

FEE EXEMPT

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12 Attorneys for
13 **CHINO BASIN WATERMASTER**

14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF SAN BERNARDINO
17
18

19 CHINO BASIN MUNICIPAL WATER
20 DISTRICT,

21 Plaintiff,

22 v.

23 CITY OF CHINO, ET AL.,

24 Defendants.
25
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27
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Case No. RCV RS 51010

[Assigned for All Purposes to the
Honorable Gilbert G. Ochoa]

**DECLARATION OF SCOTT S. SLATER IN
SUPPORT OF MOTION FOR SITE VISIT
BY THE COURT**

Date: August 4, 2023
Time: 9:00 a.m.
Dept: S24

*[Filed Concurrently with Notice of Motion and
Motion Site Visit; Memorandum of Points and
Authorities In Support Thereof; and [Proposed]
Order filed concurrently herewith]*

BROWNSTEIN HYATT FARBER SCHRECK, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101

1 I, Scott S. Slater, declare as follows:

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

8 2. As legal counsel for Watermaster for more than twenty-three years, I am familiar
9 with Watermaster’s practices and procedures, as well as actions taken by the Pool Committees,
10 Advisory Committee, and the Board.

11 3. On May 12, 2023, I attended the Court hearing remotely at which, following its
12 receipt of Watermaster’s Semi-Annual OBMP Status Report, the Court expressed an interest in
13 conducting a site visit to and inspection of essential Chino Basin facilities in a manner similar to
14 the Honorable Judge J. Michael Gunn’s visit on February 1, 1999, as outlined in the Notice of
15 Tour of Chino Basin Facilities, dated January 19, 1999.

16 4. After a short discussion with the Court, I agreed on behalf of Watermaster to
17 attempt to reach agreement among parties to the Judgment on the terms and conditions pursuant
18 to which a site visit could be accomplished.

19 5. Thereafter I developed the terms of a draft stipulation, conferred with Watermaster
20 management on an achievable Itinerary and possible approaches. I had preliminary
21 communications with Pool Committees to discuss the Court’s interest in conducting a site visit
22 and a potential approach. After receiving further input from the Pool counsel, but no agreement, I
23 instructed Watermaster to publish a draft proposal to all counsel of record and then present it at
24 the regularly scheduled public Watermaster Board meeting on June 20, 2023.

25 6. On June 20, 2023, the Board authorized me to communicate with legal counsel to
26 the parties to the Judgment in an effort to reach agreement and to file a motion with the Court, no
27 later than July 5, 2023, addressing the Court’s interest to conduct a site visit. The Board also
28

1 extended counsel discretion to accommodate comments and concerns by the various Pool
2 Committees.

3 7. On Friday, June 23, 2023, the Overlying (Agricultural) Pool took action
4 authorizing their legal counsel to execute the Stipulation.

5 8. Watermaster developed proposed explanatory materials, maps, graph and Itinerary
6 that were shared with all stakeholders on June 26, 2023. Comments were received from the
7 parties to the Judgment and conforming modifications were made.

8 9. Watermaster received further comments on the Stipulation from counsel of record
9 and in many cases conforming changes were made or an explanation was provided as to why the
10 changes were not incorporated.

11 10. On Friday June 30, the Appropriative Pool took action authorizing their legal
12 counsel to execute the Stipulation. In their discretion, the members of the Appropriative Pool
13 have elected to either rely upon the action of the Pool, independently execute the Stipulation
14 regardless of their vote at the Appropriative Pool or independently execute the Stipulation and
15 simultaneously rely upon the vote of the Pool. In all cases, the named Appropriators support the
16 Stipulation and do not oppose the site visit moving forward in accordance with the Stipulation.

17 11. The final form of the Stipulation was emailed to counsel of record on June 30,
18 2023. The final form is documented in the Stipulation for Site and Facilities Visit Protocols (the
19 "Stipulation"). Attached hereto as **Exhibit A** is a true and correct copy of the Stipulation for Site
20 and Facilities Visit Protocols.

21 12. I have also shared the final form of proposed pre-tour explanatory materials, maps
22 and graphs, and descriptions of the facilities and their purposes, which were all culled from
23 previous court-filings. Attached hereto as **Exhibit B** is a true and correct copy of all pre-tour
24 materials shared with the Pool Committees and legal counsel for the parties of record on June 30,
25 2023.

26 13. **Exhibit C** attached hereto is a true and correct copy of the route map for the tour.

27 14. I have exerted good faith and reasonable efforts to address questions and concerns
28 raised by counsel and making conforming changes. Changes were not made in some cases where

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they would, in the opinion of counsel, undermine the informational goal of the site visit, were difficult to implement or were mitigated by other changes.

15. Beginning on June 21, 2023 and through serial communications with counsel of record, continuing up until the morning of July 5, 2023, legal counsel for the stipulating parties have either provided their signatures in support of the Stipulation, authorized me to sign on their behalf or represented that they are relying upon Pool action in support thereof. Counsel for appropriators Jurupa Community Services District and San Antonio Water Company have communicated that their support for the Stipulation is reflected by the Appropriative Pool's action to approve the Stipulation on June 30, 2023 and their vote in favor thereof.

16. As of the filing of the Motion on July 5, 2023, I am not aware of any party of record that opposes the Stipulation as submitted. Counsel for the Overlying (Non-Agricultural) Pool has offered comments from which, some amendments to the Stipulation were made. However, they have not agreed to stipulate and have expressed the desire to review the full motion before taking a position.

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

Dated this 5 day of July, 2023, at Santa Barbara, California.



Scott S. Slater

Exhibit A

1 SCOTT S. SLATER (State Bar No. 117317)
SSlater@bhfs.com
2 BRADLEY J. HERREMA (State Bar No. 228976)
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3 LAURA K. YRACEBURU (State Bar No. 333085)
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7 Attorneys for
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SAN BERNARDINO**

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14 v.

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16 Defendants.
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Case No. RCV RS 51010

[Assigned for All Purposes to the
Hon. Gilbert G. Ochoa]

**STIPULATION FOR SITE AND
FACILITIES VISIT PROTOCOLS**

Date: August 4, 2023
Time: 8:30 a.m.

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Peter Kavounas

Andy Malone West-Yost Technical Representative

Observers:

- Appropriative Pool non-lawyer designee
- Overlying (Agricultural) Pool non-lawyer designee
- Overlying (Non-Agricultural) Pool non-lawyer designee

4. The Visit will occur on a date convenient to the Judge and will be set at the August 4, 2023, Status Conference or a subsequent date designated by the Court in its discretion. The Visit will commence at 8:30 a.m. and end at 4:00 p.m. with Attendees other than the Judge and his clerk, meeting in the reception area at 8.15 a.m. at Watermaster offices located at 9641 San Bernardino Road, California 91730. Watermaster will provide the Attendees with a copy of the Court Order authorizing the Visit and this Stipulation by Watermaster for their review prior to the Visit.

5. Upon the arrival of the Judge, the Visit will commence from the Watermaster parking lot and will continue in accordance with the Itinerary as set forth in Exhibit “B” attached hereto. One half hour will be scheduled for lunch beginning at noon. Exhibit “C” attached hereto provides a description of the route.

6. All explanatory materials and media for the Visit, inclusive of maps and graphs, written description of the facilities and their purposes has been culled by Watermaster from previous court-filings and has been distributed to the parties to the Judgment prior to the filing of the motion for the Visit and then will again be made available to the Judge along with any other materials the Court may request or direct, two weeks prior to the Visit.

7. Watermaster will procure a van that can comfortably accommodate seven passengers and will be driven by a Watermaster employee Alonso Jurado.

8. Peter Kavounas and Andy Malone will provide the narrative description of the facilities consistent with the written materials and explain their purpose. They may respond to the Judge’s questions and answers as they pertain to the facilities and their purpose. Peter Kavounas

1 and Andy Malone should be seated and stand in such a manner that they can provide audible
2 descriptions of the facilities and their purpose and respond to the Judge's questions.

3 9. The Judge will not entertain or ask questions, discuss or receive comments on
4 substantive issues, policies or the perspectives of the parties to the Judgment on issues before the
5 Court on this Visit.

6 10. The Observer Pool designees will serve primarily in an observation capacity but
7 may, where appropriate, respond to questions proffered by the Judge. The designees will be non-
8 lawyers.

9 11. The entirety of the Visit will be recorded, and statements by the Attendees will be
10 transcribed and transmitted to the Parties to the Judgment within five business days of the
11 conclusion of the tour. A suitable mobile recording device will be secured by Watermaster and
12 will be located in places that record the conversations of the Attendees in and out of the vehicle.

13 12. The Court will not entertain or ask questions, discuss, or receive comments on issues
14 unrelated to the facilities being toured by the Judge from Attendees.

15 13. All expenses incurred by conducting the visit will be considered a litigation expense
16 by Watermaster and assessed accordingly under the Judgment.

17 14. The parties to the Judgment reserve all rights to offer corrections and supplements
18 the record for good cause.

19 15. The respective parties to the Judgment joining in this Stipulation are set forth below.
20

21 Dated: June 30, 2023

**BROWNSTEIN HYATT FARBER SCHRECK,
LLP**

22
23
24 By: 

25 Scott S. Slater
26 Bradley J. Herrema
27 Laura K. Yraceburu

28 Attorneys For
CHINO BASIN WATERMASTER

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Dated: June __, 2023

JIMMY L. GUTIERREZ LAW CORP.

By: _____
Jimmy L. Gutierrez

Attorneys For
CITY OF CHINO

Dated: June 30, 2023

HENSLEY LAW GROUP

By: Elizabeth M. Calciano
Elizabeth M. Calciano

Attorney For
CITY OF CHINO HILLS

Dated: June __, 2023

JC LAW FIRM, APC

By: _____
Jean Cihigoyenette
Martin Cihigoyenette

Attorney For
INLAND EMPIRE UTILITIES AGENCY

Dated: June __, 2023

EGOSCUE LAW GROUP, LLP

By: _____
Tracy J. Egoscue

Attorney For
OVERLYING (AGRICULTURAL) POOL

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Dated: July 5, 2023

BRUNICK, MCELHANEY & KENNEDY

By: /s/ Steven M. Kennedy .
Steven M. Kennedy

Attorney For
THREE VALLEYS MUNICIPAL WATER
DISTRICT

Dated: June __, 2023

LAGERLOF, LLP

By: _____
Thomas S. Bunn III

Attorney For
CITY OF POMONA and
FONTANA WATER COMPANY

Dated: July 3, 2023

NOSSAMAN LLP

By: /s/ Frederic A. Fudacz
Frederic A. Fudacz
Jennifer L. Meeker
Gina R. Nicholls

Attorneys For
CITY OF ONTARIO

Dated: June __, 2023

BEST BEST & KRIEGER LLP

By: _____
Jeffrey S. Ballinger

Attorney For
WESTERN MUNICIPAL WATER DISTRICT

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Dated: June __, 2023

ELLISON SCHNEIDER & HARRIS LLP

By: _____
Robert E. Donlan

Attorney For
JURUPA COMMUNITY SERVICES
DISTRICT

Dated: June __, 2023

LAW OFFICES OF JOHN J. SCHATZ

By: _____
John J. Schatz

Attorney For
APPROPRIATIVE POOL and CITY OF
UPLAND

Dated: July 3, 2023

BEST BEST & KRIEGER, LLP

By: /s/ Gene Tanaka
Gene Tanaka

Attorney For
CUCAMONGA COUNTY WATER
DISTRICT

Dated: June __, 2023

KIDMAN GAGEN LAW LLP

By: _____
Andrew B. Gagen
Arthur G. Kidman

Attorneys For
MONTE VISTA WATER DISTRICT and
MONTE VISTA IRRIGATION COMPANY

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Dated: June __, 2023

FENNEMORE, LLP

By: _____
Derek R. Hoffman
Kevin Randolph

Attorneys For
SAN ANTONIO WATER COMPANY

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Dated: June 30, 2023

JIMMY L. GUTIERREZ LAW CORP.

By: _____

Jimmy L. Gutierrez

Attorneys For
CITY OF CHINO

Dated: June __, 2023

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Martin Cihigoyenetche

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Attorneys at Law
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Dated: June __, 2023

JIMMY L. GUTIERREZ LAW CORP.

By: _____
Jimmy L. Gutierrez
Attorneys For
CITY OF CHINO

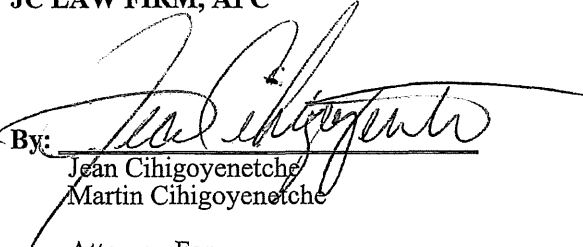
Dated: June __, 2023

HENSLEY LAW GROUP

By: _____
Elizabeth M. Calciano
Attorney For
CITY OF CHINO HILLS

Dated: *July 3,*
~~June~~ __, 2023

JC LAW FIRM, APC

By: 
Jean Cihigoyenetché
Martin Cihigoyenetché
Attorney For
INLAND EMPIRE UTILITIES AGENCY

Dated: June __, 2023

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Tracy J. Egoscue
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OVERLYING (AGRICULTURAL) POOL

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Jimmy L. Gutierrez

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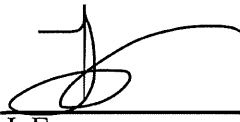
JC LAW FIRM, APC

By: _____
Jean Cihigoyenette
Martin Cihigoyenette

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Dated: June 30, 2023

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Dated: June __, 2023

BRUNICK, MCELHANEY & KENNEDY

By: _____
Steven M. Kennedy

Attorney For
THREE VALLEYS MUNICIPAL WATER
DISTRICT

Dated: June 30 2023

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By: Thomas S. Bunn III
Thomas S. Bunn III

Attorney For
CITY OF POMONA and
FONTANA WATER COMPANY

Dated: June __, 2023

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By: _____
Frederic A. Fudacz
Jennifer L. Meeker
Gina R. Nicholls

Attorneys For
CITY OF ONTARIO

Dated: June __, 2023

BEST BEST & KRIEGER LLP

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Attorney For
WESTERN MUNICIPAL WATER DISTRICT

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By: _____
Steven M. Kennedy

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Dated: June __, 2023

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Jennifer L. Meeker
Gina R. Nicholls

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CITY OF ONTARIO

Dated: July 1, 2023

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Jeffrey S. Ballinger

Attorney For
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Dated: June __, 2023

ELLISON SCHNEIDER & HARRIS LLP

By: _____
Robert E. Donlan

Attorney For
JURUPA COMMUNITY SERVICES
DISTRICT

Dated: June 29 2023

LAW OFFICES OF JOHN J. SCHATZ

By: john j. schatz
John J. Schatz

Attorney For
APPROPRIATIVE POOL

Dated: June __, 2023

BEST BEST & KRIEGER, LLP

By: _____
Gene Tanaka

Attorney For
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DISTRICT

Dated: June __, 2023

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Attorneys For
MONTE VISTA WATER DISTRICT and
MONTE VISTA IRRIGATION COMPANY

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Dated: June __, 2023

ELLISON SCHNEIDER & HARRIS LLP

By: _____
Robert E. Donlan

Attorney For
JURUPA COMMUNITY SERVICES
DISTRICT

Dated: July 3, 2023

**KRONICK MOSKOVITZ TIEDEMANN &
GIRARD**

By: /s/ Eric Robinson
Eric Robinson

Attorney For
CITY OF UPLAND

Dated: June __, 2023

BEST BEST & KRIEGER, LLP

By: _____
Gene Tanaka

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Dated: June __, 2023

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Dated: June __, 2023

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John J. Schatz

Attorney For
APPROPRIATIVE POOL and CITY OF
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Dated: June __, 2023


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Gene Tanaka

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Dated: June 3, 2023

KIDMAN GAGEN LAW LLP

By:  _____
Andrew B. Gagen
Arthur G. Kidman

Attorneys For
MONTE VISTA WATER DISTRICT and
MONTE VISTA IRRIGATION COMPANY

Exhibit B

Facility: San Sevaine Basins

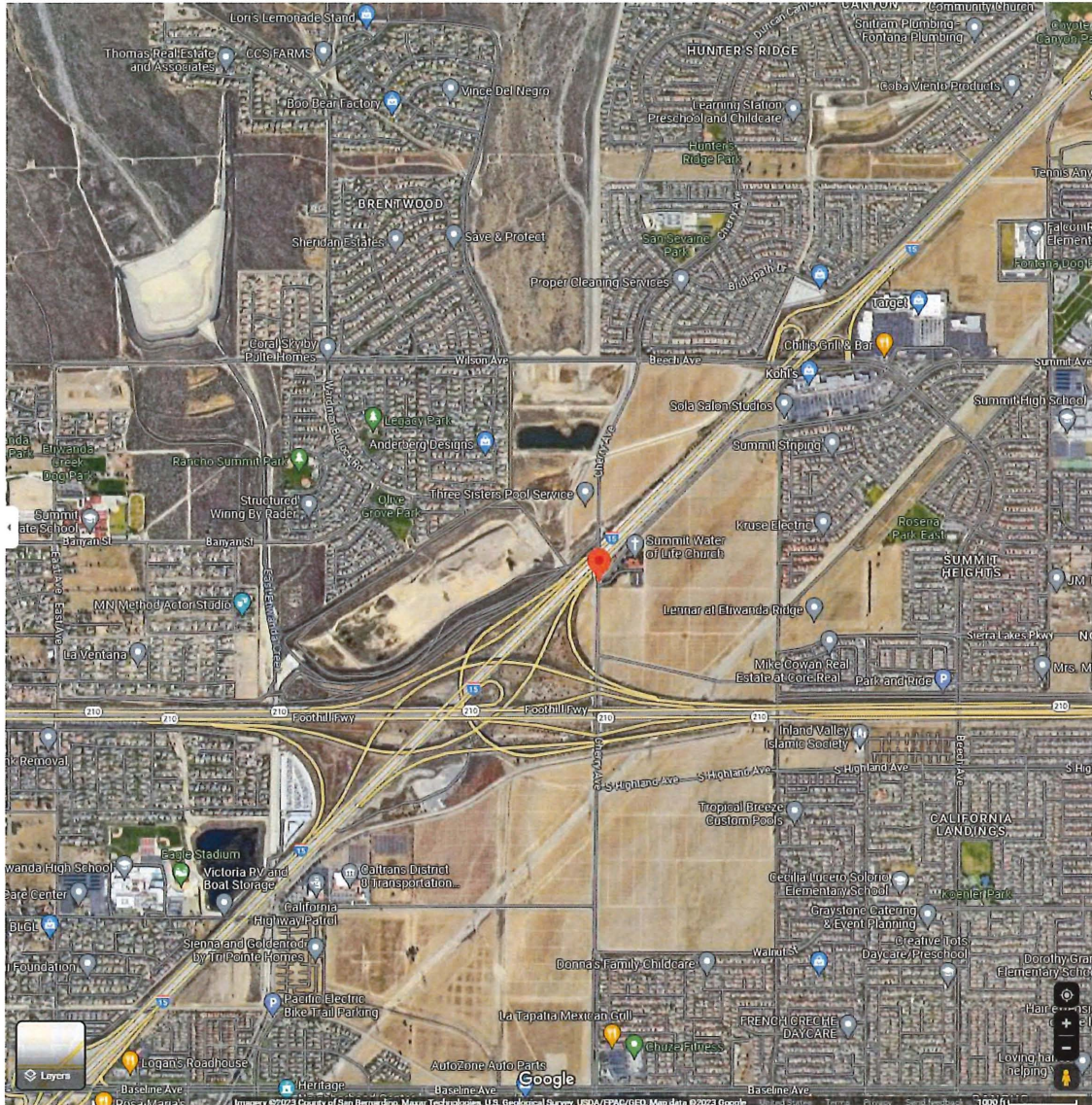
Type: Recharge/Flood Control

Type of water: Stormwater, Imported water, Recycled water

Capacity: ~4,500 AF/year

OBMP Program elements related: PE 2 – Recharge

Location: 14142 Summit Ave, Fontana, CA 92336



Facility: Intex Vineyard /AgMAR Project

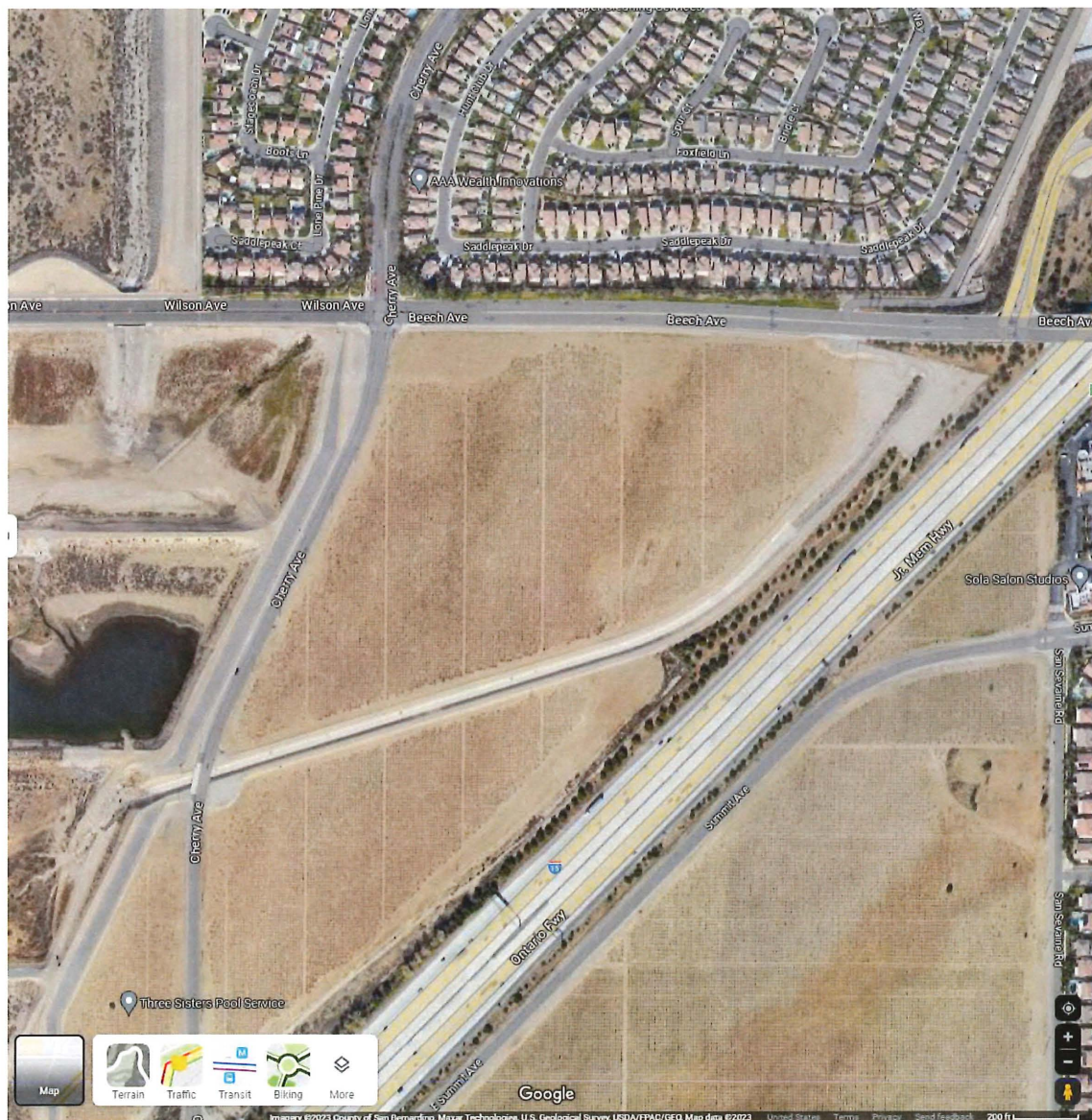
Type: Recharge

Type of water: Imported water

Capacity: up to 100AF (pilot test)

OBMP Program elements related: PE 2 – Recharge

Location: 14142 Summit Ave, Fontana, CA 92336



Facility: Lloyd Michael Water Treatment Plant

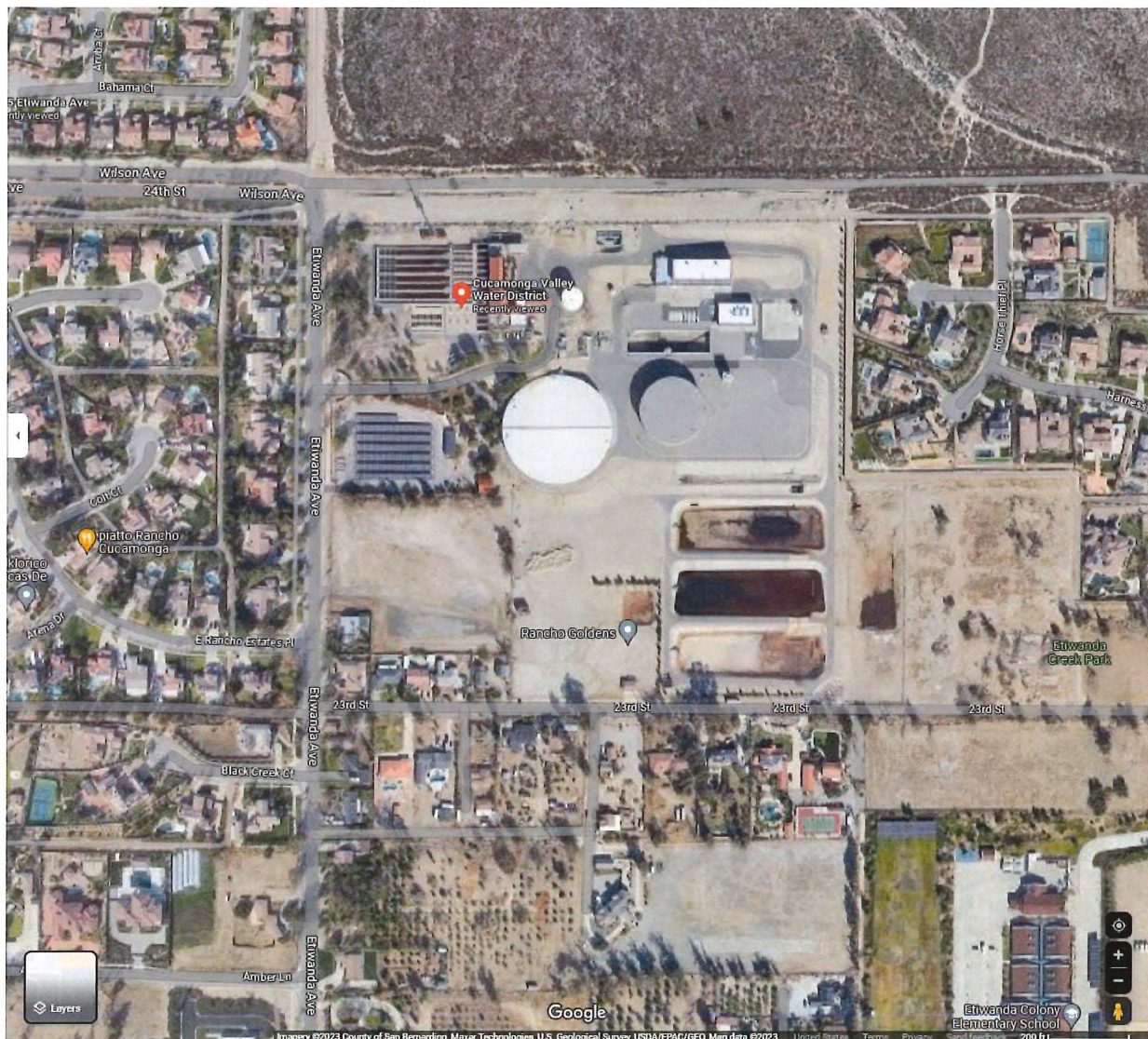
Type: Treatment

Type of water: Imported water

Capacity: 67,000 AF/year

OBMP Program elements related: PE – 5 Develop and Implement Regional Supplemental Water Program

Location: 5765 Etiwanda Ave, Etiwanda, CA 91739



Facility: Water Facilities Authority

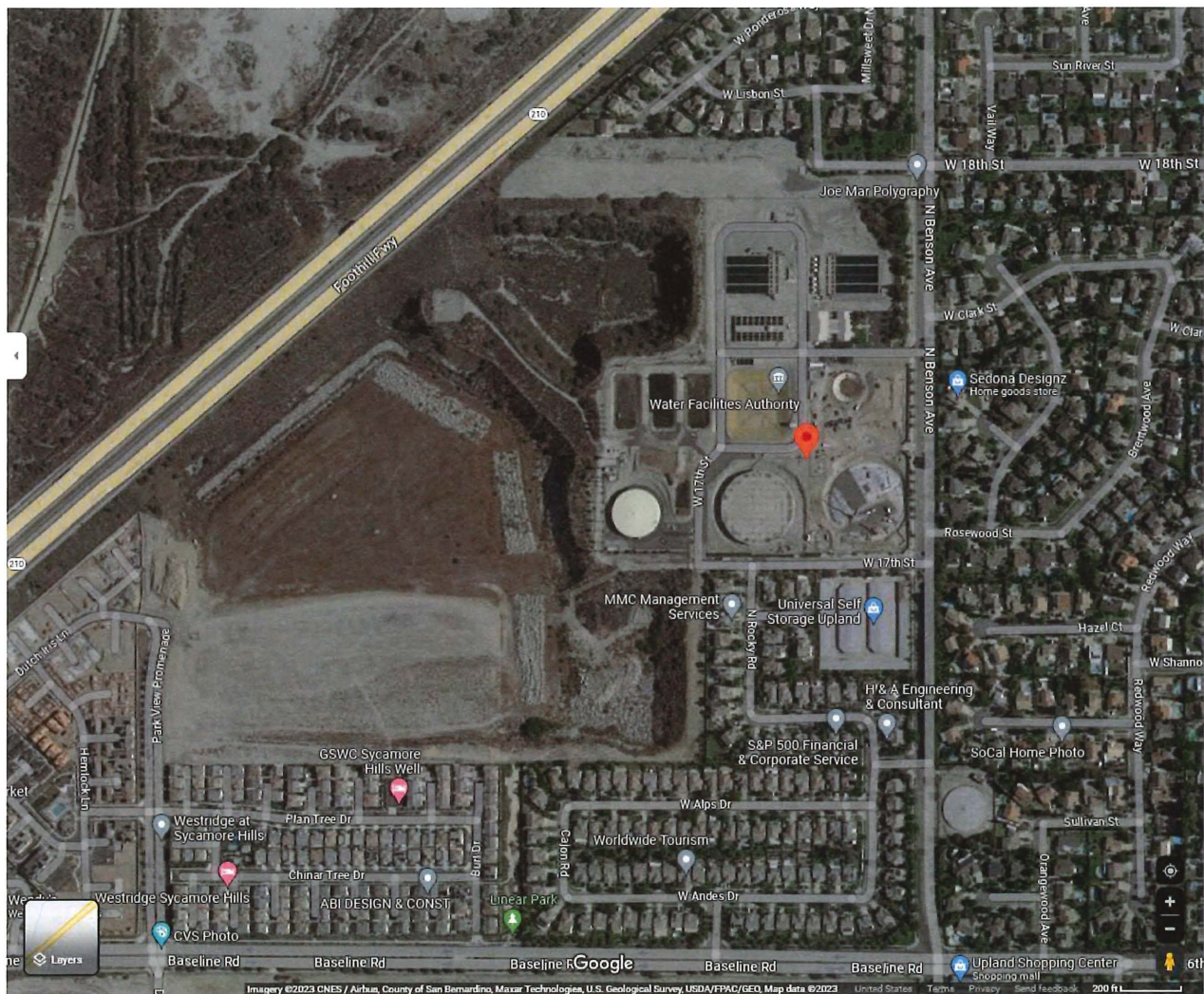
Type: Treatment

Type of water: Imported water

Capacity: ~68,000 AF/year

OBMP Program elements related: PE – 5 Develop and Implement Regional Supplemental Water Program

Location: 1775 N Benson Ave, Upland, CA 91784



Facility: MVWD ASR Wells

Type: Injection/Extraction of Groundwater

Type of water: Imported water/Groundwater

Capacity: 2,500 AF/year

OBMP Program elements related: PE – 2 Recharge, PE 4 –
Subsidence Management

Location: 5616 San Bernardino St, Montclair, CA 91763



Facility: Montclair Recharge Basins

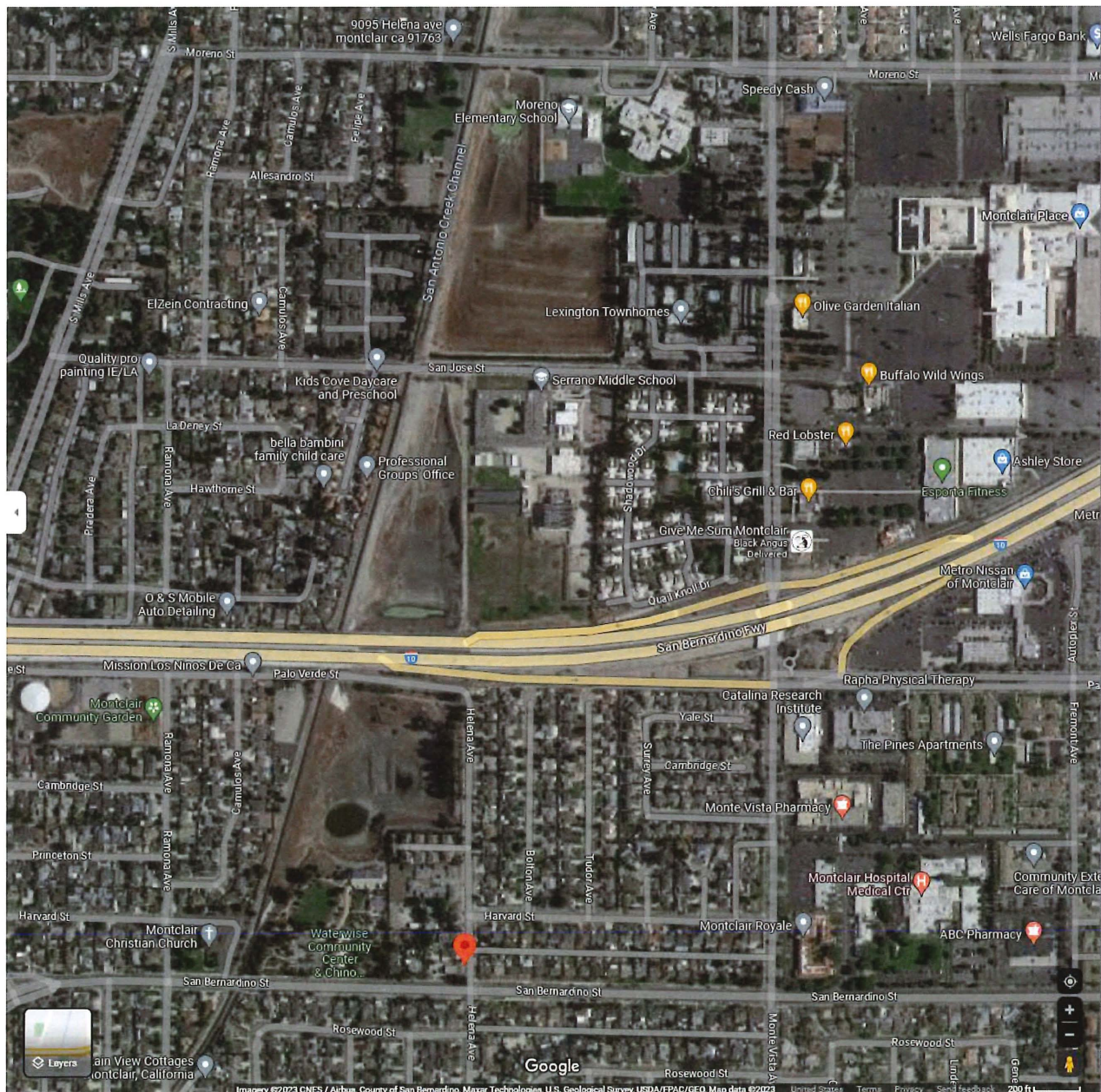
Type: Recharge

Type of water: Stormwater and Imported water

Capacity: ~4,800AF/year

OBMP Program elements related: PE – 2 Recharge, PE 4 –
Subsidence Management

Location: 4694 San Bernardino St, Montclair, CA 91763



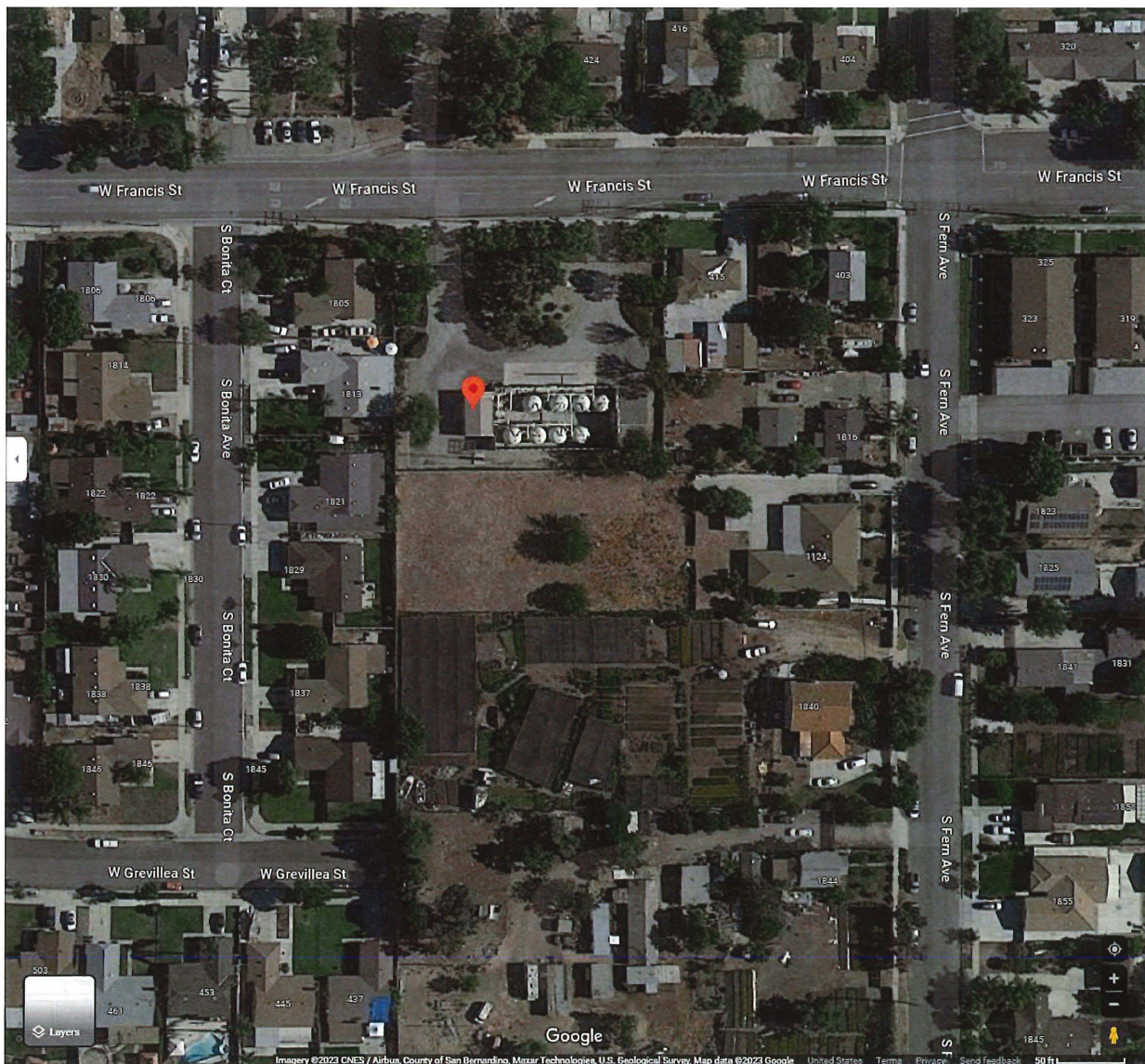
Facility: GE Flatiron Treatment Plant

Type: Treatment/Remediation

Type of water: Groundwater

OBMP Program elements related: PE – 6 Develop and Implement Cooperative Programs with the Regional Board and Other Agencies to Improve Basin Management

Location: 501 W Francis St, Ontario, CA 91762



Facility: Ely Basins

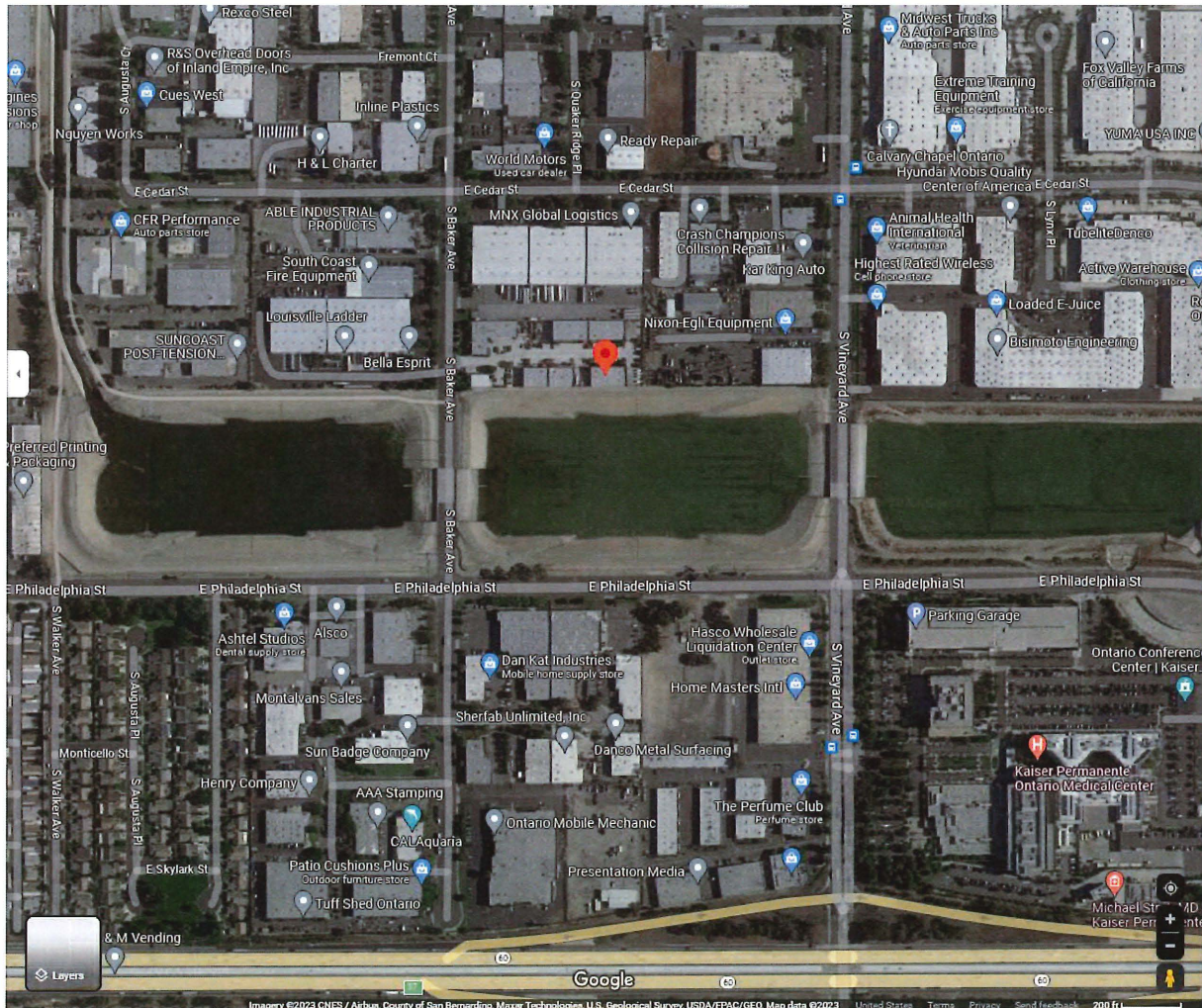
Type: Recharge

Type of water: Stormwater, Imported water, Recycled water

Capacity: 4,500AF/year

OBMP Program elements related: PE – 2 Recharge

Location: 2049 S Baker Ave, Ontario, CA 91761



Facility: Ayala Park Extensometer

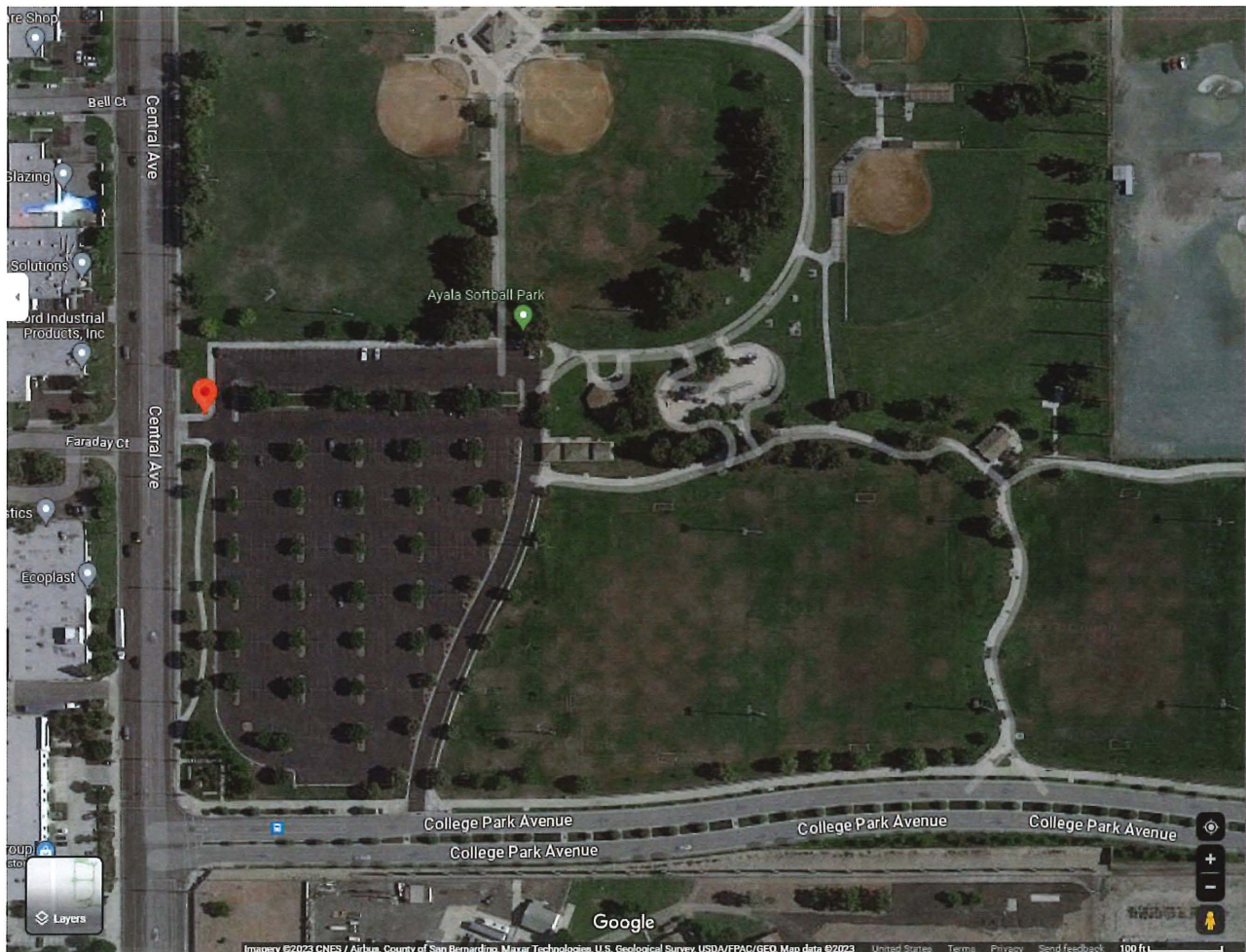
Type: Ground level monitoring device

Type of water: N/A

Capacity: N/A

OBMP Program elements related: PE 4 – Subsidence
Management

Location: 14315 Central Ave, Chino, CA 91710



Facility: IEUA Regional Plant 5 (RP-5)

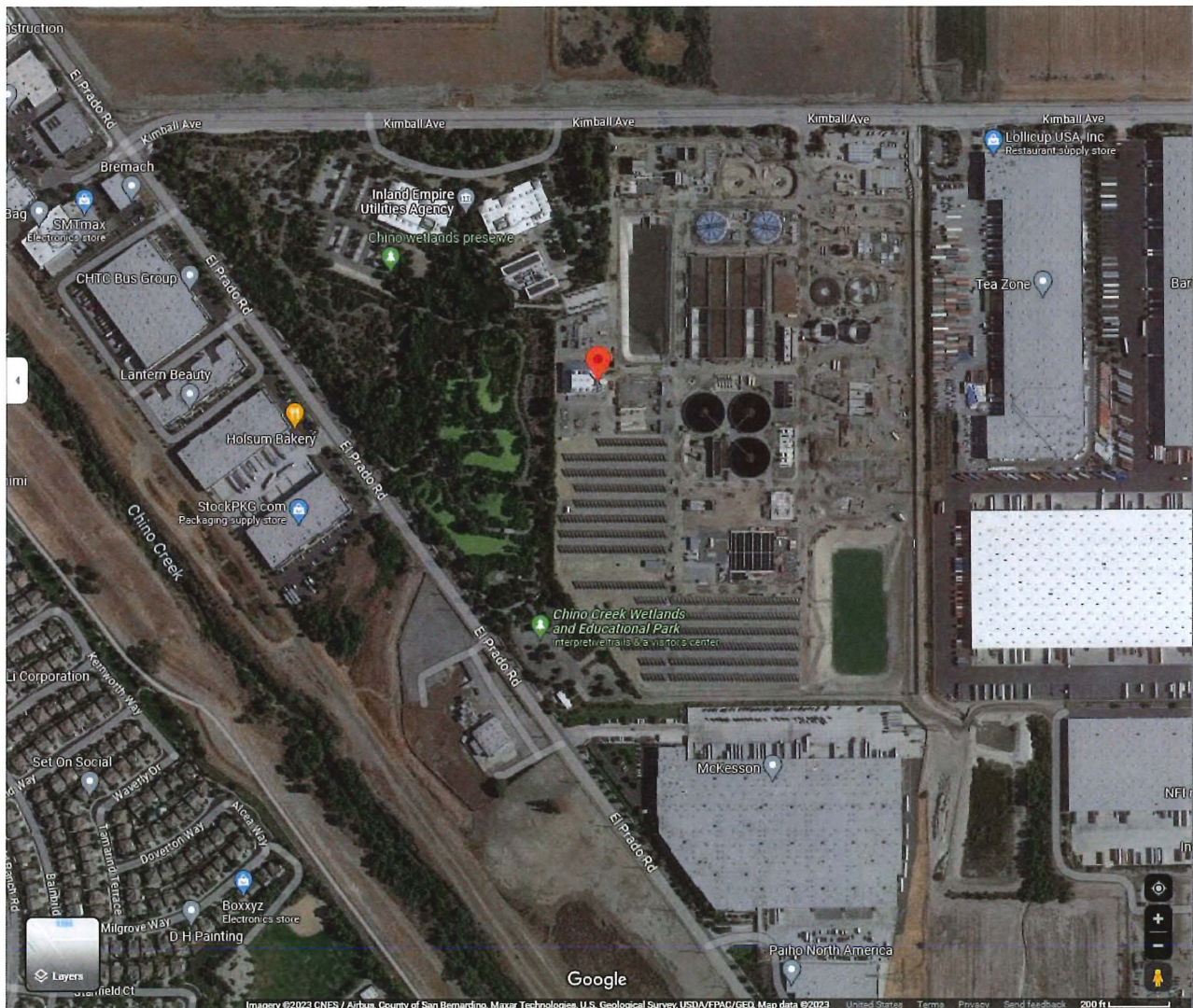
Type: Wastewater Treatment Plant

Type of water: Wastewater/Recycled Water

Capacity: 16,800AF/year (current), 25,200AF/year (future)

OBMP Program elements related: PE – 6 Develop and Implement Cooperative Programs with the Regional Board and Other Agencies to Improve Basin Management, PE – 7 Develop and Implement Salt Management Program

Location: 6075 Kimball Ave, Chino, CA 91708



Facility: CDA-I

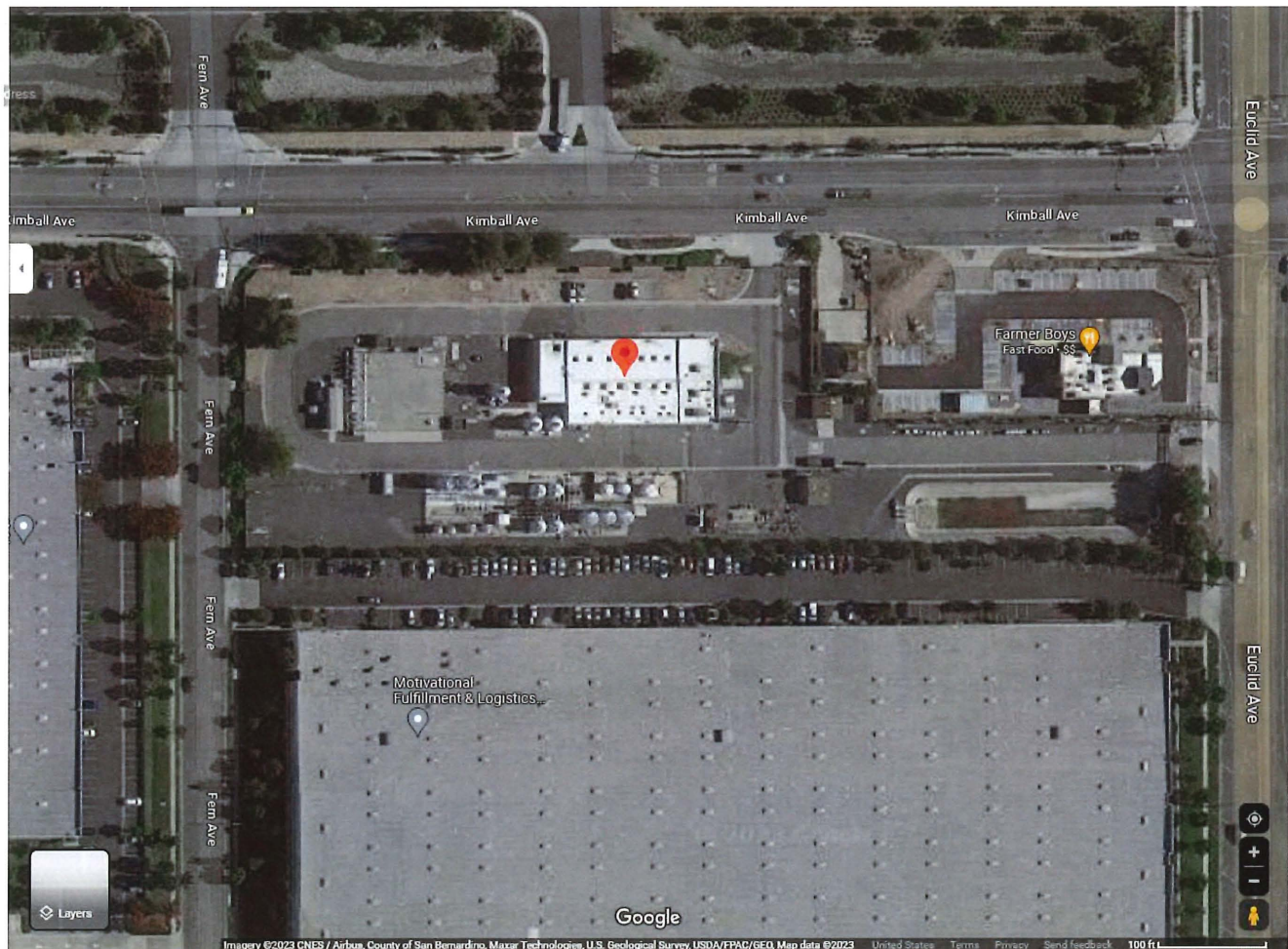
Type: Groundwater Treatment Plant

Type of water: Groundwater

Capacity: CDA-I and CDA II combined ~40,000 AF/year

OBMP Program elements related: PE – 6 Develop and Implement Cooperative Programs with the Regional Board and Other Agencies to Improve Basin Management, PE – 7 Develop and Implement Salt Management Program

Location: 6905 Kimball Ave, Chino, CA 91708



Facility: Prado Basin Monitoring Well (PB-3)

Type: Groundwater level monitoring device

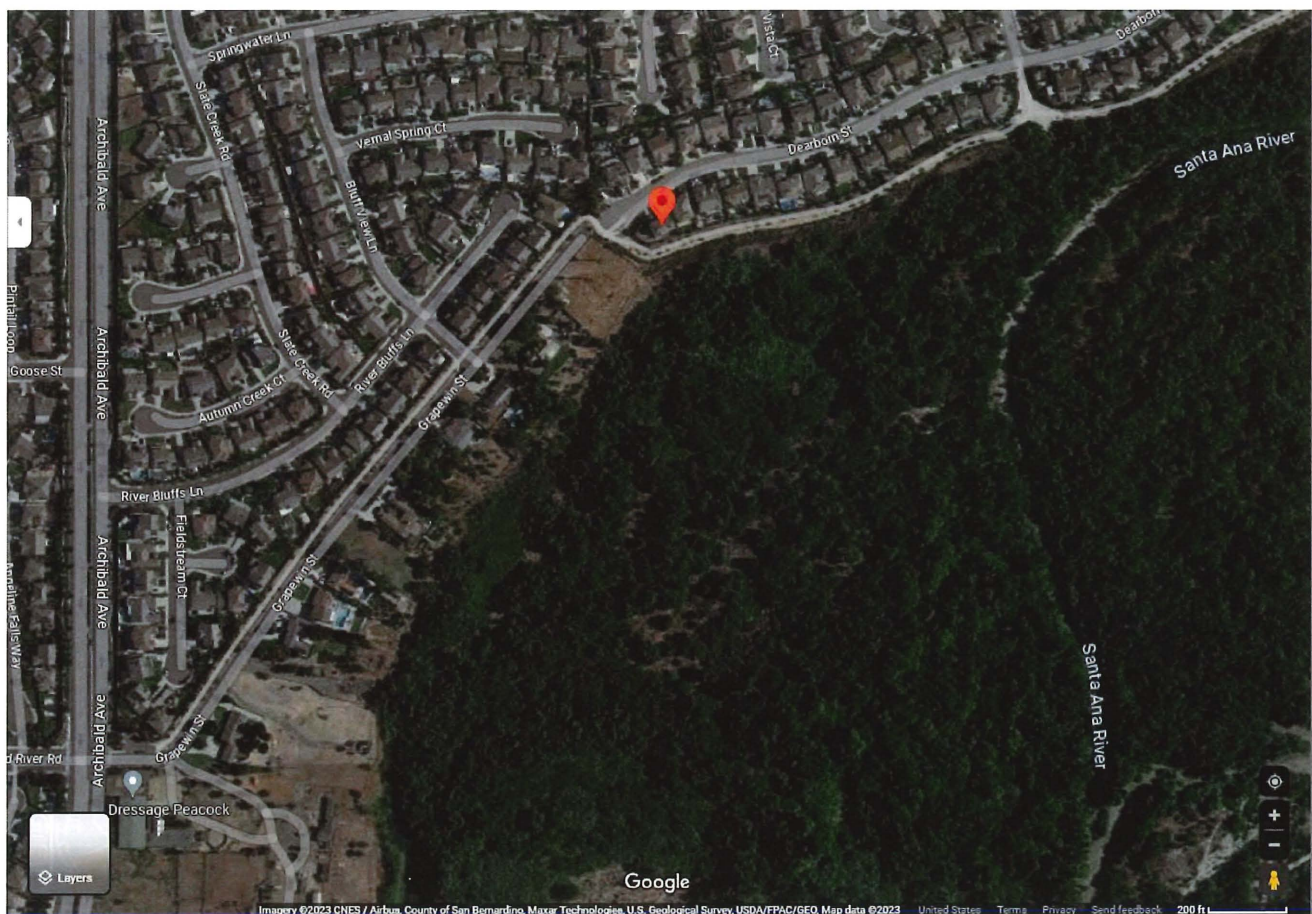
Type of water: N/A

Capacity: N/A

OBMP Program elements related: PE 4 – Subsidence

Management, PE – 6 Develop and Implement Cooperative Programs with the Regional Board and Other Agencies to Improve Basin Management, PE – 7 Develop and Implement Salt Management Program

Location: 13989 Dearborn St, Corona, CA 92880



Facility: CDA-II

Type: Groundwater Treatment Plant

Type of water: Groundwater

Capacity: Capacity: CDA-I and CDA II combined ~40,000 AF/year

OBMP Program elements related: PE – 6 Develop and Implement Cooperative Programs with the Regional Board and Other Agencies to Improve Basin Management, PE – 7 Develop and Implement Salt Management Program

Location: 11201 Harrel St, Jurupa Valley, CA 91752

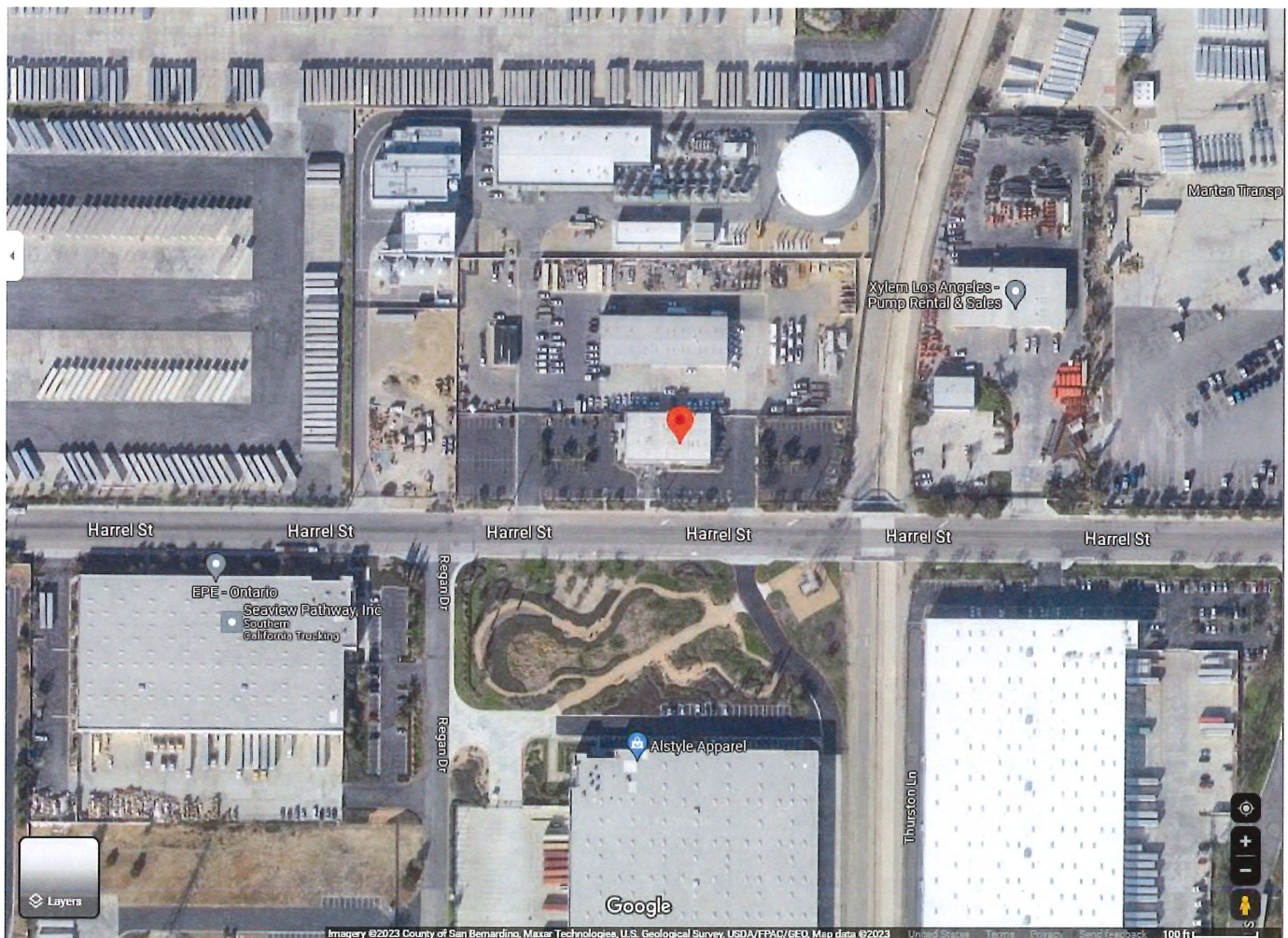


Exhibit C

Basin Tour Part I

1 hr 35 min
15 hr
4 hr 17 min

- Work (9641 San Bernardino Rd)
- North Etiwanda Preserve, 4890 Etiwanda Ave
- Cucamonga Valley Water District, 5765 E. Etiwanda Ave
- 14142 Summit Ave, Fontana, CA 92336
- 1775 N Benson Ave, Upland, CA 91784
- 1540 W G St, Ontario, CA 91762
- 4694 San Bernardino St, Montclair, CA 91763
- 501 W Francis St, Ontario, CA 91762
- 2049 S Baker Ave, Ontario, CA 91761
- Ayala Park, 14315 Central Ave, Chino, CA 91710

Options

Send directions to your phone

via CA-210 E 1 hr 35 min
1 hr 35 min without traffic 47.9 miles

Details

Google Maps Imagery ©2023 TerraMetrics, Map data ©2023 United States Terms Privacy Send feedback 2 mi

Basin Tour Part II

38 min 5 hr 1 hr 26

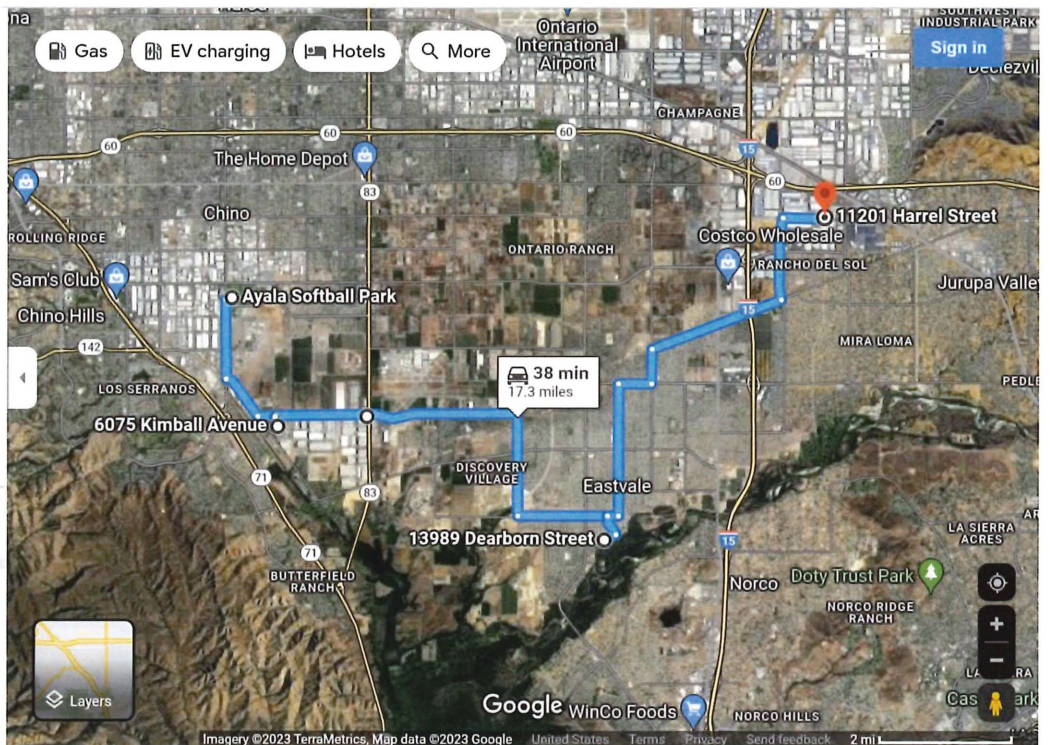
- Ayala Softball Park, 14315 Central Ave, C
- 6075 Kimball Ave, Chino, CA 91708
- 7031 Kimball Ave, Chino, CA 91708
- 13989 Dearborn St, Corona, CA 92880
- 11201 Harrel St, Jurupa Valley, CA 91752

Add destination

Options

Send directions to your phone

via Central Ave and El Prado Rd 38 min
38 min without traffic 17.3 miles



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 action within. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On July 5, 2023, I served the following:

1. DECLARATION OF SCOTT S. SLATER IN SUPPORT OF MOTION FOR SITE VISIT BY THE COURT

/ X / BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the 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.
See attached service list: Master Email Distribution List

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

Executed on July 5, 2023 in Rancho Cucamonga, California.

By: Ruby Favela Quintero
Chino Basin Watermaster

PAUL HOFER
11248 S TURNER AVE
ONTARIO, CA 91761

JEFF PIERSON
2 HEXAM
IRVINE, CA 92603

Ruby Favela Quintero

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