

FEE EXEMPT

1 ELIZABETH P. EWENS (SB #213046)
2 elizabeth.ewens@stoel.com
3 MICHAEL B. BROWN (SB #179222)
4 michael.brown@stoel.com
5 WHITNEY A. BROWN (SB #324320)
6 whitney.brown@stoel.com
7 STOEL RIVES LLP
8 500 Capitol Mall, Suite 1600
9 Sacramento, CA 95814
10 Telephone: 916.447.0700
11 Facsimile: 916.447.4781

12 *Attorneys for City of Ontario*

EXEMPT FROM FILING FEES
PURSUANT TO GOV. CODE, § 6103

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT,

12 Plaintiff,

13 v.

14 CITY OF CHINO, et al.,

15 Defendants.

Case No. RCVRS 51010

ASSIGNED FOR ALL PURPOSES TO
HONORABLE GILBERT G. OCHOA

**DECLARATION OF ELIZABETH P.
EWENS IN SUPPORT OF CITY OF
ONTARIO'S RESPONSE RE
CONTINUED HEARING ON MOTION
CHALLENGING WATERMASTER'S
NOVEMBER 17, 2022
ACTIONS/DECISION TO APPROVE
FY 2022/2023 ASSESSMENT PACKAGE**

Hearing:

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

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DECLARATION OF ELIZABETH P. EWENS

I, Elizabeth P. Ewens, declare as follows:

1. I have personal knowledge of the facts stated in this Declaration and, if called as a witness, could and would testify competently to those facts.


2. I am an attorney at Stoel Rives LLP, attorney of record for City of Ontario (“Ontario”).

3. I make this Declaration in support of Ontario’s Response Re Continued Hearing on Motion Challenging Watermaster’s November 17, 2022 Actions/Decision to Approve the FY 2022/2023 Assessment Package (“Challenge”).

4. On March 23, 2023, the Board of the Chino Basin Watermaster held a public meeting. Attached as Exhibit A is a true and correct copy of the March 23, 2023 meeting agenda.

5. At the meeting, Watermaster legal counsel provided a status report to the Board regarding past and upcoming hearings, appeals, and other pending legal matters. Agenda Item III.A.2. related to the April 5, 2023 hearing on Ontario’s Challenge. A true and correct copy of a transcript of Watermaster legal counsel’s report to the Board regarding the April 2023 hearing is attached as Exhibit B.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 24th day of July 2023, at Sacramento, California.



Elizabeth P. Ewens

EXHIBIT A

**CHINO BASIN WATERMASTER
WATERMASTER BOARD MEETING**

11:00 a.m. – March 23, 2023

Mr. Jim Curatalo, Chair

Mr. Jeff Pierson, Vice-Chair

Mr. Bob Kuhn, Secretary/Treasurer

At The Offices Of

Chino Basin Watermaster

9641 San Bernardino Road

Rancho Cucamonga, CA 91730

AGENDA

FLAG SALUTE

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

This is an opportunity for members of the public to address the Board on any short non-agenda items that are within the subject matter jurisdiction of the Chino Basin Watermaster. No discussion or action can be taken on matters not listed on the agenda, per the Brown Act. Each member of the public who wishes to comment shall be allotted three minutes, and no more than three individuals shall address the same subject.

AGENDA – ADDITIONS/REORDER

I. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and non-controversial and will be acted upon by one motion in the form listed below. There will be no separate discussion on these items prior to voting unless any members, staff, or the public requests specific items be discussed and/or removed from the Consent Calendar for separate action.

A. MINUTES

Approve as presented:

1. Minutes of the Watermaster Board Meeting held February 23, 2023 *(Page 1)*

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of January 2023 *(Page 10)*
2. Watermaster VISA Check Detail for the month of January 2023 *(Page 24)*
3. Combining Schedule for the Period July 1, 2022 through January 31, 2023 *(Page 28)*
4. Treasurer's Report of Financial Affairs for the Period January 1, 2023 through January 31, 2023 *(Page 31)*
5. Budget vs. Actual Report for the Period July 1, 2022 through January 31, 2023 *(Page 35)*
6. Cash Disbursements for February 2023 (Information Only) *(Page 63)*

C. WATER TRANSACTION – CITY OF CHINO TO NIAGARA BOTTLING, LLC

Approve the proposed transaction:

The purchase of 4,000 acre-feet of water from City of Chino by Niagara Bottling, LLC. This purchase is made from City of Chino's Excess Carryover Account. *(Page 72)*

D. OBMP SEMI-ANNUAL STATUS REPORT 2022-2

Adopt the Semi-Annual OBMP Status Report 2022-2, and direct staff to file a copy with the Court, subject to any necessary non-substantive changes. *(Page 80)*

E. SGMA REPORTING FOR WATER YEAR 2022

Approve and direct staff to file the information/reports with the DWR. (Page 102)

II. BUSINESS ITEMS

A. THIRD AMENDMENT TO TASK ORDER NO. 8 UNDER THE MASTER AGREEMENT FOR COLLABORATIVE RECHARGE PROJECTS (SAN SEVAINE BASIN)

Approve the Third Amendment to Task Order No. 8 Under the Master Agreement for Collaborative Recharge Projects to officialize the project closeout as presented. (Page 109)

B. WATERMASTER BOARD PHILOSOPHY RE STAFFING AND COMPENSATION

Review and provide input to staff. (Page 118)

III. REPORTS/UPDATES

A. WATERMASTER LEGAL COUNSEL

1. March 17, 2023 Hearing
2. April 5, 2023 Hearing
3. Court of Appeal Case No. E079052
4. Court of Appeal Case No. E080457
5. Court of Appeal Case No. E080533
6. Kaiser Permanente Lawsuit
7. Review of Brown Act Memorandum Dated February 2, 2023

B. ENGINEER

1. SGMA Reporting for Water Year 2022
2. Prado Basin Habitat Sustainability Committee
3. Ground-Level Monitoring Committee
4. Safe Yield Court Order Implementation
5. Impaired Status of Chino Creek

C. CHIEF FINANCIAL OFFICER

1. Fiscal Year 2023/24 Budget Schedule

D. GENERAL MANAGER

1. Stormwater Flows into San Sevaime 3
2. Status Report: Exhibit G Physical Solution Transfers
3. System Losses Study
4. Other

IV. BOARD MEMBER COMMENTS

V. OTHER BUSINESS

VI. CONFIDENTIAL SESSION – POSSIBLE ACTION

Pursuant to Article II, Section 2.6, of the Watermaster Rules & Regulations, a Confidential Session may be held during the Watermaster Board meeting for the purpose of discussion and possible action.

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION: a) Chino Basin Municipal Water District v. City of Ontario et al., 4th District Court of Appeal Case No. E079052

VII. FUTURE MEETINGS AT WATERMASTER

03/21/23	Tue	9:00 a.m.	Safe Yield Court Order – Data Collection and Evaluation
03/21/23	Tue	1:00 p.m.	Fiscal Year 2023/24 Budget Release
03/23/23	Thu	9:30 a.m.	Watermaster Orientation*
03/23/23	Thu	11:00 a.m.	Watermaster Board
03/30/23	Thu	9:00 a.m.	Ground-Level Monitoring Committee (GLMC – If Needed)
04/13/23	Thu	9:00 a.m.	Appropriative Pool Committee
04/13/23	Thu	11:00 a.m.	Non-Agricultural Pool Committee
04/13/23	Thu	1:30 p.m.	Agricultural Pool Committee
04/18/23	Tue	1:00 p.m.	Fiscal Year 2023/24 Workshop #1
04/20/23	Thu	9:00 a.m.	Advisory Committee
04/25/23	Tue	1:00 p.m.	Fiscal Year 2023/24 Workshop #2 (If Needed)
04/27/23	Thu	9:30 a.m.	Watermaster Orientation*
04/27/23	Thu	11:00 a.m.	Watermaster Board

* Meeting held in person only, no remote access.

ADJOURNMENT

EXHIBIT B

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CHINO BASIN WATERMASTER
WATERMASTER BOARD MEETING
MARCH 23, 2023

AUDIO TRANSCRIPTION
REQUESTED PORTION 26:36 - 27:47

Transcribed by:
Diana Sasseen
CSR No. 13456
Job No. 10122807

1 SCOTT SLATER: We have an April 5 hearing
2 coming up. This is a challenge to our 2022-2023
3 assessment package, and this, to a large degree, mirrors
4 Ontario's challenge to our previous year's assessment
5 package. There are some different bases that are
6 alleged in that challenge.

7 And I think from the board members'
8 perspective, so if you're wondering, you know, isn't
9 there a case on appeal? It's a new rate, it's a new
10 assessment. And so a legal practitioner would say to
11 protect and perfect your right against the earlier, you
12 have to challenge each and successive.

13 So I'm sure -- I can't speak for why Ontario
14 decided to do it, but I'm sure that they were intending
15 to refresh their challenge as against this package.

16 The motion has been filed, the responses or the
17 oppositions have been filed, and will be in front of
18 Judge Ochoa on April 5.

19 (End of requested portion.)
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REPORTER'S CERTIFICATE

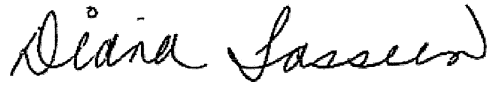
I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing electronically-recorded proceedings were transcribed by me to the best of my ability.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: 06/26/2023



Diana Sasseen
CSR No. 13456

2	F	Ontario 2:13	Y
2022-2023 2:2	filed 2:16,17	Ontario's 2:4	year's 2:4
5	front 2:17	P	
5 2:1,18	H	package 2:3,5,15	
A	hearing 2:1	perfect 2:11	
alleged 2:6	I	perspective 2:8	
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board 2:7	L	rate 2:9	
C	large 2:3	refresh 2:15	
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decided 2:14	motion 2:16	SCOTT 2:1	
degree 2:3	N	SLATER 2:1	
different 2:5	new 2:9	speak 2:13	
E	O	successive 2:12	
earlier 2:11	Ochoa 2:18	sure 2:13,14	
		T	
		think 2:7	
		W	
		wondering 2:8	

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 24, 2023, I served the following:

1. DECLARATION OF ELIZABETH P. EWENS IN SUPPORT OF CITY OF ONTARIO'S RESPONSE RE CONTINUED HEARING ON MOTION CHALLENGING WATERMASTER'S NOVEMBER 17, 2022 ACTIONS/DECISION TO APPROVE FY 2022/2023 ASSESSMENT PACKAGE

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.

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 24, 2023 in Rancho Cucamonga, California.



By: Alexandria Moore
Chino Basin Watermaster

Alexandria Moore

Contact Group Name: Master Email Distribution

Categories: Main Email Lists

Members:

Adrian Gomez	agomez@emeraldus.com
Alan Frost	Alan.Frost@dpw.sbcounty.gov
Alberto Mendoza	Alberto.Mendoza@cmc.com
Alejandro R. Reyes	arreyes@sgvwater.com
Alexandria Moore	amoore@cbwm.org
Alexis Mascarinas	AMascarinas@ontarioca.gov
Alfonso Ruiz	alfonso.ruiz@cmc.com
Allen Hubsch	ahubsch@hubschlaw.com
Alma Heustis	alma.heustis@nucor.com
Alonso Jurado	ajurado@cbwm.org
Alyssa Coronado	acoronado@sarwc.com
Amanda Coker	amandac@cvwdwater.com
Amer Jakher	AJakher@cityofchino.org
Amy Bonczewski	ABonczewski@ontarioca.gov
Andrew Gagen	agagen@kidmanlaw.com
Andy Campbell	acampbell@ieua.org
Andy Malone	amalone@westyost.com
Angelica Todd	angelica.todd@ge.com
Anna Nelson	atruongnelson@cbwm.org
Anthony Alberti	aalberti@sgvwater.com
April Robitaille	arobitaille@bhfs.com
Art Bennett	citycouncil@chinohills.org
Arthur Kidman	akidman@kidmanlaw.com
Ashok Dhingra	ash@akdconsulting.com
Ben Lewis	benjamin.lewis@gswater.com
Ben Markham	bmarkham@bhfs.com
Ben Peralta	bperalta@tvmwd.com
Benjamin M. Weink	ben.weink@tetrattech.com
Beth.McHenry	Beth.McHenry@hoferranch.com
Bill Schwartz	bschwartz@mvwd.org
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	Byu@ci.upland.ca.us
Bradley Jensen	bradley.jensen@cao.sbcounty.gov
Brandi Belmontes	BBelmontes@ontarioca.gov
Brandi Goodman-Decoud	bgdecoud@mvwd.org
Brandon Howard	brahoward@niagarawater.com
Brenda Fowler	balee@fontanawater.com
Brent Yamasaki	byamasaki@mwdh2o.com
Brian Dickinson	bdickinson65@gmail.com
Brian Geye	bgeye@autoclubspeedway.com
Brian Lee	blee@sawaterco.com
Bryan Smith	bsmith@jcsd.us
Carmen Sierra	carmens@cvwdwater.com
Carol Boyd	Carol.Boyd@doj.ca.gov
Carolina Sanchez	csanchez@westyost.com

Casey Costa ccosta@chinodesalter.org
 Cassandra Hooks chooks@niagarawater.com
 Cathleen Pieroni - Inland Empire Utilities Agency (cpieroni@ieua.org)
 cpieroni@ieua.org
 Chad Blais cblais@ci.norco.ca.us
 Chander Letulle cletulle@jcsd.us
 Charles Field cdfield@att.net
 Charles Moorrees cmoorrees@sawaterco.com
 Chino Hills City Council citycouncil@chinohills.org
 Chris Berch cberch@jcsd.us
 Chris Diggs Chris_Diggs@ci.pomona.ca.us
 Christiana Daisy cdaisy@ieua.org
 Christopher M. Sanders cms@eslawfirm.com
 Christopher Quach cquach@ontarioca.gov
 Christopher R. Guillen cguillen@bhfs.com
 Cindy Cisneros cindyc@cvwdwater.com
 Cindy Li Cindy.li@waterboards.ca.gov

City of Chino, Administration Department

administration@cityofchino.org
 cjones@ontarioca.gov
 CMiller@wmwd.com
 craig.stewart@wsp.com
 cifealy@fontanawater.com
 CBurton@cityofchino.org
 dmckinney@douglascountylaw.com
 dbobadilla@chinohills.org
 dkim@linklogistics.com
 daveargo46@icloud.com
 DCrosley@cityofchino.org
 daladjem@downeybrand.com
 ddejesus@tvmwd.com
 dhuynh@cbwm.org
 dawn.forgeur@stoel.com
 dgarzaro@ieua.org
 dmejia@ontarioca.gov
 dwilliams@geoscience-water.com
 dhoffman@fennemorelaw.com
 diana.frederick@cdcr.ca.gov
 edmeans@icloud.com
 elin@ieua.org
 etellezfoster@cbwm.org
 EduardoE@cvwdwater.com
 edward.kolodziej@ge.com
 ecalciano@hensleylawgroup.com
 elizabeth.ewens@stoel.com
 ESkrzat@cbwcd.org
 eric_fordham@geopentech.com
 eric.garner@bbklaw.com
 ericg@cvwdwater.com
 erobinson@kmtg.com
 Eric.Papathakis@cdcr.ca.gov
 edtarango@fontanawater.com
 Erika.clement@sce.com

Eunice Ulloa	eulloa@cityofchino.org
Eunice Ulloa - City of Chino (eulloa@cityofchino.org)	
	eulloa@cityofchino.org
Evette Ounanian	EvetteO@cvwdwater.com
Frank Yoo	FrankY@cbwm.org
Fred Fudacz	ffudacz@nossaman.com
Fred Galante	fgalante@awattorneys.com
G. Michael Milhiser	directormilhiser@mvwd.org
G. Michael Milhiser	Milhiser@hotmail.com
Garrett Rapp	grapp@westyost.com
Gene Tanaka	Gene.Tanaka@bbklaw.com
Geoffrey Kamansky	gkamansky@niagarawater.com
Geoffrey Vanden Heuvel	geoffreyvh60@gmail.com
Gerald Yahr	yahrj@koll.com
Gina Gomez	ggomez@ontarioca.gov
Gina Nicholls	gnicholls@nossaman.com
Gino L. Filippi	Ginoffvine@aol.com
Gracie Torres	gtorres@wmwd.com
Grant Mann	GMann@dpw.sbcounty.gov
Greg Woodside	gwoodside@ocwd.com
Gregor Larabee	Gregor.Larabee@cdcr.ca.gov
Ha T. Nguyen	ha.nguyen@stoel.com
Henry DeHaan	Hdehaan1950@gmail.com
Insixiengmay, Maria	Maria.Insxiengmay@cc.sbcounty.gov
Irene Islas	irene.islas@bbklaw.com
James Curatalo	jamesc@cvwdwater.com
James Jenkins	cnomgr@airports.sbcounty.gov
Janelle S.H. Krattiger, Esq	janelle.krattiger@stoel.com
Janine Wilson	JWilson@cbwm.org
Jasmin A. Hall	jhall@ieua.org
Jason Marseilles	jmarseilles@ieua.org
Jayne Joy	Jayne.Joy@waterboards.ca.gov
Jean Cihigoyenette	Jean@thejclawfirm.com
Jeff Evers	jeverson@niagarawater.com
Jeff Mosher	jmosher@sawpa.org
Jeffrey L. Pierson	jpierson@intexcorp.com
Jenifer Ryan	jryan@kmtg.com
Jennifer Hy-Luk	jhyluk@ieua.org
Jeremy N. Jungries	jjungreis@rutan.com
Jesse Pompa	jpompa@jcsd.us
Jessie Ruedas	Jessie@thejclawfirm.com
Jim Markman	jmarkman@rwglaw.com
Jim W. Bowman	jbowman@ontarioca.gov
Jimmy Gutierrez - Law Offices of Jimmy Gutierrez	
	jimmylaredo@gmail.com
Jimmy L. Gutierrez	Jimmy@City-Attorney.com
Jimmy Medrano	Jaime.medrano2@cdcr.ca.gov
Jiwon Seung	JiwonS@cvwdwater.com
Joanne Chan	jchan@wvwd.org
Joao Feitoza	joao.feitoza@cmc.com
Jody Roberto	jroberto@tvmwd.com
Joe Graziano	jgraz4077@aol.com
Joe Joswiak	JJoswiak@cbwm.org

Joel Ignacio	jignacio@ieua.org
John Bosler	johnb@cvwdwater.com
John Harper	jrharper@harperburns.com
John Huitsing	johnhuitsing@gmail.com
John Lopez	jlopez@sarwc.com
John Lopez and Nathan Cole	customerservice@sarwc.com
John Mendoza	jmendoza@tvmwd.com
John Partridge	jpartridge@angelica.com
John Russ	jruss@ieua.org
John Schatz	jschatz13@cox.net
John Thornton	JThorntonPE@H2OExpert.net
Jose A Galindo	Jose.A.Galindo@linde.com
Josh Swift	jmswift@fontanawater.com
Joshua Aguilar	jaguilar1@wmwd.com
Justin Brokaw	jbrokaw@marygoldmutualwater.com
Justin Nakano	JNakano@cbwm.org
Justin Scott-Coe Ph. D.	jscottcoe@mvwd.org
Kaitlyn Dodson-Hamilton	kaitlyn@tdaenv.com
Karen Williams	kwilliams@sawpa.org
Kathleen Brundage	kathleen.brundage@californiasteel.com
Keith Person	keith.person@waterboards.ca.gov
Kelli Hills (khills@cbwm.org)	khills@cbwm.org
Kelly Ridenour	KRIDENOUR@fennemorelaw.com
Ken Waring	kwarling@jcsd.us
Kevin O'Toole	kotoole@ocwd.com
Kevin Sage	Ksage@IRMwater.com
kparker@katithewaterlady.com	kparker@katithewaterlady.com
Krista Paterson	Kpaterson@kmtg.com
Kristina Robb	KRobb@cc.sbcounty.gov
Kurt Berchtold	kberchtold@gmail.com
Kyle Brochard	KBrochard@rwglaw.com
Kyle Snay	kylesnay@gswater.com
Laura Mantilla	lmantilla@ieua.org
Laura Roughton	lroughton@wmwd.com
Laura Yraceburu	lyraceburu@bhfs.com
Lauren V. Neuhaus, Esq.	lauren.neuhaus@stoel.com
Lee McElhaney	lmcElhaney@bmklawplc.com
Linda Jadeski	ljadeski@wwd.org
Liz Hurst	ehurst@ieua.org
Lorena Heredia	lheredia@ieua.org
Mallory Gandara	MGandara@wmwd.com
Manny Martinez	directormartinez@mvwd.org
Marcella Correa	MCorrea@rwglaw.com
Marco Tule	mtule@ieua.org
Maria Ayala	mayala@jcsd.us
Maria Mendoza	mmendoza@westyost.com
Maribel Sosa	msosa@ci.pomona.ca.us
Marilyn Levin	marilyn.levin@doj.ca.gov
Marissa Turner	mturner@tvmwd.com
Mark D. Hensley	mhensley@hensleylawgroup.com
Mark Wiley	mwiley@chinohills.org
Marlene B. Wiman	mwiman@nossaman.com
Martin Cihigoyenetche	marty@thejclawfirm.com

Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	mezvirbulis@sgwater.com
Matthew H. Litchfield	mlitchfield@tvmwd.com
May Atencio	matencio@fontana.org
Melanie Trevino	Mtrevino@jcsd.us
Michael Adler	michael.adler@mcmcn.net
Michael B. Brown, Esq.	michael.brown@stoel.com
Michael Fam	mfam@dpw.sbcounty.gov
Michael Hurley	mhurley@ieua.org
Michael Mayer	Michael.Mayer@dpw.sbcounty.gov
Michael P. Thornton	mthornton@tkeengineering.com
Michelle Licea	mlicea@mvwd.org
Mike Gardner	mgardner@wmwd.com
Mike Maestas	mikem@cvwdwater.com
Miriam Garcia	mgarcia@ieua.org
mmarti47@yahoo.com	mmarti47@yahoo.com
Monica Nelson	mnelson@ieua.org
Moore, Toby	TobyMoore@gswater.com
MWDProgram	MWDProgram@sdca.org
Nadia Aguirre	naguirre@tvmwd.com
Natalie Avila	navila@cityofchino.org
Natalie Costaglio	natalie.costaglio@mcmcn.net
Nathan deBoom	n8deboom@gmail.com
Neetu Gupta	ngupta@ieua.org
Nichole Horton	Nichole.Horton@pomona.gov
Nick Jacobs	njacobs@somachlaw.com
Nicole deMoet	ndemoet@ci.upland.ca.us
Nicole Escalante	NEscalante@ontarioca.gov
Noah Golden-Krasner	Noah.goldenkrasner@doj.ca.gov
Oscar Ramos	omramos@sgwater.com
Paul Deutsch	paul.deutsch@woodplc.com
Paul Hofer	farmerhofer@aol.com
Paul Hofer	farmwatchtoo@aol.com
Paul S. Leon	pleon@ontarioca.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
Rebekah Walker	rwalker@jcsd.us
Richard Anderson	horsfly1@yahoo.com
Richard Rees	richard.rees@wsp.com
Rickey S. Manbahal	smanbahal@wvwd.org
Robert C. Hawkins	RHawkins@earthlink.net
Robert DeLoach	robertadeloach1@gmail.com
Robert E. Donlan	red@eslawfirm.com
Robert Neufeld	robneu1@yahoo.com
Robert Wagner	rwagner@wbecorp.com
Ron Craig	Rcraig21@icloud.com
Ron LaBrucherie, Jr.	ronLaBrucherie@gmail.com
Ronald C. Pietersma	rcpietersma@aol.com
Ruben Llamas	rllamas71@yahoo.com
Ruby Favela	rfavela@cbwm.org

Ryan Shaw	RShaw@wmwd.com
Sam Nelson	snelson@ci.norco.ca.us
Sam Rubenstein	srubenstein@wpcarey.com
Sandra S. Rose	directorrose@mvwd.org
Sarah Foley	Sarah.Foley@bbklaw.com
Scott Burton	sburton@ontarioca.gov
Scott Slater	sslater@bhfs.com
Seth J. Zielke	sjzielke@fontanawater.com
Shawnda M. Grady	sgrady@eslawfirm.com
Shivaji Deshmukh	sdeshmukh@ieua.org
Sonya Barber	sbarber@ci.upland.ca.us
Sonya Zite	szite@wmwd.com
SRamirez@kmtg.com	SRamirez@kmtg.com
Stephanie Reimer	SReimer@mvwd.org
Stephen Deitsch	stephen.deitsch@bbklaw.com
Steve Kennedy	skennedy@bmklawplc.com
Steve M. Anderson	steve.anderson@bbklaw.com
Steve Nix	snix@ci.upland.ca.us
Steve Riboli	steve.riboli@sanantoniowinery.com
Steve Smith	ssmith@ieua.org
Steven Andrews Engineering	sandrews@sandrewsengineering.com
Steven Flower	sflower@rwglaw.com
Steven J. Elie	s.elie@mpglaw.com
Steven J. Elie	selie@ieua.org
Steven Popelar	spopelar@jcsd.us
Steven Raughley	Steven.Raughley@isd.sbcounty.gov
Susan Palmer	spalmer@kidmanlaw.com
Sylvie Lee	slee@tvmwd.com
Tammi Ford	tford@wmwd.com
Tariq Awan	Tariq.Awan@cdcr.ca.gov
Tarren Torres	tarren@egoscuelaw.com
Taya Victorino	tayav@cvwdwater.com
Teri Layton	tlayton@sawaterco.com
Terri Whitman	TWhitman@kmtg.com
Terry Catlin	tlcatlin@wfajpa.org
Terry Watkins	Twatkins@geoscience-water.com
Thomas S. Bunn	tombunn@lagerlof.com
Tim Barr	tbarr@wmwd.com
Tim Kellett	tkellett@tvmwd.com
Tim Moore	tmoore@westyost.com
Timothy Ryan	tjryan@sgvwater.com
Toby Moore	TobyMoore@gswater.com
Tom Barnes	tbarnes@esassoc.com
Tom Bunn	TomBunn@Lagerlof.com
Tom Cruikshank	tcruikshank@linklogistics.com
Tom Dodson (tda@tdaenv.com)	tda@tdaenv.com
Tom Harder	tharder@thomashardercompany.com
Tom McPeters	THMcP@aol.com
Tom O'Neill	toneill@chinodesalter.org
Toni Medell	mmedel@mbakerintl.com
Tony Long	tlong@angelica.com
Toyasha Sebbag	tsebbag@cbwcd.org
Tracy J. Egoscue	tracy@egoscuelaw.com

Veva Weamer
Victor Preciado
Vivian Castro
Wade Fultz
WestWater Research, LLC
William Brunick
William McDonnell
William Urena

vweamer@westyost.com
Victor_Preciado@ci.pomona.ca.us
vcastro@cityofchino.org
Wade.Fultz@cmc.com
research@waterexchange.com
bbrunick@bmklawplc.com
wmcdonnell@ieua.org
wurena@emeraldus.com