

BROWNSTEIN HYATT FARBEN SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

1 **SCOTT S. SLATER (State Bar No. 117317)**
2 **MICHAEL T. FIFE (State Bar No. 203025)**
3 **AMY M. STEINFELD (State Bar No. 240175)**
4 **BROWNSTEIN HYATT FARBEN SCHRECK, LLP**
5 **21 East Carrillo Street**
6 **Santa Barbara, CA 93101**
7 **Telephone No: (805) 963-7000**
8 **Facsimile No: (805) 965-4333**

9 **Attorneys For**
10 **CHINO BASIN WATERMASTER**

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

13 **CHINO BASIN MUNICIPAL WATER**
14 **DISTRICT**

15 **Plaintiff,**

16 **vs.**

17 **CITY OF CHINO, ET AL.**

18 **Defendant.**

CASE NO. RS 51010

Assigned for All Purposes to:
Honorable John P. Wade
Department S32

**EX PARTE MOTION REQUESTING
APPROVAL OF INTERVENTION OF
CITY OF ONTARIO; RIBOLI
FAMILY/SAN ANTONIO WINERY, INC.;
FUJI NATURAL FOODS, INC.; KCO, LLC
("KOLL"); AND MICHAEL Y. PARK
INTO THE CHINO BASIN JUDGMENT**

Date: October 16, 2008
Department: S32
Time: 8:30 am

1 **I. INTRODUCTION**

2

3 Chino Basin Watermaster (“Watermaster”) hereby requests the Court to approve five
4 pending petitions in intervention to the Chino Basin Judgment (“Judgment”). Under paragraph 60 of
5 the Judgment, interventions must be approved by Order of the Court. According to a July 14, 1978
6 Order in this case, attached hereto as Exhibit “A,” petitions in intervention may be approved by the
7 Court either (1) in an ex parte proceeding, or (2) upon 48 hours notice to the parties.
8

9

10 As described below, all of the interventions have been through the normal Watermaster
11 approval process without objection from any party. Four of the five interventions are already on file
12 with the Court without objection from any party. Watermaster requests the Court to either approve
13 these interventions at the ex parte hearing set for October 16, 2008, or to sign the proposed Order
14 approving these interventions 48 hours after the date of Notice of this hearing.

15

16 **II. INTERVENTIONS**

17 Watermaster is a consensus-based organization facilitating development and utilization of the
18 Chino Groundwater Basin (“Basin”). Watermaster consists of various entities pumping water from
19 the Basin including cities, water districts, water companies, agricultural, commercial and other
20 private concerns. Watermaster is comprised of three stakeholder groups, called Pools, represented
21 by the following three Pool Committees: (1) the Overlying Agricultural Pool Committee,
22 representing dairymen, farmers, and the State of California; (2) the Overlying Non-Agricultural Pool
23 Committee, representing area industries; and (3) the Appropriative Pool Committee, representing
24 local cities, public water districts, and private water companies. Representatives from the three
25 Pools also form an Advisory Committee to oversee the regular activities of Watermaster. The Pool
26 Committees address their internal business, and make recommendations to the Advisory Committee;
27 The Advisory Committee then makes recommendations to the Watermaster Board for final action.
28

1 Any person that proposes to produce water from the Basin may become a party to the
2 Judgment by filing a petition in intervention. Watermaster receives and make recommendations
3 regarding petitions for intervention and accumulates them for filing with the Court from time to
4 time, provided that at least 48 hours notice is provided to any party. (Judgment ¶ 60 and Order re
5 Intervention Procedures, July 14, 1978.) Neither the Judgment nor the 1978 Order require a hearing
6 to be held for uncontested interventions. Only after court approval is an intervenor bound by the
7 Judgment and entitled to the rights and privileges accorded under the adjudication. (Judgment ¶ 60.)

9 There are currently five pending petitions for intervention pending before the court:

10 (1) City of Ontario

11 Watermaster respectfully requests approval of the request for intervention into the Overlying
12 (Non-Agricultural) Pool by the City of Ontario. Under paragraph 4.4 of the Peace II Agreement,
13 approved by the Court on December 21, 2007, “The Parties acknowledge and agree that any Party to
14 the Judgment shall have the right to purchase Non-Agricultural overlying property within the Basin
15 and appurtenant water rights and to intervene in the Non-Agricultural Pool.” The City of Ontario has
16 purchased property and appurtenant water rights owned by Sunkist and has requested intervention
17 into the Non-Agricultural Pool. This request was approved unanimously by the Appropiative Pool
18 and Overlying (Non-Agricultural) Pool on September 11, 2008. It was approved unanimously by the
19 Agricultural Pool on September 16, 2008. It was approved unanimously by the Advisory Committee
20 and Board on September 25, 2008.

23 (2) Riboli Family/San Antonio Winery into the Agricultural Pool (Motion filed on April
24 10, 2008).

25 (3) Fuji Natural Foods into the Agricultural Pool (Motion filed on April 10, 2008).

26 (4) KCO, LLLC (“Koll”) into the Non-Agricultural Pool (Motion filed on July 15, 2008).

27 (5) Michael Y. Park into the Agricultural Pool (Motion filed on August 18, 2008).

28

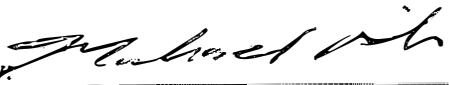
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

These interventions were properly filed in accordance with the 1978 Order re Intervention Procedures and the procedures set forth in the Judgment. Watermaster staff has reviewed the petitions in intervention and requested that the parties be placed in the appropriate pool. At their respective meetings, the three Pools, the Watermaster Board and the Advisory Committee unanimously approved the interventions.

Watermaster respectfully requests the Court to approve these interventions by signing the attached [Proposed] Order Approving Interventions either at the ex parte hearing scheduled for October 16, 2008, or forty-eight (48) hours after notice of this hearing in accordance with the Judgment and the 1978 Order.

Dated: October 9, 2008

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 

Michael T. Fife
Scott S. Slater
Amy M. Steinfeld
Attorneys for Chino Basin Watermaster

Exhibit A

1 DONALD D. STARK
A Professional Corporation
2 Suite 201 Airport Plaza
2061 Business Center Drive
3 Irvine, California 92715
Telephone: (714) 752-8971

4
5 CLAYSON, ROTHROCK & MANN
601 South Main Street
6 Corona, California 91720
Telephone: (714) 737-1910

7 Attorneys for Plaintiff

8
9

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

10
11

12 CHINO EASTERN MUNICIPAL WATER)
DISTRICT,)
13)
14 Plaintiff,)
15 v.)
16 CITY OF CHINO, et al.)
17 Defendants.)

No. 164327

ORDER RE
INTERVENTION
PROCEDURES

18
19
20
21
22
23
24
25
26
27
28

Good cause appearing therefore, IT IS HEREBY ORDERED that
all subsequent petitions in intervention may be accepted by Water-
master and accumulated for filing from time to time in an ex parte
proceeding, except upon 48-hour notice to any party or to any
attorney of record who shall have requested such notice; and that
prior to filing with the Court, Watermaster shall be permitted to
take all administrative steps pertaining to the Judgment provided,
however, that no assessments shall be made until a formal order

//////

//////

RECORDED BY CLAYSON, ROTHROCK & MANN
A PROFESSIONAL CORPORATION
SURETY
2061 BUSINESS CENTER DRIVE
IRVINE, CALIF. 92715
TEL. (714) 752-8971

1 has been entered by this Court.

2 DATED: JUL 14 1978, 1978.

3
4 DON A TURNER

5 Honorable Don A. Turner
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A PROFESSIONAL CORPORATION
SUITE 400
2081 BUSINESS CENTER DRIVE
IRVINE, CALIFORNIA 92714
(714) 752-8971

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 October 10, 2008 I served the following:

- 1) **EX PARTE MOTION REQUESTING APPROVAL OF INTERVENTIONS OF CITY OF ONTARIO; RIBOLI FAMILY/SAN ANTONIO WINERY, INC.; FUJI NATURAL FOODS, INC.;; KCO, LLC ("KOLL"); AND MICHAEL Y. PARK INTO THE CHINO BASIN JUDGMENT**

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

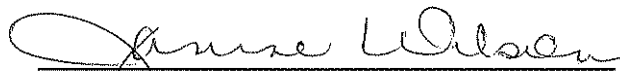
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 October 10, 2008 in Rancho Cucamonga, California.



Janine Wilson
Chino Basin Watermaster

TERRY CATLIN
2344 IVY CT
UPLAND, CA 91784

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

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

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

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

PAUL HOFER
11248 S TURNER AVE
ONTARIO, CA 91761

BOB KUHN
669 HUNTERS TRAIL
GLEN DORA, CA 91740

CHARLES FIELD
4415 FIFTH STREET
RIVERSIDE, CA 92501

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

GLEN DURRINGTON
5512 FRANCIS ST
CHINO, CA 91710

Members:

Alfred E. Smith	asmith@nossaman.com
Amy Steinfeld	asteinfeld@bhfs.com
Art Kidman	akidman@mkblawyers.com
Barbara Swanson	Barbara_Swanson@yahoo.com
Bill Dendy	bdendy@aol.com
Carol	marie@tragerlaw.com
Carol Davis	cdavis@lagerlof.com
Chris Swanberg	chris.swanberg@corr.ca.gov
Dan McKinney	dmckinney@rhlaw.com
Diane Sanchez	dianes@water.ca.gov
Eric Garner	elgarner@bbklaw.com
Fred Fudacz	ffudacz@nossaman.com
James P. Morris	jpmorris@bbklaw.com
Jean Cihigoyenetché	Jean_CGC@hotmail.com
jeeinc@aol.com	jeeinc@aol.com
Jennifer Novak	jennifer.novak@doj.ca.gov
Jess Senecal	JessSenecal@lagerlof.com
Jill Willis	jwillis@bbklaw.com
Jim Markman	jmarkman@rwglaw.com
Jim@city-attorney.com	Jim@city-attorney.com
jimmy@city-attorney.com	jimmy@city-attorney.com
John Cotti	jcotti@localgovlaw.com
John Schatz	jschatz13@cox.net
Joseph S. Aklufi	AandWLaw@aol.com
Kuperberg, Joel	jkuperberg@rutan.com
Mark Hensley	mhensley@localgovlaw.com
Michelle Staples	mstaples@jdplaw.com
smt@tragerlaw.com	smt@tragerlaw.com
Steve Kennedy	skennedy@bbmblaw.com
Steven K. Beckett	skbeckett@bbmblaw.com
Steven Lee	slee@rhlaw.com
Steven R. Orr	sorr@rwglaw.com
Tom Bunn	TomBunn@Lagerlof.com
Tom McPeters	THMcP@aol.com
Tram Tran	ttran@mkblawyers.com
William J. Brunick	bbrunick@bbmblaw.com
William P. Curley	wcurley@rwglaw.com

Members:

Anne Schneider
Joe Scaimanini
Judy Schurr

ajs@eslawfirm.com
jscal@lsce.com
jschurr@courts.sbcounty.gov

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
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	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
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
Steve Arbelbide	sarbelbide@californiasteel.com
Tej Pahwa	tpahwa@dtsc.ca.gov
Terry Catlin	tcatlin@verizon.net
Timothy Ryan	tjryan@sgvwater.com
Tom Love	TLove@ieua.org
Tony Banages	tbanegas@sunkistgrowers.com
Tracy Tracy	ttracy@mvwd.org
Vanessa Hampton	vhampton@jcsd.us
WM Admin Staff	

Members:

Al Lopez	lopezsixto@netzero.net
Andy Malone	amalone@wildermuthenvironmental.com
Anthony La	ala@ci.upland.ca.us
April Woodruff	awoodruff@ieua.org
Arnold Rodriguez	jarodriguez@sarwc.com
Ashok K. Dhingra	ashok.dhingra@m-e.aecom.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
Carl Hauge	chauge@water.ca.gov
Charles Field	cdfield@att.net
Charles Moorrees	cmoorrees@sawaterco.com
Cindy LaCamera	clacamera@mw2o.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	TVMWDDIV2REP@gmail.com
David D DeJesus	davidcicgm@aol.com
David Ringel	david.j.ringel@us.mwhglobal.com
Dennis Dooley	ddooley@angelica.com
Don Galleano	donald@galleanowinery.com
Duffy Blau	Duffy954@aol.com
Eldon Horst	ehorst@jcsd.us
Eunice Ulloa	eulloa@cbwcd.org
Frank Brommenschenkel	frank.brommen@verizon.net
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
Janine Wilson	jwilson@cbwm.org
Jarlath Oley	joley@mw2o.com
Jeff Pierson	jpierson@unitexcorp.com
Jerry King	jking@psomas.com
Jim Hill	jhill@cityofchino.org
Jim Taylor	jim_taylor@ci.pomona.ca.us
Joe P LeClaire	jleclaire@wildermuthenvironmental.com
John Anderson	janderson@ieua.org
John Ayers	jayers@sunkistgrowers.com
John Bosler	JohnBo@cvwdwater.com
John Huitsing	johnhuitsing@gmail.com
John Thornton	jthornton@psomas.com
John V. Rossi	jrossi@wmwd.com
John Vega	johnv@cvwdwater.com
Jose Galindo	jose_a_galindo@praxair.com

Justin Brokaw
Kathy Kunysz
Kathy Tieg
Ken Jeske
Ken Kules
Kenneth Willis
Kevin Sage
Kyle Snay
Lisa Hamilton
Mark Hensley
Martin Zvirbulis
Mike Thies
Robert Bowcock

jbokaw@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
mthies@spacecenterinc.com
bbowcock@irmwater.com