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CHINO BASIN WATERMASTER

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

10 **FOR THE COUNTY OF SAN BERNARDINO**

12 CHINO BASIN MUNICIPAL WATER
13 DISTRICT,

14 Plaintiff,

15 v.

16 CITY OF CHINO, ET AL.,

17 Defendants.

Case No. RCV RS 51010

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

**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: Declaration of
Bradley J. Herrema; [Proposed] Order]

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TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, on June 25, 2021 at 1:30 p.m. in Department S35 of the above-entitled court located at 247 West Third Street, San Bernardino, California 92415-0210, the Chino Basin Watermaster (“Watermaster”) will hereby request that the Court approve the intervention of Richard Anderson into the Overlying (Agricultural) Pool.

Watermaster’s request will be based upon this Notice, the attached Memorandum of Points and Authorities, the Declaration of Bradley J. Herrema concurrently filed herewith, all documents on file herein, and such oral and documentary evidence as may be presented at the time of the hearing on this matter.

Dated: March 22, 2021

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: 
SCOTT S. SLATER
BRADLEY J. HERREMA
KIMBERLY E. LEEFATT
Attorneys for
CHINO BASIN WATERMASTER

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The Chino Basin Watermaster (“Watermaster”) hereby requests that the Court approve the
3 intervention of Richard Anderson (“Anderson”) into the Overlying (Agricultural) Pool (“Ag
4 Pool”).

5 **I. LEGAL STANDARD**

6 Paragraph 60 of the Restated Judgment provides:

7 Any non-party assignee of the adjudicated appropriative rights of
8 any appropriator, or any other person newly proposing to produce
9 water from Chino Basin, may become a party to this Judgment
10 upon filing a petition in intervention. Said intervenor shall thereafter
11 be a party bound by this judgment and entitled to the rights and
12 privileges accorded under the Physical Solution herein, through the
13 pool to which the Court shall assign such intervenor.

14 On July 14, 1978, this Court further clarified the intervention procedures in its “Order re
15 Intervention Procedures,” which provides as follows:

16 [A]ll subsequent petitions in intervention may be accepted by
17 Watermaster and accumulated for filing from time to time in an ex
18 parte proceeding, except upon 48-hour notice to any party or to any
19 attorney of record who shall have requested such notice; and that
20 prior to filing with the Court, Watermaster shall be permitted to
21 take all administrative steps pertaining to the Judgment provided,
22 however, that no assessments shall be made until a formal order has
23 been entered by this Court.

24 Pursuant to this direction, Watermaster’s practice has been to accept intervention requests
25 informally by way of a letter and then process the requests through the Pool Committees,
26 Advisory Committee, and Watermaster Board. After this internal process, Watermaster files the
27 request for intervention with the Court for approval along with Watermaster’s recommendation as
28 to its disposition. Only after Court approval is an intervenor bound by the Restated Judgment and
entitled to the rights and privileges accorded under the Physical Solution. Neither the Restated
Judgment nor the July 14, 1978 Order requires a hearing to be held for uncontested interventions.

29 **II. BACKGROUND AND ANALYSIS**

30 On November 17, 2020, Anderson submitted a petition for intervention to Watermaster to
31 produce approximately 10 acre-feet of groundwater per year to irrigate residential landscaping on
32 its property. (Declaration of Bradley J. Herrema₃ (“Herrema Decl.”), ¶ 3, Ex. A.) Placement of

1 Anderson into the Overlying (Agricultural) Pool is appropriate, as Anderson does not own an
2 Appropriative Right and proposes to use water on its property “for other than industrial or
3 commercial” purposes. (Restated Judgment, ¶ 43(a).)

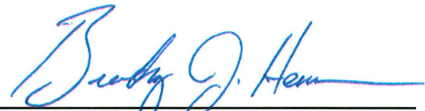
4 As a non-party newly proposing to produce water from the Chino Basin, the request was
5 presented to the Pool Committees and Advisory Committee for the provision of any advice to the
6 Watermaster Board. (Herrema Decl., ¶ 3, Ex. A.) The Watermaster Board recommended approval
7 of Anderson’s intervention into the Ag Pool at its February 25, 2021 regular meeting. (*Id.*, at ¶
8 4.) Watermaster now formally requests that the Court grant the intervention into the Ag Pool in
9 accordance with Watermaster’s approvals.

10 **III. CONCLUSION**

11 For all of the reasons discussed above, Watermaster respectfully requests that this Court
12 grant Anderson’s intervention into the Judgment, placing Anderson into the Overlying
13 (Agricultural) Pool.

14
15 Dated: March 22, 2021

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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 March 22, 2021 I served the following:

1. 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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