITY AVE
RIVERSIDE CA 92501

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

KYLE SNAY
SOUTHERN CA WATER CO
401 S SAN DIMAS CANYON RD
SAN DIMAS CA 91773

NELL SOTO
STATE CAPITOL
ROOM NO 4066
SACRAMENTO CA 95814

BILL STAFFORD
MARYGOLD MUTUAL WATER CO
9725 ALDER ST
BLOOMINGTON CA 92316-1637

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

L HAIT
STERN & GOLDBERG
9150 WILSHIRE BLVD STE 100
BEVERLY HILLS CA 90210

TOM STETSON
STETSON ENGINEERS INC
3104 E GARVEY AVE
WEST COVINA CA 91791

CRAIG STEWART
GEOMATRIX CONSULTANTS INC.
330 W BAY ST STE 140
COSTA MESA CA 92629

TRACI STEWART
CHINO BASIN WATERMASTER
8632 ARCHIBALD ST STE 109
RANCHO CUCAMONGA CA 91730

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

JIM TAYLOR
POMONA UTILITY SVS DEPT.
148 N HUNTINGTON BLVD
POMONA CA 91768

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

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

MANAGER
THREE VALLEYS M W D
1021 E MIRAMAR AVE
CLAREMONT CA 91711-2052

GEOFFREY VANDEN HEUVEL
CBWM BOARD
7551 KIMBALL AVE
CHINO CA 91710

ERICK VAUGHN
ANGELICA RENTAL SERVICE
1575 N CASE ST
ORANGE CA 92867-3635

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
DWR-SO DIST
770 FAIRMONT AVE
GLENDALE CA 91203-1035

MICHAEL WHITEHEAD
SAN GABRIEL VALLEY WC
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