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CHINO BASIN WATERMASTER
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT

12 Plaintiff,

13 vs.

14 CITY OF CHINO, ET AL.

15 Defendant.

Case No. RCV 51010

[Assigned for All Purposes to the
Honorable JOHN P. WADE]

DECLARATION OF SCOTT S. SLATER
STATUS OF CHINO BASIN
WATERMASTER REPORTS AND
RELATED REPORTINGS

Hearing Date: April 27, 2009
Time: 9:30 am
Dept: S32

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19 I, SCOTT S. SLATER, declare:

20 1. I am an attorney licensed to practice law before the courts of the State of California. I
21 am general counsel for the Chino Basin Watermaster (Watermaster). I have served as general
22 counsel since March 2000, and in that time have been personally involved in all aspects of
23 Watermaster reporting. I have personal knowledge of the following and, if called as a witness,
24 could and would testify competently to the following.
25

26 2. At a hearing before the honorable Judge Wade on November 13, 2008, the Court
27 directed Watermaster to suspend the filing of further reports pending the scheduled hearing before
28 the Court on February 2, 2009.

1 3. At the conclusion of the hearing on February 2, 2009, the Court instructed general
2 counsel to prepare a summary of the Watermaster reports and their status and to serve the summary
3 on the Parties to the Judgment.

4 4. Further, in response to inquiry from Watermaster Counsel Mr. Fife, the Court
5 indicated that Watermaster should continue preparation of the OBMP Status Reports as well as
6 other reports previously ordered by Judge Gunn pending further Court review at the hearing now
7 scheduled for April 27, 2009.

8 5. The Court directed that the declaration should provide a statement of the status of all
9 reports for the Watermaster, then due or soon to be produced.

10 6. Pursuant to the Court's direction, Watermaster has prepared a summary spreadsheet
11 that is attached to this Declaration as Exhibit "A." The spreadsheet describes the regular
12 Watermaster and related reports that routinely occurs regarding surface and groundwater relevant
13 to the management of the Chino Basin.

14 7. The comprehensive reporting is done by Watermaster independently and in
15 coordination with public agencies tasked with the responsibility under existing law.

16 8. Watermaster customarily and routinely publishes the reports in a draft and final form
17 to the member Parties to the Chino Basin Judgment and vets them through the open public review
18 process before each of the Pools, the Advisory Committee and the Board.

19 9. All reports produced by Watermaster submitted to each of the three Pools, the
20 Advisory Committee, and the Board for subject to review, comment, revision and approval to
21 ensure accuracy.

22 10. Before any report is finalized and released for publication and filing, it has been
23 circulated to the Parties to the Judgment for at least a month.

24 11. The public may obtain copies of any report prepared by Watermaster or at its
25 direction through the website or by the attendance at open meetings where the reports are
26 discussed. None of the identified reports are considered confidential.

12. All identified reports under preparation of Watermaster are complete unless otherwise noted in this declaration. Watermaster will also offer Mr. Manning as the staff person most knowledgeable regarding the reporting at the April 27, 2002 hearing.

13. The OBMP Status Reports (2008-02) were in production at the time of the November 13, 2008 hearing. Preparation of the report was temporarily suspended. Following the February 2, 2009 hearing, Watermaster resumed preparation of the report. Thus, Status Report 2008-02 is untimely. However, it has now been completed and submitted to the Court.

14. The 2008 Annual Report was submitted to the Court on March 3, 2009. Under the Judgment, this report is required to be submitted to the Court in January. Watermaster routinely experiences difficulty in meeting the time requirement for filing this report. This is largely due to a change in circumstance since the report was envisioned in 1978 when the Judgment was entered. The early form of the report was simple and consisted of a few type-written pages which were copied and stapled together. Today the report covers vastly greater subject matter and content and is a bound volume that is professionally printed. Because of production requirements with the printers, it is not possible to submit the Annual Report according to the timetable described in the Judgment.

15. All other Watermaster's reports are timely produced and submitted.

16. The status of reporting covered in the attachment reflects those reports that are routine, customary or that otherwise arise from an order of the Court. It is not intended to address all or anticipate filings or reports that may be triggered in the future by objective standards in the Judgment and its progeny (Peace Agreement, Peace II Measures) or by conduct of the Parties to the Judgment or third parties in the future.

17. For clarification and the avoidance of doubt, Judge Gunn's Order of December 21, 2007 requires Watermaster to comply with the terms of the Peace II Agreement, including Article V, Section 5.3(b) and to receive quarterly reports from Western Municipal Water District (WMWD) regarding its progress in implementing the Future Desalters program. This is a report generated by WMWD and then included with the materials submitted to the Regional Water Quality Control Board (Regional Board). To avoid redundant reporting, Watermaster will transmit

1 the reports submitted to the Regional Board to the Court. Mr. Manning will be available to address
2 this issue in greater detail on April 27, 2009 if so desired by the Court.

3 18. Watermaster intends to address any issue regarding the form and substance of
4 governance and administration of the Judgment by Watermaster in response to a specific issue that
5 may be raised by any Party to the Judgment at the time it is raised or as the Court may direct or if
6 there is no direction, then in connection with any motion to re-appoint the Nine-Member Board as
7 presently scheduled by Order of Judge Gunn for 2010.

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

10 Executed on April 24, 2009, at Santa Barbara, California.


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12 SCOTT S. SLATER
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Exhibit A

Exhibit A
Reporting Relevant to Chino Basin

Agency	Report	Frequency	Report Status	Required by
Watermaster	Audit	Annually	Completed -- Approved by Board 01/22/09	Judgment
Watermaster	Annual Report	Annually	Complete -- Filed with Court 3/3/09	Judgment
Watermaster	Budget	Annually	In Progress -- Due 6/30/09	Judgment
Watermaster	Water Activity Report	Annually	Next Due 9/3/09	Voluntary
Watermaster	Assessment Package	Annually	Completed -- Approved by Board 11/22/08	Judgment
Watermaster	State of the Basin Report	Every Other Year	Next Due 6/30/09	Court Order
Watermaster	Balance of Recharge and Discharge Report	Every Other Year	Next Due 6/30/09	Peace Agreement
Watermaster	Semi Annual OBMP Reports	Every 6 Months	Approved by Board 4/23/09	Court Order
Watermaster	Monthly "Supplemental and Storm Water Recharge" Report	Monthly	FY through March -- Currently Available	Voluntary
Watermaster	HCMP Monitoring Program Reports	Quarterly	Next Due 7/15/09	RWQCB Basin Plan
Watermaster	Chino Basin Maximum Benefit Monitoring Program Annual Report	Annually	Next Due 4/15/09 -- Completed	RWQCB Basin Plan
Watermaster	Recharge Master Plan Update -- Final Report	Every 5 Years, Starting in 2010	Due 7/1/2010 and Every Five Years Thereafter	Court Order
Watermaster	2010 Recharge Master Plan Update -- Progress Report	Once	Next Due 7/1/09	Court Order
Watermaster, IEUA	20-Year TDS and Nitrogen Projection	Recharge Permit Renewal	6/1/09 and As Renewed -- In Progress	RWQCB
Watermaster	MZ1 Annual Report	Annually	Next Due 6/30/09	MZ1 Long Term Plan
Watermaster	Progress Reports re SWRCB Permits	Annually	Next Due 6/1/09	SWRCB Permits 19895, 20753, 21225
Watermaster	Reporting to DFG under Water Rights Stipulation	Annually	First Due 9/1/09	SWRCB Permit 21225
Watermaster	Quarterly Desalter Progress Reports	Quarterly	Last Due 4/15/09 -- Submitted to RWQCB	RWQCB
Watermaster	Watermaster Database (Hydrodave)	On Demand	NA	Voluntary
IEUA	Chino Basin Facilities Improvement Program Reports	Quarterly	January/February 2009 -- Currently Available	Voluntary
IEUA	Annual Report for the Chino Basin Recycled Water Groundwater Recharge Program	Annually	Next Due 5/15/09	RWQCB Order R8-2007-039
IEUA	Chino Basin Recycled Water Groundwater Recharge Program - Start-Up Period Report for <XXX> Basin	Periodic, As Needed	NA	NA
IEUA	Chino Basin Recycled Water Groundwater Recharge Program - Quarterly Monitoring Reports	Quarterly	Next Due 5/15/09 (Then 8/09, 11/09, 2/10)	RWQCB Order R8-2007-039
IEUA, WMWD, Others	SAR Watermaster Reports	Annually	April	1969 Judgment
SAWPA	Numerous Reports re Various Watershed-Wide Issues	As Needed	NA	NA

Exhibit A
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SAWPA	Numerous reports re various watershed-wide issues	as needed	NA	NA

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 24, 2009 I served the following:

1) DECLARATION OF SCOTT S. SLATER RE STATUS OF CHINO BASIN WATERMASTER REPORTS AND RELATED REPORTINGS

☒ 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 24, 2009 in Rancho Cucamonga, California.


Janine Wilson
Chino Basin Watermaster

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