

FEE EXEMPT

1 ELIZABETH P. EWENS (SB #213046)

elizabeth.ewens@stoel.com

2 MICHAEL B. BROWN (SB #179222)

michael.brown@stoel.com

3 STOEL RIVES LLP

500 Capitol Mall, Suite 1600

4 Sacramento, CA 95814

Telephone: 916.447.0700

5 Facsimile: 916.447.4781

6 Attorneys for
City of Ontario

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

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN BERNARDINO

11 CHINO BASIN MUNICIPAL WATER
DISTRICT,

12 Plaintiff,

13 v.

14 CITY OF CHINO, et al.,

15 Defendants.

CASE NO. RCVRS 51010

[ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE GILBERT G. OCHOA]

**DECLARATION OF ELIZABETH P.
EWENS IN SUPPORT OF MOTION
FOR AWARD OF ATTORNEY'S FEES
AND COSTS**

Hearing:

Date: October 31, 2025

Time: 10:00 a.m.

Dept: R-17

1 I, Elizabeth P. Ewens, declare as follows:

2 1. I have personal knowledge of the facts stated herein, and if called and sworn as a
3 witness, could and would testify competently hereto. I am a partner with the law firm Stoel Rives
4 LLP and am counsel of record for the City of Ontario ("Ontario") in this action.

5 2. I make this declaration in support of Ontario's Motion for Award of Attorney's Fees
6 and Costs, following its challenges to the Watermaster's approval of the Fiscal Year (FY)
7 2021/2022 and 2022/2023 Assessment Packages and the related appeals.

8 3. Ontario challenged the Watermaster's adoption of the FY 2021/2022 Assessment
9 Package, which the Superior Court rejected. Ontario timely appealed the Superior Court's
10 November 3, 2022 Order denying the challenge (case no. E080457).

11 4. Ontario subsequently challenged the Watermaster's adoption of the FY 2022/2023
12 Assessment Package. The Superior Court similarly rejected the challenge and Ontario timely
13 appealed the August 23, 2024 Order denying the challenge (case no. E082127).

14 5. Following a motion by Ontario, the Court of Appeal consolidated appellate cases
15 nos. E080457 and E082127. The record on appeal consisted of a combined 19 volumes of the
16 parties' appendices, totaling 6,461 pages.

17 6. Following briefing of the consolidated appeal, the matter was argued before
18 Division 2 of the Fourth Appellate District on April 1, 2025. The Appellate Court's Opinion was
19 issued on April 18, 2025, reversing the Court's November 3, 2022 and August 23, 2023 Orders.
20 The Appellate Opinion provided that Ontario shall recover its costs on appeal.

21 7. Ontario retained the services of Stoel Rives LLP in March 2022 after its then-
22 counsel identified a conflict of interest with Fontana Water Company with respect to the
23 Assessment Package dispute. Fontana declined to grant a waiver for the conflict. The initial
24 February 17, 2022 application for an extension was filed by attorney Charisse Smith on behalf of
25 Ontario. Ms. Smith was contracted with Ontario for the limited purpose of assisting with the
26 application and does not specialize in water law. Ontario was in negotiations with another firm to
27 assist with the Assessment Package challenge, however conflicts arose when the attorneys changed
28 firms.

1 8. I served as billing attorney for my law firm on this lawsuit. As billing attorney, I
2 supervised and reviewed all legal services that were performed and billed to Ontario. I also
3 reviewed all invoices before they were submitted to Ontario for payment. The attorneys involved
4 in providing legal services in this matter, in addition to myself, were Michael Brown. Christopher
5 Pooser, Whitney Brown, Janelle Krattiger, Lauren Neuhaus, Max Fujii, and Wade Foster. The
6 paralegal providing services on this matter was Ha Nguyen.

7 9. I reviewed these invoices to ensure that all work included was incurred with respect
8 to Ontario's challenges to the Watermaster approvals of the FY 2021/2022 and 2022/2023
9 Assessment Packages and the related appeals, that any excessive, redundant or unnecessary time
10 was removed.

11 10. With other attorneys at Stoel Rives, I expended significant time and attention to
12 assist Ontario in this proceeding. Stoel Rives filed a Substitution of Attorney notice with the Court
13 on March 23, 2022. Shortly thereafter, Stoel filed an ex parte application for an order allowing
14 Ontario to exceed the page limits for a combined reply brief in support of its challenge of the FY
15 2021/2022 Assessment Package approval. Following the ex parte application and hearing, Stoel
16 Rives prepared the extensive combined reply brief to the oppositions to Ontario's challenge of the
17 approval of the FY 2021/2022 Assessment Package. Stoel Rives also assisted with the challenge
18 of Watermaster's approval of the FY 2022/2023 Assessment Packages. Following the Assessment
19 Package challenges, Stoel Rives served as counsel during the appeal of the orders denying the
20 challenges.

21 11. Ontario's challenges were efficiently litigated, utilizing fewer senior attorneys
22 where appropriate. As a public agency, Stoel Rives billed Ontario discounted rates well below the
23 standard billable rates charged by the firm.

24 12. A summary of the approximate hours spent by each attorney and paralegal, through
25 June 30, 2025, related to this proceeding are as follows:

Timekeeper	Position	Hours	Rate (2022-2025)	Amount
Elizabeth Ewens	Partner	501.1	\$445-485	\$221,077.17

Timekeeper	Position	Hours	Rate (2022-2025)	Amount
Michael Brown	Partner	309.5	\$538-595	\$171,784.31
Christopher Pooser	Partner	156.5	\$544-570	\$83,877.66
Whitney Brown	Associate	234.1	\$355-375	\$81,378.24
Janelle Krattiger	Associate	33.4	\$370	\$12,460.89
Lauren Neuhaus	Associate	44.5	\$323-355	\$14,606.44
Max Fujii	Associate	38.9	\$337	\$13,328.79
Wade Foster	Associate	15.3	\$441	\$6,747.30
Ha Nguyen	Paralegal	288.6	\$218-295	\$66,010.07
TOTAL:		1,621.90		\$671,270.87

13. Ontario hired Stoel Rives based on Stoel Rives' vast experience in water law and groundwater litigation. My experience and credentials are reflected in my billable hourly rate. I graduated from University of California, Davis School of Law in 1994 and was admitted to practice in Colorado in 1994 and in California in 2001. I have more than 20 years of experience helping clients navigate complex water rights issues, including in the areas of water, environmental, and natural resources law, and representing clients in long-standing water rights disputes and advising them on matters involving water management and regulation of both surface and groundwater rights. This includes the representation of public agencies, State Water Project contractors, and private individuals and entities in complex water resources litigation and adjudications throughout the western United States, including in both state and federal administrative, trial court, and appellate proceedings, as well as in mediation proceedings to achieve negotiated solutions to complex water issues. I am admitted to practice in California, Colorado, and Nevada, and before the United States Supreme Court, United States Court of Federal Claims, the United States Court of Appeals for the Ninth and Tenth Circuits, and numerous United States District Courts.

14. Michael Brown is a partner with Stoel Rives. Mr. Brown graduated from University of the Pacific, McGeorge School of Law in 1995 with great distinction and Order of the Coif and

1 has practiced since 1995. He has practiced law for over 20 years, including the representation of
2 clients in complex commercial, construction, and real estate litigation. Mr. Brown has been named
3 in the Best Lawyers in America for fourteen straight years, since 2006, and was named by *Best*
4 *Lawyers* as “Lawyer of the Year” in Land Use and Zoning litigation in 2014. Mr. Brown’s rate of
5 \$538-595 is within the range of market rates charged for attorneys in the Sacramento area with
6 similar skill and experience.

7 15. Christopher Pooser is a partner with Stoel Rives and is also the office managing
8 partner for Stoel Rives’ Boise office. Mr. Pooser is an appellate attorney representing clients before
9 federal and state appellate courts, including the Ninth Circuit Court of Appeals and Idaho Supreme
10 Court. Mr. Pooser graduated from Tulane University Law School and was admitted to practice in
11 Idaho in 1996. Mr. Pooser’s rate of \$544-570 is the range of market rates charged for attorneys in
12 the Boise area with similar skill and experience.

13 16. Whitney Brown is an associate with Stoel Rives. Ms. Brown graduated from
14 University of California, Los Angeles School of Law and was admitted to practice in California in
15 2018. Ms. Brown has experience in complex litigation matters in both state and federal courts. Ms.
16 Brown also has rich experience in appellate law garnered through four clerkships on federal and
17 state courts of appeals. Ms. Brown served as a law clerk to Associate Justice Sonia Sotomayor of
18 the U.S. Supreme Court. Prior to clerking for Justice Sotomayor, Whitney served as a law clerk to
19 the Honorable Guido Calabresi of the U.S. Court of Appeals for the Second Circuit, the Honorable
20 Goodwin H. Liu of the Supreme Court of California, and the Honorable Morgan Christen of the
21 U.S. Court of Appeals for the Ninth Circuit. Ms. Brown’s rate of \$355-375 is within the range of
22 market rates charged for attorneys in the Sacramento area with similar skill and experience.

23 17. Lauren Neuhaus is an associate attorney at Stoel Rives. Ms. Neuhaus graduated from
24 the University of California, Davis School of Law with the highest distinction and was admitted to
25 practice in California in 2019. Ms. Neuhaus has experience in permitting, compliance, and
26 enforcement matters arising under state and federal environmental laws. Ms. Neuhaus’ rate of
27 \$323-355 per hour is within the range of market rates charged for attorneys in the Sacramento area
28 with similar skill and experience.

1 18. Wade Foster is an associate with Stoel Rives. Mr. Foster graduated from the
2 University of Virginia School of Law and is admitted to practice in Idaho, Utah and Washington.
3 Mr. Foster's practice focuses on mining, state water rights, and compliance counseling for clients
4 subject to federal and state environmental laws. Mr. Foster previously served as a clerk to the
5 Honorable B. Lynn Winmill of the U.S. District Court for the District of Idaho. Mr. Foster's rate
6 of \$441 is within the range of market rates charged for attorneys in the Sacramento area with similar
7 skill and experience.

8 19. Janelle Krattiger previously worked as an associate attorney with Stoel Rives. Ms.
9 Krattiger's practice primarily focused on water rights and natural resources, often advising clients
10 on matters regarding regulatory compliance, including state and federal Clean Water Acts, state
11 and federal Endangered Species Acts (CESA and ESA), California Environmental Quality Act and
12 National Environmental Policy Act, and Sustainable Groundwater Management Act. She
13 represents clients before various local, state, and federal agencies, including counties, California
14 Department of Fish and Wildlife, State Water Resources Control Board, Federal Energy Regulatory
15 Commission, and Bureau of Land Management. Ms. Krattiger's rate of \$370 is within the range of
16 market rates charged for attorneys in the Sacramento area with similar skill and experience.

17 20. Max Fujii previously worked as an associate attorney with Stoel Rives. Mr. Fujii
18 graduated from University of California, Davis School of Law and admitted to practice in
19 California 2021. Mr. Fujii's rate of \$337 is within the range of market rates charged for attorneys
20 in the Sacramento area with similar skill and experience.

21 21. Ha Nguyen is a certified paralegal at Stoel Rives. Ms. Nguyen has extensive
22 experience providing litigation support, and provided various documents and support tasks with
23 respect to this proceeding. Ms. Nguyen graduated from University of California, Davis in 2002.
24 Ms. Nguyen's rate of \$218-295 per hour is within the range of market rates charged for paralegals
25 in the Sacramento area with similar skill and experience.

26 22. Ontario's counsels' hourly rates of \$323-595 per hour are reasonable considering
27 the Ontario's counsels' skill and experience and market rates charged in the Sacramento area.
28 Ontario's counsels' actual rates are also well within the range of market rates charged by private

1 attorneys of similar skill, reputation, and experience for comparably complex proceedings.
2 Ontario's paralegal rate of \$218-295 is also reasonable considering the market rates charged in
3 Sacramento County. The knowledge and experience that Stoel Rives possesses in representing
4 clients in a variety of water rights and litigation matters has allowed the firm to handle this matter
5 efficiently and cost-effectively.

6 23. Stoel Rives incurred 538.8 hours, for a total of \$218,247.98, related to the challenge
7 of the approval of the FY 2021/2022 Assessment Package. The challenge involved the filing an ex
8 parte application and subsequent comprehensive combined 45-page reply brief in support of the
9 motion challenging the Watermaster's approval of the Assessment Package, all within six weeks
10 of being retained as counsel for Ontario. This time also included preparation for and attending the
11 hearing on the challenge.

12 24. Stoel Rives incurred 253.2 hours, for a total of \$105,953.64, related to the challenge
13 of the approval of the FY 2022/2023 Assessment Package. The challenge involved the filing of the
14 motion and reply brief and attending the hearing on the challenge.

15 25. Stoel Rives incurred 769.5 hours, for a total of \$319,729.45, related to the appeals
16 of the two orders denying the challenges to the approvals of the FY 2021/2022 and 2022/2023
17 Assessment Packages. The appeals included substantial briefing, a motion to consolidate, and oral
18 argument. The record on appeal consisted of a combined 19 volumes of the parties' appendix,
19 totaling 6,461 pages.

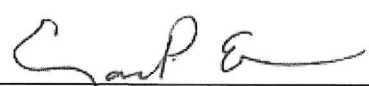
20 26. Stoel Rives has additionally incurred 60.4 hours, for a total of \$27,339.80, in
21 drafting this motion for attorney's fees and costs.

22 27. I anticipate an additional 15 hours to complete work on the instant motion, including
23 preparation of the reply brief and arguing the motion at the hearing. I anticipate that Mr. Foster
24 will expend an additional 8 hours, Ha Nguyen an additional 3 hours, and an additional 4 hours of
25 my time will be necessary to complete the work on this motion.

26 28. The total amount of Stoel Rives attorney fees requested, through the date of the
27 hearing and including the work required to bring this matter to completion, is \$677,623.87.
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I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on this 29th day of July 2025, at Sacramento, California.


Elizabeth P. Ewens

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 30, 2025 I served the following:

1. DECLARATION OF ELIZABETH P. EWENS IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEY'S FEES AND COSTS

/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 30, 2025 in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

PAUL HOFER
11248 S TURNER AVE
ONTARIO, CA 91761

JEFF PIERSON
2 HEXHAM
IRVINE, CA 92603

Ruby Favela Quintero

Contact Group Name: Master Email Distribution

Categories: Main Email Lists

Members:

Aimee Zhao	azhao@ieua.org
Alan Frost	Alan.Frost@dpw.sbcounty.gov
Alberto Mendoza	Alberto.Mendoza@cmc.com
Alejandro R. Reyes	arreyes@sgvwater.com
Alex Padilla	Alex.Padilla@wsp.com
Alexis Mascarinas	AMascarinas@ontarioca.gov
Alfonso Ruiz	alfonso.ruiz@cmc.com
Alonso Jurado	ajurado@cbwm.org
Alyssa Coronado	acoronado@sarwc.com
Amanda Coker	amandac@cvwdwater.com
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
Ashley Zapp	ashley.zapp@cmc.com
Ashok Dhingra	ash@akdconsulting.com
Ben Lewis	benjamin.lewis@gswater.com
Ben Markham	bmarkham@bhfs.com
Ben Orosco	Borosco@cityofchino.org
Ben Roden	BenR@cvwdwater.com
Benjamin M. Weink	ben.weink@tetrattech.com
Beth.McHenry	Beth.McHenry@hoferranch.com
Bill Schwartz	bschwartz@mvwd.org
Bill Velto	bvelto@uplandca.gov
Board Support Team IEUA	BoardSupportTeam@ieua.org
Bob Bowcock	bbowcock@irmwater.com
Bob DiPrimio	rjdiprimio@sgvwater.com
Bob Feenstra	bobfeenstra@gmail.com
Bob Kuhn	bkuhn@tvmwd.com
Bob Kuhn	bgkuhn@aol.com
Bob Page	Bob.Page@rov.sbcounty.gov
Brad Herrema	bherrema@bhfs.com
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
Chad Blais
Chad Nishida
Chander Letulle
Charles Field
Charles Moorrees
Chino Hills City Council
Chris Berch
Chris Diggs
Christen Miller
Christensen, Rebecca A
Christopher M. Sanders
Christopher R. Guillen
Cindy Cisneros
Cindy Li
City of Chino, Administration Department

Courtney Jones
Craig Miller
Craig Stewart
Cris Fealy
Curtis Burton
Dan McKinney
Daniel Bobadilla
Daniela Uriarte
Danny Kim
Dave Argo
Dave Crosley
Dave Schroeder
David Barnes
David De Jesus
Dawn Varacchi-Ives
Denise Garzaro
Dennis Mejia
Dennis Williams
Derek Hoffman
Ed Diggs
Ed Means
Eddie Lin
Edgar Tellez Foster
Eduardo Espinoza
Elizabeth M. Calciano
Elizabeth P. Ewens
Elizabeth Willis
Eric Fordham
Eric Garner
Eric Grubb
Eric Lindberg PG,CHG
Eric N. Robinson
Eric Papathakis
Eric Tarango
Erick Jimenez
Erik Vides

chooks@niagarawater.com
cblais@ci.norco.ca.us
CNishida@ontarioca.gov
cletulle@jcsd.us
cdfield@att.net
cmoorrees@sawaterco.com
citycouncil@chinohills.org
cberch@jcsd.us
Chris_Diggs@ci.pomona.ca.us
Christen.Miller@cao.sbcounty.gov
rebecca_christensen@fws.gov
cms@eslawfirm.com
cguillen@bhfs.com
cindyc@cvwdwater.com
Cindy.li@waterboards.ca.gov

administration@cityofchino.org
cjjones@ontarioca.gov
CMiller@wmwd.com
craig.stewart@wsp.com
cifealy@fontanawater.com
CBurton@cityofchino.org
dmckinney@douglascountylaw.com
dbobadilla@chinohills.org
dUriarte@cbwm.org
dkim@linklogistics.com
daveargo46@icloud.com
DCrosley@cityofchino.org
DSchroeder@cbwcd.org
DBarnes@geoscience-water.com
ddejesus@tvmwd.com
dawn.varacchi@ge.com
dgarzaro@ieua.org
dmejia@ontarioca.gov
dwilliams@geoscience-water.com
dhoffman@fennemorelaw.com
ediggs@uplandca.gov
edmeans@icloud.com
elin@ieua.org
etellezfoster@cbwm.org
EduardoE@cvwdwater.com
ecalciano@hensleylawgroup.com
elizabeth.ewens@stoel.com
ewillis@cbwcd.org
eric_fordham@geopentech.com
eric.garner@bbklaw.com
ericg@cvwdwater.com
eric.lindberg@waterboards.ca.gov
erobinson@kmtg.com
Eric.Papathakis@cdcr.ca.gov
edtarango@fontanawater.com
Erick.Jimenez@nucor.com
evides@cbwm.org

Erika Clement
 Eunice Ulloa
 Evette Ounanian
 Frank Yoo
 Fred Fudacz
 Fred Galante
 G. Michael Milhiser
 G. Michael Milhiser
 Garrett Rapp
 Geoffrey Kamansky
 Geoffrey Vanden Heuvel
 Gerald Yahr
 Gina Gomez
 Gina Nicholls
 Gino L. Filippi
 Gracie Torres
 Grant Mann
 Greg Zarco
 Ha T. Nguyen
 Heather Placencia
 Henry DeHaan
 Hvianca Hakim
 Hye Jin Lee
 Imelda Cadigal
 Irene Islas
 Ivy Capili
 James Curatalo
 Jasmin A. Hall
 Jason Marseilles
 Jayne Joy
 Jean Cihigoyenetché
 Jeff Evers
 Jeff Mosher
 Jeffrey L. Pierson
 Jenifer Ryan
 Jennifer Hy-Luk
 Jeremy N. Jungries
 Jesse Pompa
 Jessie Ruedas
 Jill Keehnen
 Jim Markman
 Jim Van de Water
 Jim W. Bowman
 Jimmie Moffatt
 Jimmy Gutierrez - Law Offices of Jimmy Gutierrez

Jimmy L. Gutierrez
 Jimmy Medrano
 Jiwon Seung
 Joanne Chan
 Joao Feitoza
 Jody Roberto
 Joe Graziano

Erika.clement@sce.com
 eulloa@cityofchino.org
 EvetteO@cvwdwater.com
 FrankY@cbwm.org
 ffudacz@nossaman.com
 fgalante@awattorneys.com
 directormilhiser@mvwd.org
 Milhiser@hotmail.com
 grapp@westyost.com
 gkamansky@niagarawater.com
 geoffreyvh60@gmail.com
 yahrj@koll.com
 ggomez@ontarioca.gov
 gnicholls@nossaman.com
 Ginoffvine@aol.com
 gtorres@wmwd.com
 GMann@dpw.sbcounty.gov
 Greg.Zarco@airports.sbcounty.gov
 ha.nguyen@stoel.com
 heather.placencia@parks.sbcounty.gov
 Hdehaan1950@gmail.com
 HHakim@linklogistics.com
 HJLee@cityofchino.org
 Imelda.Cadigal@cdcr.ca.gov
 irene.islas@bbklaw.com
 ICapili@bhfs.com
 jamesc@cvwdwater.com
 jhall@ieua.org
 jmarseilles@ieua.org
 Jayne.Joy@waterboards.ca.gov
 Jean@thejclawfirm.com
 jevers@niagarawater.com
 jmosher@sawpa.org
 jpierson@intexcorp.com
 jryan@kmtg.com
 jhyluk@ieua.org
 jjungreis@rutan.com
 jpompa@jcsd.us
 Jessie@thejclawfirm.com
 jill.keehnen@stoel.com
 jmarkman@rwglaw.com
 jimvdw@thomashardercompany.com
 jbowman@ontarioca.gov
 jimmiem@cvwdwater.com
 jimmylaredo@gmail.com
 Jimmy@City-Attorney.com
 Jaime.medrano2@cdcr.ca.gov
 JiwonS@cvwdwater.com
 jchan@wvwd.org
 joao.feitoza@cmc.com
 jroberto@tvmwd.com
 jgraz4077@aol.com

Joel Ignacio	jignacio@ieua.org
John Bosler	johnb@cvwdwater.com
John Harper	jrharper@harperburns.com
John Hughes	jhughes@mvwd.org
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
Jordan Garcia	jgarcia@cbwm.org
Jose A Galindo	Jose.A.Galindo@linde.com
Jose Ventura	jose.ventura@linde.com
Josh Swift	jmswift@fontanawater.com
Joshua Aguilar	jaguilar1@wmwd.com
Justin Brokaw	jbrokaw@marygoldmutualwater.com
Justin Castruita	jacastruita@fontanawater.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
Kassandra Lopez	klopez@cbwcd.org
Kathleen Brundage	kathleen.brundage@californiasteel.com
Kati Parker	kparker@katithewaterlady.com
Keith Lemieux	klemieux@awattorneys.com
Keith Person	keith.person@waterboards.ca.gov
Kelly Alhadeff-Black	kelly.black@lewisbrisbois.com
Kelly Ridenour	KRIDENOUR@fennemorelaw.com
Ken Waring	kwaring@jcsd.us
Kevin Alexander	kalexander@ieua.org
Kevin O'Toole	kotoole@ocwd.com
Kevin Sage	Ksage@IRMwater.com
Kirk Richard Dolar	kdolar@cbwm.org
Krista Paterson	Kpaterson@kmtg.com
Kurt Berchtold	kberchtold@gmail.com
Kyle Brochard	KBrochard@rwglaw.com
Kyle Snay	kylesnay@gswater.com
Laura Roughton	lroughton@wmwd.com
Laura Yraceburu	lyraceburu@bhfs.com
Lauren V. Neuhaus, Esq.	lauren.neuhaus@stoel.com
Lee McElhaney	lmcclhaney@bmklawplc.com
Lewis Callahan	Lewis.Callahan@cdcr.ca.gov
Linda Jadeski	ljadeski@wvwd.org
Liz Hurst	ehurst@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 Insixiengmay	Maria.Insxiengmay@cc.sbcounty.gov
Maria Mendoza	mmendoza@westyost.com
Maribel Sosa	msosa@ci.pomona.ca.us

Marilyn Levin
Marissa Turner
Mark D. Hensley
Mark Wiley
Marlene B. Wiman
Martin Cihigoyenetché
Martin Rauch
Martin Zvirbulis
Matthew H. Litchfield
Maureen Snelgrove
Maureen Tucker
Megan N. Sims
Melanie Trevino
Meredith Nikkel
Michael Adler
Michael B. Brown, Esq.
Michael Blay
Michael Cruikshank
Michael Fam
Michael Hurley
Michael Maeda
Michael Mayer
Michael P. Thornton
Michele Hinton
Michelle Licea
Mikayla Coleman
Mike Gardner
Mike Maestas
Miriam Garcia
Monica Nelson
Moore, Toby
MWDPProgram
Nadia Aguirre
Natalie Avila
Natalie Costaglio
Natalie Gonzaga
Nathan deBoom
Neetu Gupta
Nicholas Miller
Nichole Horton
Nick Jacobs
Nicole deMoet
Nicole Escalante
Noah Golden-Krasner
Norberto Ferreira
Paul Hofer
Paul Hofer
Paul S. Leon
Pete Vicario
Peter Dopulos
Peter Dopulos
Peter Hettinga
Peter Rogers

Marilynhlevin@gmail.com
mturner@tvmwd.com
mhensley@hensleylawgroup.com
mwiley@chinohills.org
mwiman@nossaman.com
marty@thejclawfirm.com
martin@rauchcc.com
mezvirbulis@sgvwater.com
mlitchfield@tvmwd.com
Maureen.snelgrove@airports.sbcounty.gov
mtucker@awattorneys.com
mnsims@sgvwater.com
Mtrevino@jcsd.us
mnikkel@downeybrand.com
michael.adler@mcmcn.net
michael.brown@stoel.com
mblay@uplandca.gov
mcruikshank@wsc-inc.com
mfam@dpw.sbcounty.gov
mhurley@ieua.org
michael.maeda@cdcr.ca.gov
Michael.Mayer@dpw.sbcounty.gov
mthornton@tkeengineering.com
mhinton@fennemorelaw.com
mlicea@mvwd.org
mikayla@cvstrat.com
mgardner@wmwd.com
mikem@cvwdwater.com
mgarcia@ieua.org
mnelson@ieua.org
TobyMoore@gswater.com
MWDPProgram@sdca.org
naguirre@tvmwd.com
navila@cityofchino.org
natalie.costaglio@mcmcn.net
ngonzaga@cityofchino.org
n8deboom@gmail.com
ngupta@ieua.org
Nicholas.Miller@parks.sbcounty.gov
Nichole.Horton@pomona.gov
njacobs@somachlaw.com
ndemoet@uplandca.gov
NEscalante@ontarioca.gov
Noah.goldenkrasner@doj.ca.gov
nferreira@uplandca.gov
farmerhofer@aol.com
farmwatchtoo@aol.com
pleon@ontarioca.gov
PVicario@cityofchino.org
peterdopulos@gmail.com
peter@egoscuelaw.com
peterhettinga@yahoo.com
progers@chinohills.org

Rebekah Walker	rwalker@jcsd.us
Richard Anderson	horsfly1@yahoo.com
Richard Rees	richard.rees@wsp.com
Robert DeLoach	robertadeloach1@gmail.com
Robert E. Donlan	rdonlan@wjhattorneys.com
Robert Neufeld	robneu1@yahoo.com
Robert S. (RobertS@cbwcd.org)	RobertS@cbwcd.org
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
Scott Burton	sburton@ontarioca.gov
Scott Slater	sslater@bhfs.com
Seth J. Zielke	sjzielke@fontanawater.com
Shawnda M. Grady	sgrady@wjhattorneys.com
Sherry Ramirez	SRamirez@kmtg.com
Shivaji Deshmukh	sdeshmukh@ieua.org
Sonya Barber	sbarber@ci.upland.ca.us
Sonya Zite	szite@wmwd.com
Stephanie Reimer	SReimer@mvwd.org
Stephen Deitsch	stephen.deitsch@bbklaw.com
Stephen Parker	sparker@uplandca.gov
Steve Kennedy	skennedy@bmklawplc.com
Steve M. Anderson	steve.anderson@bbklaw.com
Steve Smith	ssmith@ieua.org
Steven Andrews	sandrews@sandrewsengineering.com
Steven J. Elie	s.elie@mpglaw.com
Steven J. Elie	selie@ieua.org
Steven Popelar	spopelar@jcsd.us
Steven Roughley	Steven.Roughley@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
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
Timothy Ryan	tjryan@sgvwater.com
Toby Moore	toby.moore@gswater.com
Todd M. Corbin	tcorbin@cbwm.org
Tom Barnes	tbarnes@esassoc.com
Tom Bunn	TomBunn@Lagerlof.com
Tom Cruikshank	tcruikshank@linklogistics.com

Tom Dodson	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	tracy@egoscuelaw.com
Trevor Leja	Trevor.Leja@cao.sbcounty.gov
Veva Weamer	vweamer@westyost.com
Victor Preciado	Victor_Preciado@ci.pomona.ca.us
Vivian Castro	vcastro@cityofchino.org
Wade Fultz	Wade.Fultz@cmc.com
WestWater Research, LLC	research@waterexchange.com
William Brunick	bbrunick@bmklawplc.com
William McDonnell	wmcdonnell@ieua.org
William Urena	wurena@emeraldus.com