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FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
RANCHO CUCAMONGA DISTRICT
APR 29 2008
BY *Christina [Signature]*
DEPUTY

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

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13 CHINO BASIN MUNICIPAL WATER
14 DISTRICT,
15 Plaintiff,
16 v.
17 CITY OF CHINO, et al.,
18 Defendant.

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

**CUCAMONGA VALLEY WATER
DISTRICT'S JOINDER TO
WATERMASTER'S RESPONSE TO
COMMENTS OF SPECIAL REFEREE ON
WATERMASTER COMPLIANCE WITH
DECEMBER 21, 2007 ORDER
CONDITIONS 1 THROUGH 4**

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1 Cucamonga Valley Water District ("CVWD") hereby joins Watermaster's *Response To*
2 *Comments of Special Referee On Watermaster Compliance With December 21, 2007 Order*
3 *Conditions 1 Through 4* and offers the following additional response.

4
5 On April 11, 2008, Monte Vista Water District filed a *Response To Watermaster's*
6 *Compliance With Conditions Subsequent Numbers Three And Four Of The Court's 12/21/2007*
7 *Order; Request For Additional Time To Evaluate Watermaster's Compliance With Condition*
8 *Subsequent Number Three; And Withdrawal Of Monte Vista Water District's Joinder To*
9 *Watermaster's Motion For Approval Of Peace II Documents*. On April 24, 2008, the concerns
10 expressed by Monte Vista were resolved by stipulation, which was unanimously approved by
11 both the Watermaster Advisory Committee and the Board. Among other things, Monte Vista
12 agreed to withdraw its comments, as well as the request for relief sought therein.

13
14 The resolution of the issues raised by Monte Vista demonstrates the success of the
15 consensus-based, stakeholder-driven approach to Basin management utilized by Watermaster. As
16 has been the case many times over the last nine years, the parties to the Judgment do not share a
17 unanimous view regarding various elements of Basin management. As has also been the case, the
18 parties do not feel constrained about articulating these differences of opinion. What is notable is
19 that Watermaster has developed a process by which the parties can, and do, address such
20 differences. This process has yielded tremendous results and has enabled the parties to resolve
21 differences amicably without resorting to Court intervention. It is possible that in the future, the
22 Court may be asked to resolve such differences should the parties be unable to do so; however,
23 CVWD anticipates that such instances will be few and far between.

24
25 Given the success of the Watermaster process, CVWD is troubled by the Comments filed
26 by the Special Referee, which recognize Watermaster's substantive compliance with the Court's
27 conditions 1 through 3 but raise procedural issues regarding the manner by which Watermaster
28 sought Court approval. The Special Referee's Comments on routine procedural matters seem

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1 misplaced and unnecessary.

2
3 With respect to the Special Referee's Comments on condition number 4, it appears that
4 the Special Referee is asking Watermaster to make substantive determinations regarding the
5 manner in which the parties to the Judgment comply with CEQA. CVWD believes this is
6 inconsistent with Watermaster's role as a neutral, whose express purpose under the Judgment is to
7 act as an arm of the Court. In its order dated December 21, 2007, the Court recognized
8 Watermaster's function:

9
10 All of Watermaster's enumerated powers originate within and arise
11 from the Judgment. . . . As all special masters, Watermaster
12 operates as an extension of the Court and to meet the needs of the
13 Court in carrying out its obligations under the Judgment and Article
14 X, Section 2 of the California Constitution.

15
16 (Court Order dated December 21, 2007, at . 4 [quoting Watermaster's Responses to Special
17 Referee Preliminary Comments].) Watermaster is not subject to CEQA. Watermaster cannot be
18 a lead agency for purposes of CEQA. The Peace II documents specifically address CEQA
19 compliance and set forth the manner by which the parties will engage in the requisite
20 environmental review. It is appropriate for Watermaster to ensure that the "Project," as defined in
21 the Peace II documents, is undergoing appropriate CEQA review and to report the status of such
22 review to the Court. However, the decision regarding the scope and extent of appropriate CEQA
23 review should be left to the lead agency.

24
25 Collectively, it appears that the Comments submitted by the Special Referee fail to
26 distinguish Watermaster's role as a neutral liaison to the Court and instead seek to relegate
27 Watermaster to the status of a party to the Judgment. This is contrary to both the letter and spirit
28 of the Judgment.


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In light of the above, and in light of the success of the Watermaster process, as signified most recently by the completion of the Peace II process, CVWD believes that it would be appropriate and useful for the parties to meet internally to discuss the process through which Watermaster can maximize its role under the Judgment as liaison to the Court. CVWD would appreciate the opportunity to provide further briefing on this issue.

Dated: April 28, 2008

BEST BEST & KRIEGER LLP

By: 
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CHINO BASIN WATERMASTER
Case No. RCV 51010
Chino Basin Municipal Water District v. The City of Chino

PROOF OF SERVICE

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


On April 29, 2008 I served the following:

**1) CUCAMONGA VALLEY WATER DISTRICT'S JOINDER TO WATERMASTER'S
RESPONSE TO COMMENTS OF SPECIAL REFEREE ON WATERMASTER
COMPLIANCE WITH DECEMBER 21, 2007 ORDER CONDITIONS 1 THROUGH 4**

- 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 April 29, 2008 in Rancho Cucamonga, California.



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Chino Basin Watermaster



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