

1 Jimmy L. Gutierrez (SBN 59448)  
2 JIMMY L. GUTIERREZ  
3 A Professional Corporation  
4 12616 Central Avenue  
5 Chino, California 91710  
6 Telephone: (909) 591-6336  
7 Facsimile: (909) 628-9803

FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

AUG 11 2004

By: *Wanda Lewis*  
**COPY** DEPUTY

Attorneys for Defendant CITY OF CHINO

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT**

11 CHINO BASIN MUNICIPAL WATER  
12 DISTRICT,

13 Plaintiff,

14 v.

15 THE CITY OF CHINO

16 Defendants.

CASE NUMBER: RCV 51010

Honorable J. Michael Gunn

**NOTICE OF EX PARTE MOTION  
FOR AN ORDER SHORTENING  
TIME FOR THE FILING OF A  
MOTION FOR CONTINUANCE  
OF PARAGRAPH 15 MOTION**

Date: NA  
Time: NA  
Dept.: R8

19 By this Notice and the accompanying Points and Authorities, the City of Chino request  
20 this Court to issue an order shortening time for the filing of a motion to continue its Paragraph  
21 15 Motion in accordance with the Court's October 17, 2002 Order, until September 1, 2005.

22 Dated: August 10, 2004

JIMMY L. GUTIERREZ  
City Attorney

25 By:

*[Handwritten Signature]*

Jimmy L. Gutierrez  
Attorneys for Defendant, CITY OF CHINO

1 Jimmy L. Gutierrez (SBN 59448)  
2 JIMMY L. GUTIERREZ  
3 A Professional Corporation  
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**FILED**  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

AUG 11 2004

Attorneys for Defendant CITY OF CHINO

BY Wanda Lewis  
DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT**

11 CHINO BASIN MUNICIPAL WATER  
12 DISTRICT,

13 Plaintiff,

14 v.

15 THE CITY OF CHINO

16 Defendants.

CASE NUMBER: RCV 51010

Honorable J. Michael Gunn

**POINTS AND AUTHORITIES IN  
SUPPORT OF EX PARTE  
MOTION FOR AN ORDER  
SHORTENING TIME FOR THE  
FILING OF A MOTION FOR  
CONTINUANCE OF  
PARAGRAPH 15 MOTION**

Date: NA

Time: NA

Dept.: R8

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19  
20 On August 9, 2004, the Court was notified by Chino Basin Municipal Water District,  
21 pursuant to the MZI Interim Plan for Management of Subsidence, that both the City of Chino  
22 and the City of Chino Hills provided Wastemaster with notice of intent to forbear from  
23 production in the amount of 1,5000 acre-feet for the year 2004-2005, from those wells  
24 described in Exhibit D Notice of Forbearance Under Management Zone 1 Interim Plan.

25 Dated: August 10, 2004

JIMMY L. GUTIERREZ  
City Attorney

26  
27  
28 By:

Jimmy L. Gutierrez  
Attorneys for Defendant, CITY OF CHINO

1 Jimmy L. Gutierrez (SBN 59448)  
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FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

AUG 11 2004

5 Attorneys for Defendant CITY OF CHINO

6 BY Jimmy L. Gutierrez  
7 DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT

10  
11 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

12  
13 Plaintiff,

14 v.

15 THE CITY OF CHINO

16 Defendants.

CASE NUMBER: RCV 51010

Honorable J. Michael Gunn

DECLARATION OF JIMMY L.  
GUTIERREZ IN SUPPORT OF  
EX PARTE MOTION FOR AN  
ORDER SHORTENING TIME  
FOR THE FILING OF A MOTION  
FOR CONTINUANCE OF  
PARAGRAPH 15 MOTION

Date: NA  
Time: NA  
Dept.: R8

17  
18  
19  
20 I, JIMMY L. GUTIERREZ, state and declare as follows:

21 1. I am an attorney at law duly licensed to practice law in all the Court's in the  
22 State of California. I also serve as the City Attorney for the City of Chino, a position that I  
23 have held since January 7, 1975.

24 2. I have personal knowledge of the matter contained in this declaration; and if  
25 called as a witness I could and would so competently testify thereto under oath.

26 3. On August 9, 2004, the Court was notified by Chino Basin Municipal Water  
27 District, pursuant to the MZ1 Interim Plan for the Management of Subsidence, that both the  
28 City of Chino and the City of Chino Hills provided Watermaster with notice of intent to

1 forbear from production in the amount of 1,500 acre-feet for the year 2004-2005, from those  
2 wells described in Exhibit D Notice of Forbearance Under Management Zone 1 Interim Plan.  
3 A copy of the City of Chino's Notice of Forbearance is attached as Exhibit "A", hereto, and a  
4 copy of the City of Chino Hills' Notice of Forbearance is attached as Exhibit "B", hereto.

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

7 Executed this 10th day of August, 2004, at Chino, California

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11 \_\_\_\_\_  
12 JIMMY L. GUTIERREZ  
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**EXHIBIT "A"**



EUNICE M. ULLOA  
Mayor

TOM HAUGHEY  
Mayor Pro Tem

GLENN DUNCAN  
EARL C. ELROD  
DENNIS YATES  
Council Members

GLEN ROJAS  
City Manager

CITY of CHINO

July 30, 2004

Ms. Sheri Rojo  
Acting Chief of Watermaster Services  
Chino Basin Watermaster  
9641 San Bernardino Road  
Rancho Cucamonga, CA 91730

Subject: Interim Plan for Management of Subsidence – Notice of Forebearance

In accordance with the process described in the Watermaster-approved Interim Plan for Management of Subsidence, the City of Chino submits the enclosed Exhibit "D" – Notice of Forebearance Under Management Zone 1 Interim Plan for City of Chino Wells Nos. 4, 6, and 12 during the period of October 1, 2004 - June 30, 2005.

Should you have any questions, please contact me at (909) 464-8393.

Sincerely,

Patrick J. Glover, P.E.  
Director of Public Works/City Engineer

PJG:DGC:dz  
Enclosure



Exhibit "D"

Notice of Forbearance  
Under Management Zone 1 Interim Plan

City of Chino  
Name of Party

13220 Central Avenue  
Street Address

Chino, CA 91710  
City

(909) 627-7577  
Telephone

Well number from which reduction in production is to occur: 4, 6, 12

State the average production from this well during the period from October 1 through June 30 during the period 1994-2001: 4-792AF, 6-536AF, 12-835AF.

State the estimated amount of reduction in production from this well: 4-638AF, 6-349AF, 12-513AF.

State the maximum total quantity anticipated to be produced from this well for the period applied for: 4-153AF, 6-186AF, 12-322AF.

Are you requesting to be supplied with substitute water?  Yes  No

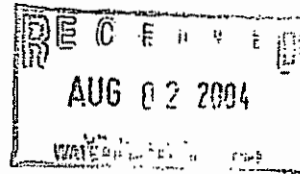
PJG:DGC:dz  
7-29-04

**EXHIBIT "B"**





City of  
**Chino Hills**



July 29, 2004

Chief Executive Officer  
Chino Basin Water Master  
9641 San Bernardino Road  
Rancho Cucamonga, CA 91730

Dear Sir:

At their regular meeting held July 27, 2004, the City Council of the City of Chino Hills approved participation in the Interim Plan for Management of Subsidence for the period covering August 1, 2004 through July 31, 2005. The City Council also approved the forbearance of 1,500 acre-feet of groundwater production for the period covering August 1, 2004 through July 31, 2005.

Should you have any questions regarding this action, please contact Water and Sewer Manager Mike Maestas at (909) 364-2854.

Sincerely,

  
MARY M. McDUFFEE, CMC  
CITY CLERK

cc: Douglas N. La Belle, City Manager  
Mike Maestas, Water and Sewer Manager

Exhibit "D"

Notice of Forebearance  
Under Management Zone 1 Interim Plan


CITY OF CHINO HILLS  
2001 Grand Avenue  
Chino Hills, CA 91709-4869  
909-364-2854

Well number from which reduction for production is to occur: 1A; 1B; 7A; 7B; 14;  
15B; 16A.

State the average production from this well during the period from October 1  
through June 30 during the period 1994-2001: 1A-505 a/f; 1B-68 a/f; 7A-198 a/f;  
7B-343 a/f; 14-55 a/f; 15B-488 a/f; 16A-0 a/f; 17A-489 a/f; 19-371 a/f.

State the estimated amount of reduction in production from this well: 1A-up to  
696 a/f; 1B-up to 68 a/f; 7A-up to 272 a/f; 7B-up to 455 a/f; 14-up to 55 a/f; 15B-  
up to 1054 a/f; 16A-up to 101 a/f; 17A-up to 493 a/f; 19-up to 392 a/f - Chino  
Hills will reduce a total of 1500 a/f from these designated wells.

Are you requesting to be supplied with substitute water?  Yes  No

  
\_\_\_\_\_  
Douglas La Belle, City Manager

8/3/04  
Date

1 Jimmy L. Gutierrez (SBN 59448)  
JIMMY L. GUTIERREZ  
2 A Professional Corporation  
12616 Central Avenue  
3 Chino, California 91710  
Telephone: (909) 591-6336  
4 Facsimile: (909) 628-9803

**FILED**  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

AUG 11 2004

5 Attorneys for Defendant CITY OF CHINO

BY Wanda Lewis  
DEPUTY

6  
7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT**

10  
11 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

12  
13 Plaintiff,

14 v.

15 THE CITY OF CHINO

16 Defendants.

CASE NUMBER: RCV 51010

Honorable J. Michael Gunn

**NOTICE OF MOTION FOR  
CONTINUANCE OF PARAGRAPH  
15 MOTION**

Date: NA

Time: NA

Dept.: R8

17  
18 By this Notice and the accompanying Points and Authorities, The City of Chino requests this  
19 Court for a continuance of its Paragraph 15 Motion in accordance with the Court's October 17, 2002  
20 Order, until September 1, 2005.

21 Dated: August 10, 2004

JIMMY L. GUTIERREZ  
City Attorney

22  
23  
24 By:

Jimmy L. Gutierrez  
Attorneys for Defendant, CITY OF CHINO

1 Jimmy L. Gutierrez (SBN 59448)  
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FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

AUG 11 2004

5 Attorneys for Defendant CITY OF CHINO

6 BY Wanda Lewis  
DEPUTY

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT**

10  
11 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

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13 Plaintiff,

14 v.

15 THE CITY OF CHINO

16 Defendants.

CASE NUMBER: RCV 51010

Honorable J. Michael Gunn

**POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION FOR  
CONTINUANCE OF  
PARAGRAPH 15 MOTION**

Date: NA

Time: NA

Dept.: R8

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20 On August 9, 2004, the Court was notified by Chino Basin Municipal Water District,  
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25 Dated: August 10, 2004

JIMMY L. GUTIERREZ  
City Attorney

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28 By:

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**FILED**  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

AUG 11 2004

5 Attorneys for Defendant CITY OF CHINO

6 BY Wanda Lewis  
DEPUTY

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT**

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11 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

12 Plaintiff,

13 v.

14 THE CITY OF CHINO

15 Defendants.

CASE NUMBER: RCV 51010

Honorable J. Michael Gunn

**DECLARATION OF JIMMY L.  
GUTIERREZ IN SUPPORT OF  
MOTION FOR CONTINUANCE  
OF PARAGRAPH 15 MOTION**

Date: NA  
Time: NA  
Dept.: R8

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19 I, JIMMY L. GUTIERREZ, state and declare as follows:

20 1. I am an attorney at law duly licensed to practice law in all the Court's in the  
21 State of California. I also serve as the City Attorney for the City of Chino, a position that I  
22 have held since January 7, 1975.

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24 called as a witness I could and would so competently testify thereto under oath.

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26 District, pursuant to the MZ1 Interim Plan for the Management of Subsidence, that both the  
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10 JIMMY L. GUTIERREZ  
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**EXHIBIT "A"**



EUNICE M. ULLOA  
Mayor

TOM HAUGHEY  
Mayor Pro Tem

GLENN DUNCAN  
EARL C. ELROD  
DENNIS YATES  
Council Members

GLEN ROJAS  
City Manager

CITY of CHINO

July 30, 2004

Ms. Sheri Rojo  
Acting Chief of Watermaster Services  
Chino Basin Watermaster  
9641 San Bernardino Road  
Rancho Cucamonga, CA 91730

Subject: Interim Plan for Management of Subsidence – Notice of Forebearance

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Sincerely,

Patrick J. Glover, P.E.  
Director of Public Works/City Engineer

PJG:DGC:dz  
Enclosure





Exhibit "D"

Notice of Forbearance  
Under Management Zone 1 Interim Plan

City of Chino  
Name of Party

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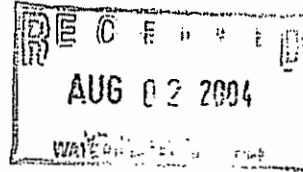
Are you requesting to be supplied with substitute water?  Yes  No

PJG:DGC:dz  
7-29-04

**EXHIBIT "B"**



City of  
**Chino Hills**



July 29, 2004

Chief Executive Officer  
Chino Basin Water Master  
9641 San Bernardino Road  
Rancho Cucamonga, CA 91730

Dear Sir:

At their regular meeting held July 27, 2004, the City Council of the City of Chino Hills approved participation in the Interim Plan for Management of Subsidence for the period covering August 1, 2004 through July 31, 2005. The City Council also approved the forbearance of 1,500 acre-feet of groundwater production for the period covering August 1, 2004 through July 31, 2005.

Should you have any questions regarding this action, please contact Water and Sewer Manager Mike Maestas at (909) 364-2854.

Sincerely,

  
MARY M. McDUFFEE, CMC  
CITY CLERK

cc: Douglas N. La Belle, City Manager  
Mike Maestas, Water and Sewer Manager

Exhibit "D"

Notice of Forebearance  
Under Management Zone 1 Interim Plan

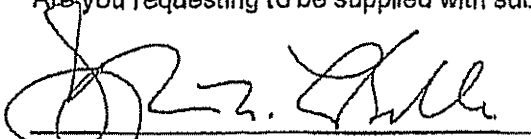
CITY OF CHINO HILLS  
2001 Grand Avenue  
Chino Hills, CA 91709-4869  
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7B-343 a/f; 14-55 a/f; 15B-488 a/f; 16A-0 a/f; 17A-489 a/f; 19-371 a/f.

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up to 1054 a/f; 16A-up to 101 a/f; 17A-up to 493 a/f; 19-up to 392 a/f - Chino  
Hills will reduce a total of 1500 a/f from these designated wells.

Are you requesting to be supplied with substitute water?  Yes  No

  
\_\_\_\_\_  
Douglas La Belle, City Manager

8/3/04  
Date

Recd 8-11-04 WSL

1 Jimmy L. Gutierrez (SBN 59448)  
JIMMY L. GUTIERREZ  
2 A Professional Corporation  
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3 Chino, California 91710  
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5 Attorneys for Defendant CITY OF CHINO

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN BERNARDINO – RANCHO CUCAMONGA DISTRICT**

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11 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

12  
13 Plaintiff,

14 v.

15 THE CITY OF CHINO

16 Defendants.  
17  
18

CASE NUMBER: RCV 51010

Honorable J. Michael Gunn

**[PROPOSED] ORDER  
GRANTING EX PARTE MOTION  
FOR AN ORDER SHORTENING  
TIME**

Date: NA  
Time: NA  
Dept.: R8

19 GOOD CAUSE SHOWING, IT IS HEREBY ORDERED that the City of Chino's Ex  
20 Parte Motion for an Order Shortening Time for the Filing of a Motion for Continuance of its  
21 Paragraph 15 Motion is hereby GRANTED.  
22

23 DATED:

24 \_\_\_\_\_  
Honorable J. Michael Gunn  
25  
26  
27  
28

CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

PROOF OF SERVICE

AUG 11 2004

I declare that:

BY Wanda Lewis DEPUTY

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, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On August 11, 2004 I served the following:

- 1) NOTICE OF EX PARTE MOTION FOR AN ORDER SHORTENING TIME FOR THE FILING OF MOTION FOR CONTINUANCE OF PARAGRAPH 15 MOTION;
- 2) POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE MOTION FOR AN ORDER SHORTENING TIME FOR THE FILING OF A MOTION FOR CONTINUANCE OF PARAGRAPH 15 MOTION;
- 3) DECLARATION OF JIMMY L. GUTIERREZ IN SUPPORT OF EX PARTE MOTION FOR AN ORDER SHORTENING TIME FOR THE FILING OF A MOTION FOR CONTINUANCE OF PARAGRAPH 15 MOTION;
- 4) [ PROPOSED] ORDER GRANTING EX PARTE MOTION FOR AN ORDER SHORTENING TIME;
- 5) NOTICE OF MOTION FOR CONTINUANCE OF PARAGRAPH 15 MOTION;
- 6) POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR CONTINUANCE OF PARAGRAPH 15 MOTION;
- 7) DECLARATION OF JIMMY L. GUTIERREZ IN SUPPORT OF MOTION FOR CONTINUANCE OF PARAGRAPH 15 MOTION

BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:

**See attached service list:**

Mailing List 1

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.

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

Executed on August 11, 2004 in Rancho Cucamonga, California.

  
PAULA MOLTER  
Chino Basin Watermaster

RICHARD ANDERSON  
1365 W. FOOTHILL BLVD  
SUITE 1  
UPLAND, CA 91786

RODNEY BAKER  
COUNSEL FOR EGGWEST &  
JOHNSON  
PO BOX 438  
COULTERVILLE, CA 95311-0438

PATRICK BAUER  
ARROWHEAD WATER COMPANY  
5772 JURUPA RD  
ONTARIO, CA 91761-3672

BOB BEST  
NAT'L RESOURCE CONS SVCS  
25864 BUSINESS CENTER DR K  
REDLANDS, CA 92374

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

STEVE CORTNER  
VULCAN MATERIALS COMPANY  
PO BOX 39756  
LOS ANGELES, CA 90039

DAVID B. COSGROVE  
RUTAN & TUCKER  
611 ANTON BLVD  
SUITE 1400  
COSTA MESA, CA 92626

JENNY DE BOER  
9155 RIVERSIDE DR  
ONTARIO, CA 91761

JOE DELGADO  
BOYS REPUBLIC  
3493 GRAND AVENUE  
CHINO HILLS, CA 91709

GLEN DURRINGTON  
5512 FRANCIS ST  
CHINO, CA 91710

DICK DYKSTRA  
10129 SCHAEFER  
ONTARIO, CA 91761-7973

RALPH FRANK  
755 LAKEFIELD RD #E  
WESTLAKE VILLAGE, CA 91361

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

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

JIM GALLAGHER  
SOUTHERN CALIFORNIA WATER CO  
2143 CONVENTION CENTER WAY  
SUITE 110  
ONTARIO, CA 91764

DON GALLEANO  
4231 WINEVILLE RD  
MIRA LOMA, CA 91752-1412

PETER HETTINGA  
14244 ANON CT  
CHINO, CA 91710

PETE HALL  
PO BOX 519  
TWIN PEAKS, CA 92391

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

CARL HAUGE  
SWRCB  
PO BOX 942836  
SACRAMENTO, CA 94236-0001

SUSAN TRAGER  
LAW OFFICES OF SUSAN M. TRAGER  
19712 MACARTHUR BLVD  
SUITE 120  
IRVINE, CA 92612

CLARK IDE  
OCWD GENERAL COUNSEL  
PO BOX 8300  
FOUNTAIN VALLEY, CA 92728-8300

ANNESLEY IGNATIUS  
COUNTY OF SAN BERNARDINO FCD  
825 E 3<sup>RD</sup> ST  
SAN BERNARDINO, CA 92415-0835

W. C. "BILL" KRUGER  
CITY OF CHINO HILLS  
2001 GRAND AVE  
CHINO HILLS, CA 91709

SHARON JOYCE  
STATE OF CA CDC  
1515 S STREET, ROOM 314-F  
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