

1 SCOTT S. SLATER (State Bar No. 117317)

[SSlater@bhfs.com](mailto:SSlater@bhfs.com)

2 BRADLEY J. HERREMA (State Bar No. 228976)

[BHerrema@bhfs.com](mailto:BHerrema@bhfs.com)

3 LAURA K. YRACEBURU (State Bar No. 333085)

[Lyraceburu@bhfs.com@bhfs.com](mailto:Lyraceburu@bhfs.com@bhfs.com)

4 **BROWNSTEIN HYATT FARBER SCHRECK, LLP**

1021 Anacapa Street, 2nd Floor

Santa Barbara, CA 93101-2102

Telephone: 805.963.7000

6 Facsimile: 805.965.4333

7 Attorneys for

**CHINO BASIN WATERMASTER**

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF SAN BERNARDINO

11 CHINO BASIN MUNICIPAL WATER  
12 DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendant.

**Case No. RCV RS51010**

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

**CHINO BASIN WATERMASTER NOTICE  
OF MOTION AND MOTION FOR COURT  
TO RE-APPOINT NINE-MEMBER  
WATERMASTER BOARD**

Date: February 2, 2024

Time: 9:00 a.m.

Dept.: S24

[Filed concurrently herewith: Declaration of  
Bradley J. Herrema; [Proposed] Order]

21 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

22 **PLEASE TAKE NOTICE** that on February 2, 2024, at 9:00 a.m., or as soon thereafter as  
23 the matter may be heard, in Department S24 of the above-entitled Court located at 247 West  
24 Third Street, San Bernardino, California 92415, the Chino Basin Watermaster (“Watermaster”) will and hereby does move the Court for an order re-appointing the nine-member Watermaster  
25 Board for a five-year term to expire on February 10, 2029.

27 This request is made pursuant to the Court’s jurisdiction and authority to enforce and  
28 carry out the Judgment in this action with respect to the rights established thereunder.

**FEE EXEMPT**

1 This Motion is based on this Notice, the Memorandum of Points and Authorities attached  
2 hereto, the Declaration of Bradley J. Herrema and the exhibits attached thereto filed concurrently  
3 herewith, the pleadings and papers on file in this case, and any oral argument the Court entertains  
4 on this matter.

5 Dated: December 5, 2023

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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8 By: \_\_\_\_\_

SCOTT S. SLATER  
BRADLEY J. HERREMA  
LAURA K. YRACEBURU  
Attorneys for CHINO BASIN WATERMASTER

9  
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11  
12  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Since 1998, the role of the Chino Basin Watermaster (“Watermaster”) has been filled by a Court-appointed nine-member board (“Watermaster Board”) and the Court has re-appointed the Watermaster Board at the expiration of each term pursuant to paragraph 16 of the Judgment. As the Watermaster Board’s current appointment extends through February 10, 2024, Watermaster files this motion for an order re-appointing the Watermaster Board for a further five year term.

**II. FACTUAL BACKGROUND**

The present five-year appointment of the Watermaster Board expires on February 10, 2024. (Order Granting Chino Basin Watermaster Motion for the Court to: (1) Re-Appoint Nine-Member Watermaster Board for a Further Five-Year Term; and (2) Receive and File the 2017/18 Annual Report of the Ground-Level Monitoring Committee, December 28, 2018 (“2018 Order”).) At their respective November 16, 2023 meetings, a majority of the Advisory Committee (60.985 votes out of 100) and a unanimous Watermaster Board voted that Watermaster move the Court for the re-appointment of the Watermaster Board for a further five-year term as Watermaster. (Herrema Decl., ¶¶ 5, 6.) Upon recommendation and advice from the Pool Committees and the Advisory Committee, the Watermaster Board moves the Court to reappoint the nine-member Board in service as Watermaster for a further five-year term, through February 10, 2029.

The Court initially appointed the Watermaster Board to serve as the Watermaster pursuant to the 1978 Judgment, on February 19, 1998. (Order Granting Motion to Re-Appoint Nine-Member Watermaster Board for a Further 5-Year Term, Jan. 26, 2011.) This appointment has been extended through successive reappointments since that time. On September 28, 2000, the Court re-appointed the Watermaster Board for a five year term ending on September 30, 2005. (*Id.*) By order dated September 22, 2005, the Court extended the appointment to February 9, 2006. (*Id.*) On February 9, 2006, the Court again re-appointed the Watermaster Board through February 10, 2011. (*Id.*) By order dated January 26, 2011, the Court extended the Watermaster Board’s appointment through February 10, 2016. (*Id.*) On December 18, 2015, Watermaster filed a Motion to Re-Appoint Nine-Member Watermaster Board for a Further Three-Year Term

1 and, on January 22, 2016, the Court re-appointed the Watermaster Board through February 10,  
2 2019. (Order Re-Appointing Nine-Member Watermaster Board for a Further Three Year Term,  
3 Jan. 22, 2016.) Watermaster filed a Motion for Court to Re-appoint Nine-Member Watermaster  
4 Board for a Further Five-Year Term on November 28, 2018 and, on December 28, 2018, the  
5 Court re-appointed the Watermaster Board through February 10, 2024. (2018 Order.)

6 **III. DISCUSSION**

7 Watermasters are commonplace in water right adjudications and most of the adjudicated  
8 groundwater basins in Southern California. (See Blomquist, *Dividing the Waters: Governing*  
9 *Groundwater in Southern California* (San Francisco Institute for Contemporary Studies) (1992).)  
10 The composition and duties of each such watermaster arise from its originating judgment and the  
11 watermasters are governed by the Courts they serve. The Chino Basin Watermaster was  
12 established by the Judgment to administer and enforce the provisions of the Judgment pursuant to  
13 the direction of the Court. (Judgment, ¶ 16.) The Chino Basin Municipal Water District, now  
14 known as the Inland Empire Utilities Agency, was initially designated as the Watermaster for a  
15 five-year term, and the Judgment provided for future Watermaster appointments as follows:

16 The term of appointment of Watermaster shall be for five (5) years. The Court  
17 will by subsequent orders provide for successive terms or for a successor  
18 Watermaster. Watermaster may be changed at any time by subsequent order of  
19 the Court, on its own motion, or on the motion of any party after notice and  
20 hearing. Unless there are compelling reasons to the contrary, the Court shall act  
21 in conformance with a motion requesting the Watermaster be changed if such  
22 motion is supported by a majority of the voting power of the Advisory  
23 Committee.

24 (Judgment, ¶ 16.)

25 Watermaster understands its duty to be the continued development and implementation of  
26 the Optimum Basin Management Plan (“OBMP”), the Peace Agreement, and its progeny (the  
27 “Court Approved Management Agreements”) and the faithful administration of the Judgment.  
28 During the present term of the Watermaster Board, Watermaster has continued to make progress  
on implementing the OBMP, including: (1) the continued implementation of the 2013  
Amendment to the 2010 Recharge Master Plan; (2) the completion of the 2023 Recharge Master  
Plan Update; (3) continued groundwater monitoring and production reporting;(4) the review and

1 processing of 40 water transfers, involving more than 90,315 acre-feet of water; (5) the adoption  
2 of the 2020 OBMP Update; (6) the lending of assistance to Inland Empire Utilities Agency’s  
3 environmental review of the 2020 OBMP Update; (7) the reconvention of the Water Quality  
4 Committee; (8) the preparation of the 2020 and 2023 Storage Framework Investigations; and (9)  
5 the initiation of several long-term planning activities, including development of a Storage and  
6 Recovery Master Plan, an updated Storage Management Plan, and a Groundwater Quality  
7 Management Plan. (Declaration of Bradley J. Herrema (“Herrema Decl.”), ¶ 3.)

8 At its November 16, 2023 meeting, the Advisory Committee acted by majority (60.985  
9 votes out of 100) to request that Watermaster move the Court for the re-appointment of the  
10 Watermaster Board for a further five-year term as Watermaster. (Herrema Decl., ¶ 5.) At its  
11 regular meeting the same day, the Watermaster Board approved proceeding consistent with the  
12 Advisory Committee’s action and directed legal counsel to file this motion seeking re-  
13 appointment. (*Id.* at ¶ 6.) On this basis, Watermaster respectfully requests that the Court re-  
14 appoint the Watermaster Board for a further five-year term.


15 **IV. CONCLUSION**

16 For the reasons stated above, Watermaster respectfully requests that the Court grant the  
17 Motion.

18 Dated: December 5, 2023

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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22  
23  
24  
25  
26  
27  
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By:   
\_\_\_\_\_  
SCOTT S. SLATER  
BRADLEY J. HERREMA  
CHRISTOPHER R. GUILLEN  
Attorneys for CHINO BASIN WATERMASTER



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 December 5, 2023, I served the following:

1. CHINO BASIN WATERMASTER NOTICE OF MOTION AND MOTION FOR COURT TO RE-APPOINT NINE-MEMBER WATERMASTER BOARD

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 December 5, 2023 in Rancho Cucamonga, California.



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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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**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
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
Ben Roden	BenR@cvwdwater.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 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
Courtney Jones	cjjones@ontarioca.gov
Craig Miller	CMiller@wmwd.com
Craig Stewart	craig.stewart@wsp.com
Cris Fealy	cifealy@fontanawater.com
Curtis Burton	CBurton@cityofchino.org
Dan McKinney	dmckinney@douglascountylaw.com
Daniel Bobadilla	dbobadilla@chinohills.org
Danny Kim	dkim@linklogistics.com
Dave Argo	daveargo46@icloud.com
Dave Crosley	DCrosley@cityofchino.org
David Barnes	DBarnes@geoscience-water.com
David De Jesus	ddejesus@tvmwd.com
Denise Garzaro	dgarzaro@ieua.org
Dennis Mejia	dmejia@ontarioca.gov
Dennis Williams	dwilliams@geoscience-water.com
Derek Hoffman	dhoffman@fennemorelaw.com
Diana Frederick	diana.frederick@cdcr.ca.gov
Ed Means	edmeans@icloud.com
Eddie Lin (elin@ieua.org)	elin@ieua.org
Edgar Tellez Foster	etellezfoster@cbwm.org
Eduardo Espinoza	EduardoE@cvwdwater.com
Edward Kolodziej	edward.kolodziej@ge.com
Elizabeth M. Calciano	ecalciano@hensleylawgroup.com
Elizabeth P. Ewens	elizabeth.ewens@stoel.com
Elizabeth Willis	ewillis@cbwcd.org
Eric Fordham	eric_fordham@geopentech.com
Eric Garner	eric.garner@bbklaw.com
Eric Grubb	ericg@cvwdwater.com
Eric N. Robinson	erobinson@kmtg.com
Eric Papathakis	Eric.Papathakis@cdcr.ca.gov
Eric Tarango	edtarango@fontanawater.com
Eric Vides	evides@cbwm.org
Erika Clement	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@mwd.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
Hye Jin Lee	HJLee@cityofchino.org
Insixiengmay, Maria	Maria.Insxiengmay@cc.sbcounty.gov
Irene Islas	irene.islas@bbklaw.com
Ivy Capili	ICapili@bhfs.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 Cihigoyenetché	Jean@thejclawfirm.com
Jeff Evers	jevers@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@wwwd.org
Joao Feitoza	joao.feitoza@cmc.com
Jody Roberto	jroberto@tvmwd.com
Joe Graziano	jgraz4077@aol.com

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
Jordan Garcia	jgarcia@cbwm.org
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@mwd.org
Kaitlyn Dodson-Hamilton	kaitlyn@tdaenv.com
Karen Williams	kwilliams@sawpa.org
Kathleen Brundage	kathleen.brundage@californiasteel.com
Kathy Rockenstein	kathy.rockenstein@stoel.com
Keith Person	keith.person@waterboards.ca.gov
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
Lewis Callahan	Lewis.Callahan@cdcr.ca.gov
Linda Jadeski	ljadeski@wvwd.org
Liz Hurst	ehurst@ieua.org
Logan Wicks	loganwicks@geoscience-water.com)
Lorena Heredia	lheredia@ieua.org
Mallory Gandara	MGandara@wmwd.com
Manny Martinez	directormartinez@mwd.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	mtturner@tvmwd.com
Mark D. Hensley	mhensley@hensleylawgroup.com

Mark Wiley	mwiley@chinohills.org
Marlene B. Wiman	mwiman@nossaman.com
Martin Cihigoyenetcher	marty@thejclawfirm.com
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	mezvirbulis@sgvwater.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@sgvwater.com
Paul Deutsch	paul.deutsch@woodplc.com
Paul Hofer	farmerhofer@aol.com
Paul Hofer	farmwatchtoo@aol.com
Paul S. Leon	pleon@ontarioca.gov
Pete Vicario	PVicario@cityofchino.org
Peter Hettinga	peterhettinga@yahoo.com
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
Rudy Nunez	rnunez@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 O'Neill	toneill@chinodesalter.org
Toni Medell	mmedel@mbakerintl.com
Tony Long	tlong@angelica.com
Toyasha Sebbag	tsebbag@cbwcd.org



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

tracy@egoscuelaw.com  
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