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6
7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF SAN BERNARDINO
9

10 CHINO BASIN MUNICIPAL WATER DISTRICT,
Plaintiff

11 v.

12 CITY OF CHINO, et al.,
13 Defendants

CASE NO. RCV 51010

Assigned for all purposes to the
Honorable Stanford E. Reichert

**JURUPA COMMUNITY SERVICES
DISTRICT'S OPPOSITION TO
MONTE VISTA WATER
DISTRICT'S RESPONSE TO
COURT'S FEBRUARY 22, 2017
ORDER RE SYRA AND RESPONSE
TO QUESTIONS**

DATE: April 28, 2017
TIME: 1:30 p.m.
DEPT.: S35

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19 The Jurupa Community Services District (Jurupa) offers the following reply to the
20 briefing submitted to the Court on March 10, 2017 by the Monte Vista Water District, et al.
21 (Monte Vista), and joins in the Opposition filed by the City of Ontario.

22 Monte Vista misstates the effect of the Court's rulings regarding the Safe Yield
23 recalculation determination and the allocation of Desalter Induced Recharge. Watermaster's
24 Safe Yield analysis and recommendation to the Court is no different than it was when Monte
25 Vista supported resetting the Safe Yield to 135,000 acre feet per year (afy) in the Safe Yield
26 Reset Agreement. But now Monte Vista argues that the effect of resetting the Safe Yield is
27 authorizing production of 155,000 afy from the Basin, and therefore Safe Yield should really be
28 set at 115,000 afy to allow for 20,000 afy of Desalter production. This position is misguided, as

1 Watermaster's *Response to February 22, 2017 Order* makes clear. In fact, Monte Vista's
2 complaint with the Court's February 22, 2017 Order is not that Safe Yield is being reset at
3 135,000 afy, it is that the Order also prohibits Watermaster from allocating unproduced ag water
4 to offset the desalter induced recharge unless conversion claims are fully satisfied. Monte
5 Vista's arguments are not compelling.

6 Watermaster's *Response to February 22, 2017 Order* clarifies how Desalter Induced
7 Recharge is to be allocated under the Judgment and Peace II Agreement: "the Peace II
8 Agreement simply requires that this specific component of supply be reserved exclusively to
9 offset Desalter Production so that it is not distributed to the parties for production under their
10 respective rights to Safe Yield." (Watermaster's *Response to February 22, 2017 Order*, p. 3, ll.
11 17-19). "Although the Desalter-Induced Recharge is an inflow to the Basin and therefore a
12 physical component of Safe Yield, it is contractually sequestered by paragraph 7.1 of the Peace
13 II Agreement for the sole purpose of offsetting the Desalter Production." (Watermaster's
14 *Response to February 22, 2017 Order*, p. 4, ll. 3-5). Watermaster further states that it intends to
15 honor the Court's ruling with respect to the priorities to unproduced agricultural pool water.
16 (Watermaster's *Response to February 22, 2017 Order*, p. 6, ll. 26-28). This is a reasonable
17 interpretation of the requirements of the Judgment and the Peace Agreements.

18
19 Dated: March 24, 2017

Respectfully submitted,

ELLISON SCHNEIDER HARRIS & DONLAN LLP

21
22 By 

23 Robert E. Donlan
24 Attorneys for Defendant
25 Jurupa Community Services District
26
27
28

1 **PROOF OF SERVICE**

2 I declare that:

3 I am employed in the County of Sacramento, State of California. I am over the age of eighteen
4 years and am not a party to the within action. My business address is ELLISON SCHNEIDER
5 HARRIS & DONLAN LLP: 2600 Capitol Avenue, Suite 400; Sacramento, California, 95816.

6 On March 24, 2017, I sent the foregoing document described as:

7 **JURUPA COMMUNITY SERVICES DISTRICT'S OPPOSITION TO MONTE VISTA**
8 **WATER DISTRICT'S RESPONSE TO COURT'S FEBRUARY 22, 2017 ORDER RE**
9 **SYRA AND RESPONSE TO QUESTIONS**

10 via electronic mail in portable document format ("PDF") to Chino Basin Watermaster: E-Mail:
11 courtfilings@cbwm.org for filing with the Court and service by Watermaster staff on parties to
12 the Judgment.

13 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
14 was executed on March 24, 2017, at Sacramento, California.

15 
16 _____
17 Patty Slomski

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 March 24, 2017 I served the following:

1. JURUPA COMMUNITY SERVICES DISTRICT'S OPPOSITION TO MONTE VISTA WATER DISTRICT'S RESPONSE TO COURT'S FEBRUARY 22, 2017 ORDER RE SYRA AND RESPONSE TO QUESTIONS

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

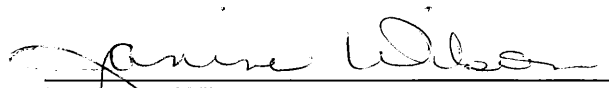
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 March 24, 2017 in Rancho Cucamonga, California.


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Chino Basin Watermaster

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