

FEE EXEMPT

1 TRACY J. EGOSCUE (SBN 190842)
2 TARREN A. TORRES (SBN 275991)
3 EGOSCUE LAW GROUP, INC.
4 3834 Pine Ave.
5 Long Beach, CA 90807
6 Tel/Facsimile: (562) 988-5978
7 tracy@egoscuelaw.com
8 tarren@egoscuelaw.com

9 Attorneys for OVERLYING
10 (AGRICULTURAL) POOL

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 v.

17 CITY OF CHINO et al.,

18 Defendants.

Case No. RCV RS51010

Assigned for All Purposes to the
Honorable Stanford E. Reichert

**AG POOL'S JOINDER TO
WATERMASTER'S MOTION FOR
COURT APPROVAL OF
AMENDMENTS TO RESTATED
JUDGMENT REGARDING
COMPENSATION OF
WATERMASTER POOL AND
ADVISORY COMMITTEE
MEMBERS**

Date: December 13, 2019
Time: 1:30 p.m.
Dept. S-35

[Filed concurrently herewith: Declaration of
Tracy J. Egoscue in support of Ag Pool's Joinder to
Watermaster's Motion]

23
24 The Chino Basin Overlying (Agricultural) Pool Committee (Ag Pool), whose members
25 include parties to the Judgment previously entered in this matter, hereby joins the Chino Basin
26 Watermaster's Motion for Court Approval of Amendments to Restated Judgment Regarding
27 Compensation of Watermaster Pool and Advisory Committee Members (Watermaster Motion).
28 The Watermaster Motion requests that the Court approve an amendment to Paragraph 36 of the

1 Restated Judgment to conform with current Watermaster and Ag Pool policy and practice, which
2 supports continued participation of the Ag Pool members in the Pool and Advisory Committees.
3 As the Watermaster notes, the filing of the Watermaster’s motion was approved by the members of
4 the Watermaster Board at the Board’s October 24, 2019 regular meeting. (Watermaster Motion,
5 6:19-23.)

6 The Watermaster Motion requests that the court approve an amendment to Paragraph 36
7 of the Restated Judgment to “conform the Restated Judgment to longstanding practices as to
8 Watermaster Pool and Advisory Committee member compensation for attendance at events at the
9 Committee’s direction.” (Watermaster Motion, 3:6-9.) Paragraph 36 currently allows for
10 compensation to Pool or Advisory Committee members in the amount of twenty-five dollars
11 (\$25) for each meeting of such Pool or Advisory Committee attended and restricts total annual
12 compensation to three hundred dollars (\$300). The Watermaster Motion proposes that Paragraph
13 36 be amended to allow for compensation of Pool or Advisory Committee members for
14 attendance at meetings, workshops, and hearings in an amount “established by the respective
15 pooling plan or Committee rules and regulations, but not to exceed one hundred twenty-five
16 dollars (\$125.00)” and to remove the \$300 annual cap. (Watermaster Motion, 5:12-18.)

17 The Ag Pool supports this proposed amendment to Paragraph 36 in order to reconcile the
18 Restated Judgment with the compensation practice of the Watermaster and Ag Pool for the past
19 decade. Additionally, the Court has acknowledged—in its August 30, 2013 Order that allowed
20 individual members of the Ag Pool to serve concurrently on the Watermaster Board while serving
21 as a member of the Advisory Committee or the Ag Pool Committee—that there has been a
22 declining trend of activity in the Ag Pool as more agricultural land is converted to urban use. The
23 Court’s August 30, 2013 Order has been vital to the promotion and protection of the interests of
24 the agricultural landowners in the Basin by allowing the more modest number of active Ag Pool
25 members to serve concurrently on the Watermaster Board while serving as a member of the
26 Advisory Committee or the Ag Pool Committee. Likewise, this amendment to Paragraph 36 of
27 the Restated Judgment, allowing Committee members to continue to be compensated as they have
28 been for the past decade and removing the compensation cap, helps to ensure that the Ag Pool’s

1 declining membership continues to have active participation in the Watermaster process.

2 At the October 10, 2019 regular meeting, the Ag Pool Committee voted to amend its
3 Committee rules and regulations to provide that members be compensated for meeting attendance
4 in the amount of one hundred twenty-five dollars (\$125) to conform with Ag Pool practice and
5 policy, contingent on the Court's approval of the Watermaster Motion, and to direct counsel to
6 prepare and file this Joinder to the Watermaster Motion. (Declaration of Tracy J. Egoscue
7 (Egoscue Decl.), ¶¶ 3 and 4.) The Ag Pool Committee also approved a related amendment to its
8 Pooling Plan and directed counsel to prepare the necessary filings for the Court, the motion for
9 which was filed concurrently with this Joinder. (Egoscue Decl., ¶ 5.) The allowance of an
10 increase in compensation and the elimination of the annual compensation cap allows for
11 individual Ag Pool members to be appropriately compensated for attendance at all meetings,
12 workshops, and hearings, and ensures that the declining membership continues to have active
13 participation in the Watermaster process.

14 Accordingly, the Ag Pool respectfully requests that the Court grant the Chino Basin
15 Watermaster's Motion for Court Approval of Amendments to Restated Judgment Regarding
16 Compensation of Watermaster Pool and Advisory Committee Members.

17
18 Dated: October 31, 2019

EGOSCUE LAW GROUP, INC.

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20

By: Tracy J. Egoscue
TRACY J. EGOSCUE
Attorneys for
OVERLYING (AGRICULTURAL) POOL

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FREE EXEMPT

1 TRACY J. EGOSCUE (SBN 190842)
2 TARREN A. TORRES (SBN 275991)
3 EGOSCUE LAW GROUP, INC.
4 3834 Pine Ave.
5 Long Beach, CA 90807
6 Tel/Fax: (562) 988-5978
7 tracy@egoscuelaw.com
8 tarren@egoscuelaw.com

9 Attorneys for OVERLYING
10 (AGRICULTURAL) POOL

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 v.
17 CITY OF CHINO et al.,
18 Defendants.

Case No. RCV RS51010

Assigned for All Purposes to the
Honorable Stanford E. Reichert

**DECLARATION OF TRACY J. EGOSCUE
IN SUPPORT OF AG POOL'S JOINDER
TO WATERMASTER'S MOTION FOR
COURT APPROVAL OF AMENDMENTS
TO RESTATED JUDGMENT
REGARDING COMPENSATION OF
WATERMASTER POOL AND ADVISORY
COMMITTEE MEMBERS**

19
20 1. I, Tracy J. Egoscue, am an attorney licensed to practice in the State of California. Based
21 upon my own knowledge and experience, I can competently attest to the following facts.

22 2. I am counsel for the Overlying (Agricultural) Pool (hereafter Ag Pool) and this
23 Declaration is made in support of the Ag Pool's Joinder to Watermaster's Motion for Court
24 Approval of Amendments to Restated Judgment Regarding Compensation of Watermaster Pool
25 and Advisory Committee Members (Watermaster Motion).

26 3. At its October 10, 2019 meeting, the Ag Pool voted to amend its Committee rules and
27 regulations to provide that members be compensated for meeting attendance in the amount of one
28 hundred twenty-five dollars (\$125) to conform with Ag Pool practice and policy of the past ten

1 years contingent on the Court's approval of the Watermaster Motion.

2 4. During the October 10, 2019 Ag Pool meeting, the Ag Pool voted to direct counsel to
3 prepare and file a Joinder to the Watermaster Motion to Amend Paragraph 36 as a closed session
4 reportable action.

5 5. Also during the October 10, 2019 meeting, the Ag Pool approved an amendment to its
6 Pooling Plan and directed counsel to prepare the necessary filings for the Court.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st
8 day of October 2019 in the City of Long Beach and County of Los Angeles, State of California.

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10 By: Tracy J. Egoscue
11 TRACY J. EGOSCUE
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CHINO BASIN WATERMASTER

Case No. RCVRS 51010

Chino Basin Municipal Water District v. City of Chino, et al.

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 31, 2019 served the following:

1. AG POOL'S JOINDER TO WATERMASTER'S MOTION FOR COURT APPROVAL OF AMENDMENTS TO RESTATED JUDGMENT REGARDING COMPENSATION OF WATERMASTER POOL AND ADVISORY COMMITTEE MEMBERS
2. DECLARATION OF TRACY J. EGOSCUE IN SUPPORT OF AG POOL'S JOINDER TO WATERMASTER'S MOTION FOR COURT APPROVAL OF AMENDMENTS TO RESTATED JUDGMENT REGARDING COMPENSATION OF WATERMASTER POOL AND ADVISORY COMMITTEE MEMBERS

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

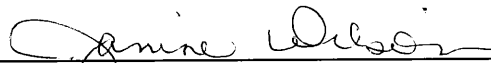
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 31, 2019 in Rancho Cucamonga, California.


By: Jarline Wilson
Chino Basin Watermaster

BRIAN GEYE
CA SPEEDWAY CORPORATION
9300 CHERRY AVE
FONTANA, CA 92335

BOB KUHN
THREE VALLEYS MWD
669 HUNTERS TRAIL
GLEN DORA, CA 91740

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

STEVE ELIE
IEUA
17017 ESTORIL STREET
CHINO HILLS, CA 91709

JEFF PIERSON
UNITEX MANAGEMENT CORP.
PO BOX 1440
LONG BEACH, CA 90801-1440

PAUL HOFER
CBWM BOARD MEMBER
11248 S TURNER AVE
ONTARIO, CA 91761

DON GALLEANO
WMWD
4220 WINEVILLE ROAD
MIRA LOMA, CA 91752

ALLEN HUBSCH
LOEB & LOEB LLP
10100 SANTA MONICA BLVD.
SUITE 2200
LOS ANGELES, CA 90067

BOB FEENSTRA
2720 SPRINGFIELD ST,
ORANGE, CA 92867

Members:

Allen W. Hubsch	ahubsch@loeb.com
Andrew Gagen	agagen@kidmanlaw.com
Arthur Kidman	akidman@kidmanlaw.com
Catharine Irvine	cirvine@DowneyBrand.com
Christopher M. Sanders	cms@eslawfirm.com
Dan McKinney	dmckinney@douglascountylaw.com
David Aladjem	daladjem@downeybrand.com
Elizabeth P. Ewens	epe@eslawfirm.com
Eric Papathakis	Eric.Papathakis@cdcr.ca.gov
Fred Fudacz	ffudacz@nossaman.com
Fred Galante	fgalante@awattorneys.com
Gene Tanaka	Gene.Tanaka@bbklaw.com
Irene Islas	irene.islas@bbklaw.com
Jean Cihigoyenetche	Jean@thejclawfirm.com
Jim Markman	jmarkman@rwglaw.com
Jimmy Gutierrez - Law Offices of Jimmy Gutierrez (jimmylaredo@gmail.com)	jimmylaredo@gmail.com
jimmy@city-attorney.com	jimmy@city-attorney.com
Joel Kuperberg	jkuperberg@rutan.com
John Harper	jrharper@harperburns.com
John Schatz	jschatz13@cox.net
Mark D. Hensley	mhensley@hensleylawgroup.com
Martin Cihigoyenetche	marty@thejclawfirm.com
Michelle Staples	mstaples@jdtplaw.com
Nick Jacobs	njacobs@somachlaw.com
Randy Visser	RVisser@sheppardmullin.com
Robert E. Donlan	red@eslawfirm.com
Sarah Foley	Sarah.Foley@bbklaw.com
Shawnda M. Grady	sgrady@eslawfirm.com
Steve Kennedy	skennedy@bmklawplc.com
Steve M. Anderson	steve.anderson@bbklaw.com
Timothy Ryan	tjryan@sgvwater.com
Tom Bunn	TomBunn@Lagerlof.com
Tom McPeters	THMcP@aol.com
Tracy J. Egoscue	tracy@egoscuelaw.com
Trish Geren	tgeren@sheppardmullin.com
William J Brunick	bbrunick@bmblawoffice.com

Members:

Agnes Cheng	agnes.cheng@cc.sbcounty.gov
Al Lopez	alopez@wmwd.com
Alfonso Ruiz	alfonso.ruiz@cmc.com
Alonso Jurado	ajurado@cbwm.org
Amanda Coker	acoker@cityofchino.org
Amer Jakher	AJakher@cityofchino.org
Amy Bonczewski	ABonczewski@ontarioca.gov
Andrea Olivas	aolivas@jcsd.us
Andrew Silva	Andrew.Silva@cao.sbcounty.gov
Andy Campbell	acampbell@ieua.org
Andy Malone	amalone@weewater.com
Anna Nelson	atruongnelson@cbwm.org
April Robitaille	arobitaille@bhfs.com
April Woodruff	awoodruff@ieua.org
Arnold "AJ" Gerber	agerber@parks.sbcounty.gov
Arnold Rodriguez	jarodriguez@sarwc.com
Art Bennett	citycouncil@chinohills.org
Ashok Dhingra	ash@akdconsulting.com
Ben Lewis	benjamin.lewis@gswater.com
Ben Peralta	bperalta@tvmwd.com
Betty Anderson	banderson@jcsd.us
Bob Bowcock	bbowcock@irmwater.com
Bob DiPrimio	rjdiprimio@sgvwater.com
Bob Feenstra	bobfeenstra@gmail.com
Bob Kuhn	bgkuhn@aol.com
Bob Kuhn	bkuhn@tvmwd.com
Bob Page	Bob.Page@rov.sbcounty.gov
Brad Herrema	bherrema@bhfs.com
Braden Yu	bradeny@cvwdwater.com
Brandon Howard	brahoward@niagarawater.com
Brenda Fowler	balee@fontanawater.com
Brent Yamasaki	byamasaki@mwdh2o.com
Brian Geye	bgeye@autoclubspeedway.com
Brian Lee	blee@sawaterco.com
Cameron Andreasen	memphisbelle38@outlook.com
Camille Gregory	CGregory@cbwm.org
Carmen Sierra	carmens@cvwdwater.com
Carol Bennett	cbennett@tkeengineering.com
Carol Boyd	Carol.Boyd@doj.ca.gov
Carolina Sanchez	csanchez@weewater.com
Casey Costa	ccosta@chinodesalter.org
Cassandra Hooks	chooks@niagarawater.com
Chad Blais	cblais@ci.norco.ca.us
Charles Field	cdfield@att.net
Charles Linder	Charles.Linder@nrenergy.com
Charles Moorrees	cmoorrees@sawaterco.com
Chino Hills City Council	citycouncil@chinohills.org
Chris Berch (cberch@jcsd.us)	cberch@jcsd.us
Chris Diggs	Chris_Diggs@ci.pomona.ca.us
Christiana Daisy - Inland Empire Utilities Agency (cdaisy@ieua.org)	cdaisy@ieua.org

Christofer Coppinger	ccoppinger@geoscience-water.com
Christopher Quach	cquach@ontarioca.gov
Christopher R. Guillen	cguillen@bhfs.com
Chuck Hays	chays@fontana.org
Cindy Cisneros	cindyc@cvwdwater.com
Cindy Li	Cindy.li@waterboards.ca.gov
Clarence Mansell	cmansell@wwwd.org
Courtney Jones	cjjones@ontarioca.gov
Craig Miller	CMiller@wmwd.com
Craig Stewart	craig.stewart@woodplc.com
Cris Fealy	cifealy@fontanawater.com
Curtis Stubbings	Curtis_Stubbings@praxair.com
Dan Arrighi	darrighi@sgvwater.com
Darron Poulsen	darron_poulsen@ci.pomona.ca.us
Dave Argo	daveargo46@icloud.com
Dave Crosley	DCrosley@cityofchino.org
David De Jesus	ddejesus@tvmwd.com
David Huynh	dhuynh@cbwm.org
David Penrice	dpenrice@acmwater.com
Dennis Dooley	ddooley@angelica.com
Dennis Mejia	dmejia@ontarioca.gov
Dennis Williams	dwilliams@geoscience-water.com
Diana Frederick	diana.frederick@cdcr.ca.gov
Diana Keros	dkeros@chinohills.org
Don Galleano	dongalleano@icloud.com
Ed Means	edmeans@roadrunner.com
Edgar Tellez Foster	etellezfoster@cbwm.org
Eduardo Espinoza	EduardoE@cvwdwater.com
Elizabeth Skrzat (ESkrzat@cbwcd.org)	ESkrzat@cbwcd.org
Eric Fordham	eric_fordham@geopentech.com
Eric Garner	eric.garner@bbklaw.com
Eric Grubb	ericg@cvwdwater.com
Eric Tarango	edtarango@fontanawater.com
Erika Clement	Erika.clement@sce.com
Eunice Ulloa	eulloa@cityofchino.org
Evette Ounanian	EvetteO@cvwdwater.com
Felix Hamilton	felixhamilton.chino@yahoo.com
Frank Brommenschenkel	frank.brommen@verizon.net
Frank Yoo	FrankY@cbwm.org
Gabby Garcia	ggarcia@mvwd.org
Gailyn Watson	gwatson@airports.sbcounty.gov
Garrett Rapp	grapp@weewater.com
Geoffrey Kamansky	gkamansky@niagarawater.com
Geoffrey Vanden Heuvel	geoffreyvh60@gmail.com
Gerald Yahr	yahrj@koll.com
Giannina Espinoza	giannina.espinoza@cmc.com
Gina Nicholls	gnicholls@nossaman.com
Gino L. Filippi	Ginoffvine@aol.com
Greg Woodside	gwoodside@ocwd.com
Henry DeHaan	Hdehaan1950@gmail.com
Hope Smythe	hsmythe@waterboards.ca.gov
James Curatalo	jamesc@cvwdwater.com
James Jenkins	cnomgr@airports.sbcounty.gov

James McKenzie	jmckenzie@dpw.sbcounty.gov
Jane Anderson	janderson@jcsd.us
Janelle Granger	jgranger@niagarawater.com
Janine Wilson	JWilson@cbwm.org
Jasmin A. Hall	jhall@ieua.org
Jason Marseilles	jmarseilles@ieua.org
Jason Pivovaroff - Western Municipal Water District	(JPivovaroff@wmwd.com)
	JPivovaroff@wmwd.com
Jean Perry	JPerry@wmwd.com
Jeanina M. Romero	jromero@ontarioca.gov
Jeff Edwards	Jeffrey.Edwards@genon.com
Jeffrey L. Pierson	jpierson@intexcorp.com
Jennifer Hy-Luk	jhyluk@ieua.org
Jesse White	Jesse.White@cmc.com
Jessie Ruedas	Jessie@thejclawfirm.com
Jim W. Bowman	jbowman@ontarioca.gov
Jimmy Medrano	Jaime.medrano2@cdcr.ca.gov
Joanne Chan	jchan@wvwd.org
Joe Graziano	jgraz4077@aol.com
Joe Joswiak	JJoswiak@cbwm.org
Joel Ignacio	jignacio@ieua.org
John Abusham	john.abusham@nrg.com
John Bosler	johnb@cvwdwater.com
John Huitsing	johnhuitsing@gmail.com
John Lopez and Nathan Cole	customerservice@sarwc.com
John Mendoza	jmendoza@tvmwd.com
John Partridge	jpartridge@angelica.com
John Thornton	JThorntonPE@H2OExpert.net
Jorge Vela	Jvela@dpw.sbcounty.gov
Jose Galindo	jose_a_galindo@praxair.com
Josh Swift	jmswift@fontanawater.com
Joshua Aguilar	jaguilar@ieua.org
Julie Saba	jsaba@jcsd.us
Justin Brokaw	jbrokaw@marygoldmutualwater.com
Justin Nakano	JNakano@cbwm.org
Justin Scott-Coe Ph. D. (jscottcoe@mvwd.org)	
	jscottcoe@mvwd.org
Karen Johnson	kejwater@aol.com
Kassie M. Goodman	kgoodman@bhfs.com
Kathleen Brundage	kathleen.brundage@californiasteel.com
Kathy Tiegs	Kathyt@cvwdwater.com
Katie Gienger	kgienger@ontarioca.gov
Keith Person	keith.person@waterboards.ca.gov
Kelly Berry	KBerry@sawpa.org
Ken Waring	kwaring@jcsd.us
Kevin Blakeslee	kblakeslee@dpw.sbcounty.gov
Kevin Sage	Ksage@IRMwater.com
Kimberly E. Leefatt	kleefatt@bhfs.com
Kirby Brill	kbrill@ieua.org
Kristen Weger	kweger@cbwcd.org
Kyle Snay	kylesnay@gswater.com
Laura Mantilla	lmantilla@ieua.org
Lauren Harold	lharold@liprop.com

Linda Jadeski

Lisa Lemoine

Liz Hurst

Marco Tule

Mark Wiley

Marsha Westropp

Mathew C. Ballantyne

Matthew H. Litchfield

Mike Blazevic

Mike Maestas

ljadeski@wvwd.org

LLemoine@wmwd.com

ehurst@ieua.org

marco.tule@nrg.com

mwiley@chinohills.org

MWestropp@ocwd.com

mballantyne@cityofchino.org

mlitchfield@tvmwd.com

mblazevic@weewater.com

mikem@cvwdwater.com

Members:

Maria Mendoza-Tellez	MMendoza@weewater.com
Maribel Sosa	msosa@ci.pomona.ca.us
Marilyn Levin	marilyn.levin@doj.ca.gov
Mark Kinsey	mkinsey@mvwd.org
Mark Wildermuth	mwildermuth@weewater.com
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	mezvirbulis@sgwater.com
May Atencio	matencio@fontana.org
Melissa L. Walker	mwalker@dpw.sbcounty.gov
Michael Adler	michael.adler@mcmcn.net
Michael Camacho	MCamacho@pacificaservices.com
Michael Camacho	mcamacho@ieua.org
Michael P. Thornton	mthornton@tkeengineering.com
Michelle Licea	mlicea@mvwd.org
Moore, Toby	TobyMoore@gswater.com
MWDProgram	MWDProgram@sdca.org
Nadeem Majaj	nmajaj@chinohills.org
Nadia Aguirre	naguirre@tvmwd.com
Nadia Loukeh	nloukeh@wwd.org
Natalie Costaglio	natalie.costaglio@mcmcn.net
Nathan deBoom	n8deboom@gmail.com
Neetu Gupta	ngupta@ieua.org
Nicole Escalante	NEscalante@ontarioca.gov
Noah Golden-Krasner	Noah.goldenkrasner@doj.ca.gov
Paul Deutsch	paul.deutsch@woodplc.com
Paul Hofer	farmwatchtoo@aol.com
Paul Hofer	farmerhofer@aol.com
Paul S. Leon	pleon@ontarioca.gov
Penny Alexander-Kelley	Palexander-kelley@cc.sbcounty.gov
Pete Hall	pete.hall@cdcr.ca.gov
Pete Hall	rpetehall@gmail.com
Pete Vicario	PVicario@cityofchino.org
Peter Hettinga	peterhettinga@yahoo.com
Peter Kavounas	PKavounas@cbwm.org
Peter Rogers	progers@chinohills.org
Praseetha Krishnan	praseethak@cvwdwater.com
Rachel Avila	R.Avila@MPGLAW.com
Rachel Ortiz	rortiz@nossaman.com
Ramsey Haddad	ramsey.haddad@californiasteel.com
Randall McAlister	randall.mcalister@ge.com
Ray Wilkings	rwilking@autoclubspeedway.com
Rick Darnell	Richard.Darnell@nrgenergy.com
Rick Rees	richard.rees@woodplc.com
Rita Pro	rpro@cityofchino.org
Robert C. Hawkins	RHawkins@earthlink.net
Robert DeLoach	robertadeloach1@gmail.com
Robert Neufeld	robneu1@yahoo.com
Robert Stockton	bstockton@wmwd.com
Robert Wagner	rwagner@wbecorp.com
Ron Craig	Rcraig21@icloud.com
Ron LaBrucherie, Jr.	ronLaBrucherie@gmail.com

Ronald C. Pietersma	rcpietersma@aol.com
Rosemary Hoerning	rhoerning@ci.upland.ca.us
Ryan Shaw	RShaw@wmwd.com
Sam Nelson	snelson@ci.norco.ca.us
Sandra S. Rose	directorrose@mvwd.org
Sarah Schneider	sarah.schneider@amec.com
Scott Burton	sburton@ontarioca.gov
Scott Slater	sslater@bhfs.com
sdeshmukh@ieua.org	sdeshmukh@ieua.org
Seth J. Zielke	sjzielke@fontanawater.com
Shaun Stone	SStone@ontarioca.gov
Skylar Stephens	SStephens@sdcwa.org
Sonya Barber	sbarber@ci.upland.ca.us
Sonya Bloodworth	sbloodworth@wmwd.com
Sophie Akins	Sophie.Akins@cc.sbcounty.gov
Steve Riboli	steve.riboli@sanantoniowinery.com
Steve Smith	ssmith@ieua.org
Steve W. Ledbetter, PE	sledbetter@tkeengineering.com
Steven Andrews Engineering	sandrews@sandrewsengineering.com
Steven J. Elie	selie@ieua.org
Steven J. Elie	s.elie@mpglaw.com
Steven Popelar	spopelar@jcsd.us
Susan Palmer	spalmer@kidmanlaw.com
Sylvie Lee	slee@ieua.org
Taya Victorino	tayav@cvwdwater.com
Teri Layton	tlayton@sawaterco.com
Terry Catlin	tlcatlin@wfajpa.org
Tim Barr	tbarr@wmwd.com
Toby Moore	TobyMoore@gswater.com
Todd Minten	tminten@chinodesalter.org
Tom Cruickshank	tcruickshank@liprop.com
Tom DiCiulli	thomas.diciulli@genon.com
Tom Harder	tharder@thomashardercompany.com
Tom Haughey	Thaughey@cityofchino.org
Tom O'Neill	toneill@chinodesalter.org
Toni Medell	mmedel@mbakerintl.com
Tony Long	tlong@angelica.com
Van Jew	vjew@mvwd.org
Veva Weamer	vweamer@weewater.com
Victor Preciado	Victor_Preciado@ci.pomona.ca.us
Vivian Castro	vcastro@cityofchino.org
W. C. "Bill" Kruger	citycouncil@chinohills.org
WestWater Research, LLC	research@waterexchange.com
William Urena	wurena@angelica.com