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**FEE EXEMPT PER GOV. CODE § 6103**

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO**  
10

11 CHINO BASIN MUNICIPAL WATER )  
DISTRICT, )

13 Plaintiff, )

14 v. )

15 CITY OF CHINO, et al., )

16 Defendants. )  
17 )

CASE NUMBER: RCVRS 51010  
[Assigned for All Purposes to Honorable  
Stanford E. Reichert, Dept. S35]

**CITY OF CHINO'S RESPONSE AND  
RESERVATION OF RIGHTS AND  
OBJECTIONS TO CHINO BASIN  
WATERMASTER NOTICE OF  
MOTION AND MOTION REGARDING  
IMPLEMENTATION OF THE LOCAL  
STORAGE LIMITATION SOLUTION**

Date: June 25, 2021  
Time: 1:30 p.m.  
Dept.: S35

(FEE- EXEMPT PER GOVERNMENT CODE § 6103)

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22 The CITY OF CHINO ("CHINO"), an appropriator and party to the Judgment herein,  
23 hereby responds to the "Watermaster Motion Regarding Implementation of Local Storage  
24 Limitation Solution" ("LSLS Motion") by specifically reserving CHINO's right to produce  
25 its excess carry over water, to store supplemental water and to object to the proposed orders  
26 in the event Watermaster's administration of the proposed orders becomes inimical to  
27 CHINO's production and storage rights.  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**INTRODUCTION**

The LSLS Motion seeks orders that apparently are benign.

Nevertheless, the breadth of the proposed orders is seemingly limitless and their administration by Watermaster and impacts on the Parties cannot be known at this time.

Such unknown impacts of the proposed orders give rise to several concerns pertaining to CHINO’s right to produce its excess carry over water and to store supplemental water.

The LSLS Motion’s Proposed Order No. 4 provides that “the Parties rights and remedies, whatever they may be, are expressly reserved, preserved and protected and made applicable to the quantities of stored water greater than 500,001 AF.”

However, CHINO does not seek to object to the LSLS Motion’s proposed orders. Instead, CHINO seeks to preserve its rights and its objections in the event that Watermaster’s administration of the proposed orders becomes inimical to CHINO’s production and storage rights.

**II.**

**GENERALITY OF PROPOSED ORDER NO. 4**

While beneficial, the LSLS Motion’s Proposed Order No. 4 does not refer to the right of CHINO (or any other appropriator) to produce its excess carry over water and to store supplemental water. In addition, it does not distinguish between CHINO’s confirmed excess carry over water and supplemental water from its future excess carry over water and supplemental water. Thus, CHINO requests that the LSLS Motion’s Proposed Order No. 4 be modified to specify such rights to assure that they are “reserved, preserved and protected” for CHINO and presumably for all of the Parties.

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III.

**GAP IN PROPOSED ORDER NO. 4**

The LSLS Motion’s Proposed Order No. 4 does not provide for the reservation of objections to the LSLS Motion itself. Due to the generality of the proposed orders and their unknown impacts on CHINO’s production and storage rights, it is difficult to envision a scenario that would be inimical to CHINO’s interests at this time.

One issue of concern is the apparent assertion of authority regarding the production of excess carry over water contained at page 3, lines 1-10, of the LSLS Motion. In CHINO’s view, Paragraph 12 of Exhibit H of the Judgment is a statement of the appropriative right to produce excess carry over water. It is categorially distinct from Paragraphs 11, 12, 14, 15 and 28 of the Judgment that govern the storage of supplemental water in the basin.

Thus, CHINO wishes to reserve this and other objections to the LSLS Motion.

Under the LSLS as proposed, the need to utilize more than 700,000 AF of storage will not arise in the foreseeable future. Thus, this objection does not need to be resolved.

IV.

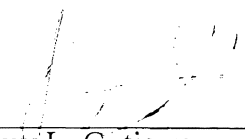
**CONCLUSION**

CHINO respectfully requests that the LSLS Motion’s Proposed Order No. 4 be amplified to specify the rights of CHINO as contained in Paragraph II hereof and to preserve all objections of CHINO as contained in Paragraph III hereof.

Under the LSLS as proposed, the need to utilize more than 700,000 AF of storage will not arise in the foreseeable future. Thus, there is no need to resolve these issues now and no harm results in reservation of the rights and objections herein requested.

Dated: June 14, 2021

JIMMY L. GUTIERREZ LAW CORPORATION

By:   
Jimmy L. Gutierrez  
Attorney for Defendant City of Chino

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 June 14, 2021 I served the following:

1. CITY OF CHINO'S RESPONSE AND RESERVATION OF RIGHTS AND OBJECTIONS TO CHINO BASIN WATERMASTER NOTICE OF MOTION AND MOTION REGARDING IMPLEMENTATION OF THE LOCAL STORAGE LIMITATION SOLUTION

/ 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

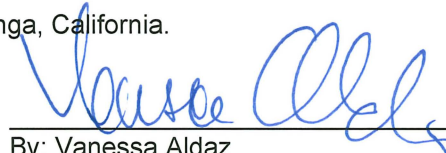
/ \_\_\_ / BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

/ \_\_\_ / 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 June 14, 2021 in Rancho Cucamonga, California.



By: Vanessa Aldaz  
Chino Basin Watermaster

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