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**CHINO BASIN WATERMASTER**

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN BERNARDINO**

11 CHINO BASIN MUNICIPAL WATER  
DISTRICT,

12 Plaintiff,

14 v.

15 CITY OF CHINO, ET AL.,

16 Defendants.

**Case No. RCV RS 51010**

[Assigned for All Purposes to the  
Honorable Stanford E. Reichert]

**DECLARATION OF BRADLEY J.  
HERREMA IN SUPPORT OF CHINO  
BASIN WATERMASTER REQUEST FOR  
THE COURT TO APPROVE THE  
INTERVENTION OF RICHARD  
ANDERSON**

Date: June 25, 2021

Time: 1:30 p.m.

Dept: S35

[Filed concurrently herewith: Request for Court  
to Approve Interventions; [Proposed] Order]

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**DECLARATION OF BRADLEY J. HERREMA**

I, Bradley J. Herrema, declare:

1. I am an attorney duly admitted to practice before all of the courts of this State, and am a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for Chino Basin Watermaster (“Watermaster”). I have personal knowledge of the facts stated in this declaration, except where stated on information and belief, and, if called as a witness, I could and would competently testify to them under oath. I make this declaration in support of the above-referenced request.

2. As legal counsel for Watermaster, I am familiar with Watermaster’s practices and procedures, as well as actions taken by the Pool Committees, Advisory Committee, and Board.

3. Attached hereto as **Exhibit A** is a true and correct copy of the February 25, 2021 Watermaster Staff Report detailing the petition to intervene into the Overlying (Agricultural) Pool submitted by Richard Anderson.

4. At its February 25, 2021 regular meeting, the Watermaster Board recommended approval of Richard Anderson’s intervention into the Overlying (Agricultural) Pool.

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

Executed this 22<sup>nd</sup> day of March, 2021, at Redondo Beach, California.



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BRADLEY J. HERREMA

22363264.2

# EXHIBIT

“A”



# CHINO BASIN WATERMASTER

9641 San Bernardino Road, Rancho Cucamonga, CA 91730  
Tel: 909.484.3888 Fax: 909.484.3890 www.cbwm.org

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PETER KAVOUNAS, P.E.  
General Manager

## STAFF REPORT

DATE: February 25, 2021  
TO: Board Members  
SUBJECT: Richard Anderson Overlying (Agricultural) Pool Intervention Request  
(Consent Calendar I.F.)

### SUMMARY:

Issue: On November 17, 2020, Watermaster received a request for intervention into the Agricultural Pool from Richard Anderson.

Recommendation: Approve and direct staff to file the request for intervention with the Court.

Financial Impact: None

### Future Consideration

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#### ACTIONS:

**Appropriative Pool – January 14, 2021:** Unanimously recommended to the Advisory Committee to recommend to the Watermaster Board to approve

**Non-Agricultural Pool – January 14, 2021:** No action

**Agricultural Pool – January 14, 2021:** Declined to agendaize

**Advisory Committee – January 21, 2021:** Recommended to the Board to approve with 75 votes in favor.

**Watermaster Board – January 28, 2021:** Postponed to a future Board meeting

**Agricultural Pool – February 11, 2021:** The OAP concluded its meeting without considering the item

**Watermaster Board – February 25, 2021:** Approved (6-3 pass by majority)

*Watermaster's function is to administer and enforce provisions of the Judgment and subsequent orders of the Court, and to develop and implement an Optimum Basin Management Program*

## BACKGROUND

Pursuant to Paragraph 60 of the Restated Judgment “Intervention After Judgment”:

“[Any] non-party assignee of the adjudicated appropriative rights of any appropriator, or any other person newly proposing to produce water from the Chino Basin, may become a party to this Judgment upon filing a petition in intervention. Said intervention must be confirmed by order of this Court. Such intervener shall thereafter be a party bound by this judgment and entitled to the rights and privileges accorded under the Physical Solution herein, through the pool to which the Court shall assign such intervener.”

Pursuant to Watermaster’s Rules and Regulations Section 2.27:

“Watermaster will receive and make recommendations regarding petitions for intervention and accumulate them for filing with the Court from time to time (Judgment paragraph 60 and Order re Intervention Procedures, July 14, 1978.)”

## DISCUSSION

Watermaster received a petition to intervene into the Judgment from Richard Anderson on November 17, 2020 (Attachment 1). It is staff’s understanding that the water will be used for irrigating the residential landscape. It is estimated that the well will produce just under 10 acre-feet per year to accomplish this.

The Intervention request was presented to the Watermaster Pool Committees on January 14, 2021.

- The Appropriative Pool unanimously recommended to the Advisory Committee to recommend to the Watermaster Board.
- The Non-Agricultural Pool took no action, with one member of the Pool expressing concern with the long-term viability of the proposed intervention.
- The Agricultural Pool declined to agendaize the item.

On January 21, 2021, the Intervention request was presented to the Advisory Committee. The Advisory Committee voted to recommend to the Watermaster Board to approve the Intervention as proposed with 75 out of 100 votes in favor. The Non-Agricultural Committee abstained from the vote, and the Agricultural Committee voted against the recommendation.

On January 28, 2021, the Watermaster Board postponed consideration of the request to a future meeting.

On February 11, 2021, the OAP concluded its meeting without considering the item.

## ATTACHMENTS

1. November 17, 2020 Letter from Richard Anderson Request for Intervention into Chino Basin Adjudication.

Date: 11/17/2020

Chino Basin Watermaster  
9641 San Bernardino Road  
Rancho Cucamonga, CA 91730  
Attn: Peter Kavounas, PE, General Manager

**Subject: Intervention into Chino Basin Watermaster**

Dear Mr. Kavounas:

I, or the company I represent (see below), request intervention into the Chino Basin Watermaster Judgment. I/we request that the Watermaster attorneys process the Intervention paperwork through the Court.

Number of wells: 1

Permission is granted to obtain drilling logs from: Heritage Well Service

Location(s) of wells (including addresses, parcel numbers, and landmarks): 3302 Hillview Dr S., Chino  
1019-321-09-0-000

Type of usage (Irrigation, Dairy, Domestic, etc.):

Irrigation

**Property Owner (Well Owner) Information:**

Name: Richard W Anderson

Address: 3302 Hillview Dr S. Chino, Ca. 91710

Phone: 909-465-9979 Email: kslena1@yahoo.com

**Property Occupant (Well User) Information (if different from Owner):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Representative Handling Intervention:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Sincerely,

Signed: 

Print name: Richard Anderson

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 March 22, 2021 I served the following:

1. DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF CHINO BASIN WATERMASTER REQUEST FOR THE COURT TO APPROVE THE INTERVENTION OF RICHARD ANDERSON

/ X / 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.

/ X / 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 22, 2021 in Rancho Cucamonga, California.

  
By: Vanessa Aldaz  
Chino Basin Watermaster

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