

1 MCCORMICK, KIDMAN & BEHRENS, LLP
ARTHUR G. KIDMAN SBN 61719
2 JOHN PAUL GLOWACKI SBN 234055
TRAM T. TRAN SBN 240697
3 650 Town Center Drive, Suite 100
Costa Mesa, California 92626
4 Telephone: 714.755.3100 Fax: 714.755.3110

5 Attorneys for Monte Vista Water District

6 Fee exempt – Gov. Code §§6103 and 27383

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DIVISION**

10
11 CHINO BASIN MUNICIPAL WATER
DISTRICT,

12 Plaintiff,

13 vs.

14 THE CITY OF CHINO, et al.,

15 Defendants.

CASE NO. RCV 51010

Assigned for All Purposes to:
Honorable KEITH D. DAVIS
Department R6

**DECLARATION OF DANIELLE
BRODERICK REGARDING NOTICE OF
THE JOINT EX PARTE APPLICATION
TO STAY DETERMINATION OF ALL
CONTESTED MATTERS AND
WATERMASTER FILINGS UNTIL JUDGE
GUNN RETURNS, OR IN THE
ALTERATIVE, UNTIL A JUDGE IS
APPOINTED PERMANENTLY FOR ALL
PURPOSES**

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20
21 I, Danielle Broderick, declare as follows:

22 1. I am a secretary employed by McCormick, Kidman & Behrens, LLP. If called to
23 testify as a witness, I could and would competently attest to the facts contained herein.

24 2. I give this Declaration to provide information regarding the Notice to all parties
25 regarding the Joint Ex Parte Application by Monte Vista Water District, the City of Chino Hills, and
26 the City of Chino for an Order staying determination of all contested matters and Watermaster filings
27 until Judge Michael Gunn returns, or, in the alternative, until Judge Davis or another judge is
28 appointed permanently for all purposes.

1 3. On August 12, 2008, I was instructed by Tram T. Tran, an associate attorney at
 2 McCormick, Kidman & Behrens, to contact the Chino Basin Watermaster to determine the correct
 3 procedure for filing and serving a pleading, such as this Ex Parte Application. On the same day, at
 4 approximately 11:45 a.m., I spoke with Alexandra Perez, Office Specialist to Chino Basin
 5 Watermaster, who informed me that she contacted Michael Fife, attorney for the Chino Basin
 6 Watermaster, to clarify the correct procedures for filing. Ms. Perez informed me by telephone that any
 7 document filed, either personally or by electronic mail (e-mail), with the Watermaster prior to 4:00
 8 p.m. on any certain day, will be served electronically on all the parties that same day.

9 4. On August 12, 2008, at approximately 3:15 p.m., I served the Chino Basin
 10 Watermaster's office by electronically mailing through McCormick, Kidman & Behrens's electronic
 11 mail system to Alexandra Perez at APerez@CBWM.ORG per agreement in conformance with Code
 12 of Civil Procedure section 1010.6. A copy of the Proof of Service is attached hereto as Exhibit "1".

13 5. On that same day, at 4:15 p.m., I contacted Ms. Perez by telephone to inform her that I
 14 had sent her the electronic filing, and informed her that on August 14, 2008, at 8:30 a.m., in
 15 Department R6 of the San Bernardino County Superior Court, Rancho Cucamonga Division, the
 16 Moving Parties would apply ex parte for an Order to stay determination of all contested matters and
 17 Watermaster filings until Judge Gunn returns, or, in the alternative, until Judge Davis or another judge
 18 is appointed permanently for all purposes.

19 6. On the same day, at approximately 4:45 p.m., I received an e-mail from Ms. Perez,
 20 which indicated that Ms. Perez had posted the Notice of Filings, as is customary in this case. A copy
 21 of the e-mail regarding the Notice of Filings as well as the Proof of Service prepared by Ms. Perez is
 22 attached hereto as Exhibit "2".

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
 24 true and correct. Executed this 13th day of August, 2008, in Costa Mesa, California.

25
 26 
 27 _____
 28 Danielle Broderick

EXHIBIT 1

PROOF OF SERVICE

STATE OF CALIFORNIA)
)ss:
COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is: 650 Town Center Drive, Suite 100, Costa Mesa, California 92626.

On August 12, 2008, I served the foregoing document described as:

(1) JOINT EX PARTE APPLICATION TO STAY DETERMINATION OF CONTESTED MATTERS AND WATERMASTER FILINGS UNTIL JUDGE MICHAEL GUNN RETURNS, OR IN THE ALTERNATIVE, UNTIL A COURT IS APPOINTED PERMANENTLY FOR ALL PURPOSES;

(2) DECLARATION OF ARTHUR G. KIDMAN IN SUPPORT OF EX PARTE APPLICATION TO STAY DETERMINATION ALL CONTESTED MATTERS AND WATERMASTER FILINGS;

(3) DECLARATION OF TRAM T. TRAN IN SUPPORT OF EX PARTE APPLICATION TO STAY DETERMINATION ALL CONTESTED MATTERS AND WATERMASTER FILINGS; AND

(4) [PROPOSED] ORDER STAYING CONTESTED MATTERS AND JUDICIAL DETERMINATIONS ON WATERMASTER FILINGS.

on the interested party in this action by electronically mailing a true and correct copy to:

Alexandra Perez
Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730
Email address: APerez@CBWM.ORG

(BY ELECTRONIC SERVICE [Code Civ. Proc. 1010.6]) by electronically mailing a true and correct copy through McCormick Kidman & Behrens LLP's electronic mail system to the email address(es) set forth above in accordance with Code of Civil Procedure section 1010.6.

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

Executed on August 12, 2008, at Costa Mesa, California.



DANIELLE BRODERICK

EXHIBIT 2

Danielle Broderick

From: Tram T. Tran [ttran@mkblawyers.com]
Sent: Tuesday, August 12, 2008 4:47 PM
To: 'Danielle Broderick'
Cc: 'John P. Glowacki'
Subject: FW: Chino Basin Watermaster Filing Notice

From: Alexandra Perez [mailto:APerez@CBWM.ORG]
Sent: Tuesday, August 12, 2008 4:44 PM
Subject: Chino Basin Watermaster Filing Notice

Please click on the link below to view and/or download the following Notice of Filings:

- 1) JOINT EX PARTE APPLICATION TO STAY DETERMINATION OF CONTESTED MATTERS AND WATERMASTER FILINGS UNTIL JUDGE MICHAEL GUNN RETURNS, OR IN THE ALTERNATIVE, UNTIL A COURT IS APPOINTED PERMANENTLY FOR ALL-PURPOSES
- 2) DECLARATION OF ARTHUR G. KIDMAN IN SUPPORT OF EX PARTE APPLICATION TO STAY ALL CONTESTED MATTERS AND WATERMASTER FILINGS
- 3) DECLARATION OF TRAM T. TRAN IN SUPPORT OF EX PARTE APPLICATION TO STAY DETERMINATION ALL CONTESTED MATTERS AND WATERMASTER FILINGS
- 4) [PROPOSED] ORDER STAYING CONTESTED MATTERS AND JUDICIAL DETERMINATIONS ON WATERMASTER FILINGS

Look in the Legal folder click on 20080812 Pleading.

www.cbwm.org/ftp

Thank you,


Office Specialist

Chino Basin Watermaster
9641 San Bernardino Rd.
Rancho Cucamonga, CA 91730
tel. (909) 484-3888
aperez@cbwm.org

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 August 12, 2008 I served the following:

- 1) JOINT EX PARTE APPLICATION TO STAY DETERMINATION OF CONTESTED MATTERS AND WATERMASTER FILINGS UNTIL JUDGE MICHAEL GUNN RETURNS , OR IN THE ALTERNATIVE, UNTIL A COURT IS APPOINTED PERMANENTLY FOR ALL-PURPOSES
- 2) DECLARATION OF ARTHUR G. KIDMAN IN SUPPORT OF EX PARTE APPLICATION TO STAY ALL CONTESTED MATTERS AND WATERMASTER FILINGS
- 3) DECLARATION OF TRAM T. TRAN IN SUPPORT OF EX PARTE APPLICATION TO STAY DETERMINATION ALL CONTESTED MATTERS AND WATERMASTER FILINGS
- 4) [PROPOSED] ORDER STAYING CONTESTED MATTERS AND JUDICIAL DETERMINATIONS ON WATERMASTER FILINGS

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 12, 2008 in Rancho Cucamonga, California.



Alex Perez
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

WILLIAM P. CURLEY
PO BOX 1059
BREA, CA 92882-1059

CRAIG STEWART
GEOMATRIX CONSULTANTS INC
510 SUPERIOR AVE, SUITE 200
NEWPORT BEACH, CA 92663

LEAGUE OF CA HOMEOWNERS
ATTN: KEN WILLIS
99 "C" STREET, SUITE 209
UPLAND, CA 91786

CHARLES FIELD
4415 FIFTH STREET
RIVERSIDE, CA 92501

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

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

DAN FRALEY
HERMAN G. STARK YOUTH
CORRECTIONAL FACILITY
15180 S EUCLID
CHINO, CA 91710

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

PAUL HOFER
11248 S TURNER AVE
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
25345 AVENUE STANFORD, STE 208
VALENCIA, CA 91355

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

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

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

DON GALLEANO
4220 WINEVILLE RD
MIRA LOMA, CA 91752-1412

PETER HETTINGA
14244 ANON CT
CHINO, CA 91710

PETE HALL
PO BOX 519
TWIN PEAKS, CA 92391

MANUEL CARRILLO
CONSULTANT TO SENATOR SOTO
822 N EUCLID AVE, SUITE A
ONTARIO, CA 91762

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

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

JOEL KUPERBERG
OCWD GENERAL COUNSEL
RUTAN & TUCKER, LLP
611 ANTON BLVD., 14TH FLOOR
COSTA MESA, CA 92626-1931

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

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

STEVE ARBELBIDE
417 PONDEROSA TR
CALIMESA, CA 92320

ROBERT BOWCOCK
INTEGRATED RESOURCES MGMNT
405 N. INDIAN HILL BLVD
CLAREMONT, CA 91711-4724

JOHN ANDERSON
12475 CEDAR AVENUE
CHINO, CA 91710

SWRCB
PO BOX 2000
SACRAMENTO, CA 95809-2000

SENATOR NELL SOTO
STATE CAPITOL
ROOM NO 4066
SACRAMENTO, CA 95814

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

ALAN MARKS
COUNSEL – COUNTY OF SAN
BERNARDINO
157 W 5TH STREET
SAN BERNARDINO, CA 92415

JIM BOWMAN
CITY OF ONTARIO
303 EAST "B" STREET
ONTARIO, CA 91764

BOB KUHN
669 HUNTERS TRAIL
GLEN DORA, CA 91740

GEOFFREY VANDEN HEUVEL
CBWM BOARD MEMBER
8315 MERRILL AVENUE
CHINO, CA 91710

BRIAN GEYE
DIRECTOR OF TRACK ADMIN
CALIFORNIA SPEEDWAY
PO BOX 9300
FONTANA, CA 92334-9300

MICHAEL THIES
SPACE CENTER MIRA LOMA INC
3401 S ETIWANDA AVE, BLDG 503
MIRA LOMA, CA 91752-1126

JAMES CURATOLO
CVWD
PO BOX 638
RANCHO CUCAMONGA, CA
91729-0638

Members:

Al Lopez	lopezsixto@netzero.net
Alfred E. Smith	asmith@nossaman.com
Amy Steinfeld	asteinfeld@bhfs.com
Andy Malone	amalone@wildermuthenvironmental.com
Anne Schneider	ajs@eslawfirm.com
Anthony La	ala@ci.upland.ca.us
April Woodruff	awoodruff@jeua.org
Arnold Rodriguez	jarodriguez@sarwc.com
Art Kidman	akidman@mkblawyers.com
Ashok K. Dhingra	ashok.dhingra@m-e.aecom.com
Barbara Swanson	Barbara_Swanson@yahoo.com
Bill Dendy	bdendy@aol.com
Bill Kruger	citycouncil@chinohills.org
Bill Rice	WRice@waterboards.ca.gov
Bill Thompson	bthompson@ci.norco.ca.us
Bob Feenstra	feenstra@agconceptsinc.com
Bob Kuhn	bgkuhn@aol.com
Bonnie Tazza	bonniet@cvwdwater.com
Brenda Fowler	balee@fontanawater.com
Brian Hess	bhess@niagarawater.com
Butch Araiza	butcharalza@mindspring.com
Carol	marie@tragerlaw.com
Carol Davis	cdavis@lagerlof.com
Charles Field	cdfield@att.net
Charles Moorrees	cmoorrees@sawaterco.com
Chris Swanberg	chris.swanberg@corr.ca.gov
Cindy LaCamera	clacamera@mwdh2o.com
Craig Stewart	cstewart@geomatrix.com
Curtis Aaron	caaron@fontana.org
Cyndi Windell	cynthia.windell@sce.com
Dan Arrighi	darrighi@sgvwater.com
Dan Hostetler	dghostetler@csupomona.edu
Dan McKinney	dmckinney@rhlaw.com
Dave Argo	argodg@bv.com
Dave Crosley	DCrosley@cityofchino.org
David B. Anderson	danders@water.ca.gov
David D DeJesus	ddejesus@mwdh2o.com
David D DeJesus	davidcicgm@aol.com
David Ringel	david.j.ringel@us.mwhglobal.com
Dennis Dooley	ddooley@angelica.com
Diane Sanchez	dianes@water.ca.gov
Don Galleano	donald@galleanowinery.com
Duffy Blau	Duffy954@aol.com
Eldon Horst	ehorst@jcsd.us
Eric Garner	elgarner@bbklaw.com
Eunice Ulloa	eulloa@cbwcd.org
Frank Brommenschenkel	frank.brommen@verizon.net
Fred Fudacz	ffudacz@nossaman.com
Fred Lantz	flantz@ci.burbank.ca.us
Gene Koopman	GTKoopman@aol.com
Geoffrey Vanden Heuvel	GeoffreyVH@juno.com
Gerard Thibeault	gthibeault@rb8.swrcb.ca.gov
Gerry Foote	gfoote@cbwcd.org
Grace Cabrera	grace_cabrera@ci.pomona.ca.us
Greg Woodside	gwoodside@ocwd.com
Henry Pepper	henry_pepper@ci.pomona.ca.us
James Curatalo	jamesc@cvwdwater.com
James Jenkins	cnomgr@airports.sbcounty.gov
James P. Morris	jpmorris@bbklaw.com
Janine Wilson	Janine@CBWM.ORG
Jarlath Oley	joley@mwdh2o.com
Jean Cihigoyenetché	Jean_CGC@hotmail.com

jeeinc@aol.com
Jeff Pierson
Jennifer Novak
Jerry King
Jess Senecal
Jill Willis
Jim Hill
Jim Markman
Jim Taylor
Jim@city-attorney.com
jimmy@city-attorney.com
Joe P LeClaire
Joe Scalmanini
John Anderson
John Ayers
John Bosler
John Cotti
John Huitsing
John Schatz
John V. Rossi
John Vega
Jose Galindo
Joseph S. Aklufi
Judy Schurr
Justin Brokaw
Kathy Kunysz
Kathy Tiegs
Ken Jeske
Ken Kules
Kenneth Willis
Kevin Sage
Kyle Snay
Lisa Hamilton
Mark Hensley
Martin Zvirbulis
Robert Bowcock

jeeinc@aol.com
jpierson@unitexcorp.com
jennifer.novak@doj.ca.gov
jking@psomas.com
JessSenecal@lagerlof.com
jnwillis@bbklaw.com
jhill@cityofchino.org
jmarkman@rwglaw.com
jim_taylor@ci.pomona.ca.us
Jim@city-attorney.com
jimmy@city-attorney.com
jleclaire@wildermuthenvironmental.com
jscale@lsce.com
janderson@ieua.org
jayers@sunkistgrowers.com
JohnBo@cvwdwater.com
jcotti@localgovlaw.com
johnhuitsing@gmail.com
jschatz13@cox.net
jrossi@wmwd.com
johnv@cvwdwater.com
jose_a_galindo@praxair.com
AandWLaw@aol.com
jschurr@courts.sbcounty.gov
jbrokaw@hughes.net
kkunysz@mwdh2o.com
ktiegs@ieua.org
kjeske@ci.ontario.ca.us
kkules@mwdh2o.com
kwillis@homeowners.org
Ksage@IRMwater.com
kylesnay@gswater.com
Lisa.Hamilton@corporate.ge.com
mhensley@localgovlaw.com
martinz@cvwdwater.com
bbowcock@irmwater.com

Members:

Manuel Carrillo	Manuel.Carrillo@SEN.CA.GOV
Mark Kinsey	mkinsey@mvwd.org
Mark Ward	mark_ward@ameron-intl.com
Mark Wildermuth	mwildermuth@wildermuthenvironmental.com
Martha Davis	mdavis@ieua.org
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	martinz@cvwdwater.com
Maynard Lenhert	directorlenhert@mvwd.org
Michael T Fife	MFife@bhfs.com
Michelle Staples	mstaples@jdplaw.com
Mike Del Santo	mdelsanto@prologis.com
Mike Maestas	mmaestas@chinohills.org
Mike McGraw	mjmcgraw@FontanaWater.com
Mike Thies	mthies@spacecenterinc.com
Mohamed El-Amamy	melamamy@ci.ontario.ca.us.
Nathan deBoom	n8deboom@gmail.com
Pam Wilson	pwilson@bhfs.com
Paul Deutsch	pdeutsch@geomatrix.com
Paul Hofer	farmwatchtoo@aol.com
Paul Lacroix	placroix@reliant.com
Pete Hall	r.pete.hall@cddr.ca.gov
Peter Hettinga	peterhettinga@yahoo.com
Phil Krause	pkrause@parks.sbcounty.gov
Phil Rosenberg	prosenberg@hargis.com
Rachel R Robledo	rrobledo@bhfs.com
Raul Garibay	raul_garibay@ci.pomona.ca.us
Richard Atwater	Atwater@ieua.org
Rick Hansen	rhansen@tvmwd.com
Rick Rees	rrees@geomatrix.com
Rita Kurth	ritak@cvwdwater.com
Robert Bowcock	rbowcock@irmwater.com
Robert Cayce	rcayce@airports.sbcounty.gov
Robert DeLoach	robertd@cvwdwater.com
Robert Rauch	robert.rauchcc@verizon.net
Robert Tock	rtock@jcsd.us
Robert W. Nicholson	rwnicholson@sgvwater.com
Robert Young	rkyoung@fontanawater.com
Roger Florio	roger.florio@ge.com
Ron Craig	RonC@rbf.com
Rosemary Hoerning	rhoerning@ci.upland.ca.us
Sam Fuller	samf@sbsvmwd.com
Sandra S. Rose	directorrose@mvwd.org
Sandy Lopez	slopez@ci.ontario.ca.us
Scott Burton	sburton@ci.ontario.ca.us
smt@tragerlaw.com	smt@tragerlaw.com
sorr@rwglaw.com	sorr@rwglaw.com
Steve Arbelbide	sarbelbide@californiasteel.com
Steve Kennedy	skennedy@bbmblaw.com
Steven K. Beckett	skbeckett@bbmblaw.com
Steven Lee	slee@rhlaw.com
Tej Pahwa	tpahwa@dtsc.ca.gov
Terry Catlin	tcattin@verizon.net
Timothy Ryan	tjryan@sgvwater.com
Tom Bunn	TomBunn@Lagerlof.com
Tom Love	TLove@ieua.org
Tom McPeters	THMcP@adl.com
Tony Banegas	tbanegas@sunkistgrowers.com
Tracy Tracy	ttracy@mvwd.org
Tram Tran	ttran@mkblawyers.com
Vanessa Hampton	vhampton@jcsd.us
WM Admin Staff	

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 August 13, 2008 I served the following:

- 1) **DECLARATION OF DANIELLE BRODERICK REGARDING NOTICE OF THE JOINT EX PARTE APPLICATION TO STAY DETERMINATION OF ALL CONTESTED MATTERS AND WATERMASTER FILINGS UNTIL JUDGE GUNN RETURNS, OR IN THE ALTERNATIVE, UNTIL A JUDGE IS APPOINTED PERMANENTLY FOR ALL PURPOSES**

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

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

Executed on August 13, 2008 in Rancho Cucamonga, California.



Alex Pérez
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

WILLIAM P. CURLEY
PO BOX 1059
BREA, CA 92882-1059

CRAIG STEWART
GEOMATRIX CONSULTANTS INC
510 SUPERIOR AVE, SUITE 200
NEWPORT BEACH, CA 92663

LEAGUE OF CA HOMEOWNERS
ATTN: KEN WILLIS
99 "C" STREET, SUITE 209
UPLAND, CA 91786

CHARLES FIELD
4415 FIFTH STREET
RIVERSIDE, CA 92501

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

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

DAN FRALEY
HERMAN G. STARK YOUTH
CORRECTIONAL FACILITY
15180 S EUCLID
CHINO, CA 91710

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

PAUL HOFER
11248 S TURNER AVE
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
25345 AVENUE STANFORD, STE 208
VALENCIA, CA 91355

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

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

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

DON GALLEANO
4220 WINEVILLE RD
MIRA LOMA, CA 91752-1412

PETER HETTINGA
14244 ANON CT
CHINO, CA 91710

PETE HALL
PO BOX 519
TWIN PEAKS, CA 92391

MANUEL CARRILLO
CONSULTANT TO SENATOR SOTO
822 N EUCLID AVE, SUITE A
ONTARIO, CA 91762

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

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

JOEL KUPERBERG
OCWD GENERAL COUNSEL
RUTAN & TUCKER, LLP
611 ANTON BLVD., 14TH FLOOR
COSTA MESA, CA 92626-1931

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

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

STEVE ARBELBIDE
417 PONDEROSA TR
CALIMESA, CA 92320

ROBERT BOWCOCK
INTEGRATED RESOURCES MGMNT
405 N. INDIAN HILL BLVD
CLAREMONT, CA 91711-4724

JOHN ANDERSON
12475 CEDAR AVENUE
CHINO, CA 91710

SWRCB
PO BOX 2000
SACRAMENTO, CA 95809-2000

SENATOR NELL SOTO
STATE CAPITOL
ROOM NO 4066
SACRAMENTO, CA 95814

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

ALAN MARKS
COUNSEL – COUNTY OF SAN
BERNARDINO
157 W 5TH STREET
SAN BERNARDINO, CA 92415

JIM BOWMAN
CITY OF ONTARIO
303 EAST "B" STREET
ONTARIO, CA 91764

BOB KUHN
669 HUNTERS TRAIL
GLEN DORA, CA 91740

GEOFFREY VANDEN HEUVEL
CBWM BOARD MEMBER
8315 MERRILL AVENUE
CHINO, CA 91710

BRIAN GEYE
DIRECTOR OF TRACK ADMIN
CALIFORNIA SPEEDWAY
PO BOX 9300
FONTANA, CA 92334-9300

MICHAEL THIES
SPACE CENTER MIRA LOMA INC
3401 S ETIWANDA AVE, BLDG 503
MIRA LOMA, CA 91752-1126

JAMES CURATOLO
CVWD
PO BOX 638
RANCHO CUCAMONGA, CA
91729-0638

Members:

Al Lopez	lopezsixto@netzero.net
Alfred E. Smith	asmith@nossaman.com
Amy Steinfeld	asteinfeld@bhfs.com
Andy Malone	amalone@wildermuthenvironmental.com
Anne Schneider	ajs@eslawfirm.com
Anthony La	ala@ci.upland.ca.us
April Woodruff	awoodruff@ieua.org
Arnold Rodriguez	jarodriguez@sarwc.com
Art Kidman	akidman@mkblawyers.com
Ashok K. Dhingra	ashok.dhingra@m-e.aecom.com
Barbara Swanson	Barbara_Swanson@yahoo.com
Bill Dendy	bdendy@aol.com
Bill Kruger	citycouncil@chinohills.org
Bill Rice	WRice@waterboards.ca.gov
Bill Thompson	bthompson@ci.norco.ca.us
Bob Feenstra	feenstra@agconceptsinc.com
Bob Kuhn	bgkuhn@aol.com
Bonnie Tazza	bonniet@cvwdwater.com
Brenda Fowler	balee@fontanawater.com
Brian Hess	bhess@niagarawater.com
Butch Araiza	butcharaiza@mindspring.com
Carol	marie@tragerlaw.com
Carol Davis	cdavis@lagerlof.com
Charles Field	cdfield@att.net
Charles Moorrees	cmoorrees@sawaterco.com
Chris Swanberg	chris.swanberg@corr.ca.gov
Cindy LaCamera	clacamera@mwdh2o.com
Craig Stewart	cstewart@geomatrix.com
Curtis Aaron	caaron@fontana.org
Cyndi Windell	cynthia.windell@sce.com
Dan Arrighi	darrighi@sgvwater.com
Dan Hostetler	dghostetler@csupomona.edu
Dan McKinney	dmckinney@rhlaw.com
Dave Argo	argodg@bv.com
Dave Crosley	DCrosley@cityofchino.org
David B. Anderson	danders@water.ca.gov
David D DeJesus	ddejesus@mwdh2o.com
David D DeJesus	davidcicgm@aol.com
David Ringel	david.j.ringel@us.mwhglobal.com
Dennis Dooley	ddooley@angelica.com
Diane Sanchez	dianes@water.ca.gov
Don Galleano	donald@galleanowinery.com
Duffy Blau	Duffy954@aol.com
Eldon Horst	ehorst@jcsd.us
Eric Garner	elgarner@bbklaw.com
Eunice Ulloa	eulloa@cbwcd.org
Frank Brommenschenkel	frank.brommen@verizon.net
Fred Fudacz	ffudacz@nossaman.com
Fred Lantz	flantz@ci.burbank.ca.us
Gene Koopman	GTKoopman@aol.com
Geoffrey Vanden Heuvel	GeoffreyVH@juno.com
Gerard Thibeault	gthibeault@rb8.swrcb.ca.gov
Gerry Foote	gfoote@cbwcd.org
Grace Cabrera	grace_cabrera@ci.pomona.ca.us
Greg Woodside	gwoodside@ocwd.com
Henry Pepper	henry_pepper@ci.pomona.ca.us
James Curatalo	jamesc@cvwdwater.com
James Jenkins	cnomgr@airports.sbcounty.gov
James P. Morris	jpmorris@bbklaw.com
Janine Wilson	jwilson@cbwm.org
Jarlath Oley	joley@mwdh2o.com
Jean Cihigoyenette	Jean_CGC@hotmail.com

jeeinc@aol.com
Jeff Pierson
Jennifer Novak
Jerry King
Jess Senecal
Jill Willis
Jim Hill
Jim Markman
Jim Taylor
Jim@city-attorney.com
jimmy@city-attorney.com
Joe P LeClaire
Joe Scalmanini
John Anderson
John Ayers
John Bosler
John Cotti
John Huitsing
John Schatz
John V. Rossi
John Vega
Jose Galindo
Joseph S. Aklufi
Judy Schurr
Justin Brokaw
Kathy Kunysz
Kathy Tieg
Ken Jeske
Ken Kules
Kenneth Willis
Kevin Sage
Kyle Snay
Lisa Hamilton
Mark Hensley
Martin Zvirbulis
Robert Bowcock

jeeinc@aol.com
jpierson@unitexcorp.com
jennifer.novak@doj.ca.gov
jking@psomas.com
JessSenecal@lagerlof.com
jnwillis@bbklaw.com
jhill@cityofchino.org
jmarkman@rwglaw.com
jim_taylor@ci.pomona.ca.us
Jim@city-attorney.com
jimmy@city-attorney.com
jeclaire@wilderthemthenvironmental.com
jscal@lsce.com
janderson@ieua.org
jayers@sunkistgrowers.com
JohnBo@cvwdwater.com
jcotti@localgovlaw.com
johnhuitsing@gmail.com
jschatz13@cox.net
jrossi@wmwd.com
johnv@cvwdwater.com
jose_a_galindo@praxair.com
AandWLaw@aol.com
jschurr@courts.sbcounty.gov
jbrokaw@hughes.net
kkunysz@mwdh2o.com
ktieg@ieua.org
kjeske@ci.ontario.ca.us
kkules@mwdh2o.com
kwillis@homeowners.org
Ksage@IRMwater.com
kylesnay@gswater.com
Lisa.Hamilton@corporate.ge.com
mhensley@localgovlaw.com
martinz@cvwdwater.com
bbowcock@irmwater.com

Members:

Manuel Carrillo	Manuel.Carrillo@SEN.CA.GOV
Mark Kinsey	mkinsey@mvwd.org
Mark Ward	mark_ward@ameron-intl.com
Mark Wildermuth	mwildermuth@wildermuthenvironmental.com
Martha Davis	mdavis@ieua.org
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	martinz@cvwdwater.com
Maynard Lenhert	directorlenhert@mvwd.org
Michael T Fife	MFife@bhfs.com
Michelle Staples	mstaples@jdplaw.com
Mike Del Santo	mdelsanto@prologis.com
Mike Maestas	mmaestas@chinohills.org
Mike McGraw	mjmcgraw@FontanaWater.com
Mike Thies	mthies@spacecenterinc.com
Mohamed El-Amamy	melamamy@ci.ontario.ca.us
Nathan deBoom	n8deboom@gmail.com
Pam Wilson	pwilson@bhfs.com
Paul Deutsch	pdeutsch@geomatrix.com
Paul Hofer	farmwatchtoo@aol.com
Paul Lacroix	placroix@reliant.com
Pete Hall	r.pete.hall@cdcr.ca.gov
Peter Hettinga	peterhettinga@yahoo.com
Phil Krause	pkrause@parks.sbcounty.gov
Phil Rosenberg	prosenberg@hargis.com
Rachel R Robledo	rrobledo@bhfs.com
Raul Garibay	raul_garibay@ci.pomona.ca.us
Richard Atwater	Atwater@ieua.org
Rick Hansen	rhansen@tvmwd.com
Rick Rees	rrees@geomatrix.com
Rita Kurth	ritak@cvwdwater.com
Robert Bowcock	bbowcock@irmwater.com
Robert Cayce	rcayce@airports.sbcounty.gov
Robert DeLoach	robertd@cvwdwater.com
Robert Rauch	robert.rauchcc@verizon.net
Robert Tock	rtock@jcsd.us
Robert W. Nicholson	rwnicholson@sgvwater.com
Robert Young	rkyoung@fontanawater.com
Roger Florio	roger.florio@ge.com
Ron Craig	RonC@rbf.com
Rosemary Hoerning	rhoerning@ci.upland.ca.us
Sam Fuller	samf@sbvmwd.com
Sandra S. Rose	directorrose@mvwd.org
Sandy Lopez	slopez@ci.ontario.ca.us
Scott Burton	sburton@ci.ontario.ca.us
smt@tragerlaw.com	smt@tragerlaw.com
sorr@rwglaw.com	sorr@rwglaw.com
Steve Arbelbide	sarbelbide@californiasteel.com
Steve Kennedy	skennedy@bbmblaw.com
Steven K. Beckett	skbeckett@bbmblaw.com
Steven Lee	slee@rhlaw.com
Tej Pahwa	tpahwa@dtsc.ca.gov
Terry Catlin	tlcatlin@verizon.net
Timothy Ryan	tjryan@sgvwater.com
Tom Bunn	TomBunn@Lagerlof.com
Tom Love	TLove@ieua.org
Tom McPeters	THMcP@aol.com
Tony Banegas	tbanegas@sunkistgrowers.com
Tracy Tracy	ttracy@mvwd.org
Tram Tran	ttran@mkblawyers.com
Vanessa Hampton	vhampton@jcsd.us
WM Admin Staff	