

1 SCOTT S. SLATER (State Bar No. 117317)
2 sslater@bhfs.com
3 BRADLEY J. HERREMA (State Bar No. 228976)
4 bherrema@bhfs.com
5 LAURA K. YRACEBURU (State Bar No. 333085)
6 lyraceburu@bhfs.com

BROWNSTEIN HYATT FARBER SCHRECK, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101-2102
Telephone: 805.963.7000
Facsimile: 805.965.4333

7 Attorneys for
8 **CHINO BASIN WATERMASTER**

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

11 CHINO BASIN MUNICIPAL WATER
12 DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, ET AL.,

16 Defendants.

Case No. RCV RS 51010

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

NOTICE OF ENTRY OF ORDERS

17
18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

19 PLEASE TAKE NOTICE that, on January 10, 2025, at 10:00 a.m., in Department R17
20 of the above-entitled Court, Chino Basin Watermaster’s (“Watermaster”) Motion for Court to
21 Receive and File the 2023/2024 Annual Report of the Ground-Level Monitoring Program
22 (“GLMP Motion”), Motion to Increase Safe Storage Capacity of the Chino Basin (“SSC
23 Motion”), and Motion for Authorization to File Suit (“Authorization Motion”) came on for
24 hearing in the above-captioned matter. Having considered the briefing submitted and all
25 supporting documents filed concurrently therewith, the Honorable Gilbert G. Ochoa adopted
26 tentative rulings as final rulings for the GLMP Motion, SSC Motion, and Authorization Motion, a
27 copy of which is attached to this Notice as **Exhibit A**.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101-2711

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The Court subsequently entered its Order Granting Motion to Receive and File the 2023/2024 Annual Report for the Ground-Level Monitoring Program, Order Granting Motion to Increase the Safe Storage Capacity of the Chino Basin, and Order Granting Motion for Authorization to File Suit, copies of which are attached to this Notice as **Exhibit B**, **Exhibit C**, and **Exhibit D**, respectively.

Dated: January 13, 2025

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: 

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

EXHIBIT A

RCVRS51010

JAN 10 2025

TENTATIVE RULINGS FOR Jan. 10, 2025
Department R17 - Judge Gilbert G. Ochoa

BY Stephanie Hernandez
STEPHANIE HERNANDEZ, DEPUTY

This court follows California Rules of Court, rule 3.1308(a) (1) for tentative rulings. (See San Bernardino Superior Court Local Emergency Rule 8.) Tentative rulings for each law & motion will be posted on the internet (<https://www.sb-court.org>) by 3:00 p.m. on the court day immediately before the hearing.

If you do not have internet access or if you experience difficulty with the posted tentative ruling, you may obtain the tentative ruling by calling the Administrative Assistant. You may appear in person at the hearing but personal appearance is not required and remote appearance by CourtCall is preferred during the Pandemic. (See www.sbcourt.org/general-information/remote-access)

If you wish to submit on the ruling, call the Court, check-in and state that you will be submitting on the Tentative, and your continued appearance is not necessary. But you must check in. If both sides do not appear, the tentative will simply become the ruling. If any party submits on the tentative, the Court will not alter the tentative and it will become the ruling. If one party wants to argue, Court will hear argument but will not change the tentative. If the Court does decide to modify tentative after argument, then a further hearing for oral argument will be reset for both parties to be heard at the same time by the Court. This procedure is meant to minimize your waiting time in Court.

Watermaster Case
CHINO BASIN MUNICIPAL WATER DISTRICT

v.

CITY OF CHINO, et al.

Motion: (1) Motion for Court to Receive & File the 2023/2024 Annual Report for the Ground-Level Monitoring Program
(2) Motion to Increase the Safe Storage Capacity of the Chino Basin
(3) Motion for Authorization to File Suit

Movant: Chino Basin Watermaster

Respondent: (1) Unopposed
(2) Limited Joinder filed by City of Ontario/Monte Vista Water District/Monte Vista Irrigation Company
(3) Unopposed

Rulings

2023/2024 Annual Report for Ground-Level Monitoring Program

RCVRS51010

GRANT the motion and deem filed the 2023/2024 Annual Report for the Ground-Level Monitoring Program, which is attached to the Declaration of Bradley J. Herrema as Exhibit A.

Motion to Increase the Safe Storage Capacity

GRANT the motion. There is no opposition and the motion is similar to that approved by the Court in July 2021 that raised the storage quantities to 700,000 until June 30, 2030.

Authorize Suit

GRANT the motion and authorize the suits as requested given there is no opposition, the role the Basins play in recharging groundwater, and expenses incurred and prospect of Watermaster incurring additional expenses to address this issue.

Attached Orders have been signed by the Court.

Movant to give Notice.


Judge Gilbert G. Ochoa

EXHIBIT B

FEE EXEMPT

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
RANCHO CUCAMONGA DISTRICT

JAN 10 2025

BY Stephanie Hernandez
STEPHANIE HERNANDEZ, DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendant.

Case No. RCV RS51010

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

~~PROPOSED~~ ORDER GRANTING MOTION FOR COURT TO RECEIVE AND FILE THE 2023/2024 ANNUAL REPORT FOR THE GROUND-LEVEL MONITORING PROGRAM

~~PROPOSED~~ ORDER

On January 10, 2025, in Department R17 of the above-entitled Court, the Chino Basin Watermaster's ("Watermaster") Motion for Court to Receive and File the 2023/2024 Annual Report for the Ground-Level Monitoring Program ("Motion") came on for hearing in the above-captioned matter. Having read and considered the papers and heard the arguments of counsel, if any, the Motion is GRANTED. The Court hereby receives and files the 2023/2024 Annual Report for the Ground-Level Monitoring Program.

Dated: 1-10-2025



Gilbert G. Ochoa
Hon. Gilbert G. Ochoa
Judge of the Superior Court

BROWNSTEIN HYATT FARBER SCHRECK, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101-2102

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 November 25, 2024 I served the following:

1. [PROPOSED] ORDER GRANTING MOTION FOR COURT TO RECEIVE AND FILE THE 2023/2024 ANNUAL REPORT FOR THE GROUND-LEVEL MONITORING PROGRAM

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 November 25, 2024 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:

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
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
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
Brett Godown	Brett.Godown@Airports.SBCounty.Gov
Brian Dickinson	bdickinson65@gmail.com
Brian Geye	bgeye@autoclubspeedway.com
Brian Lee	blee@sawaterco.com
Brittany Modesto (bmodesto@cbwm.org)	bmodesto@cbwm.org
Bryan Smith	bsmith@jcsd.us
Carmen Sierra	carmens@cvwdwater.com
Carol Boyd	Carol.Boyd@doj.ca.gov

Carolina Sanchez
Casey Costa
Cassandra Hooks
Cathleen Pieroni
Chad Blais
Chad Nishida
Chander Letulle
Charles Field
Charles Moorrees
Chino Hills City Council
Chris Berch
Chris Diggs
Christen Miller
Christensen, Rebecca A
Christiana Daisy
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
Diana Frederick
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

csanchez@westyost.com
ccosta@chinodesalter.org
chooks@niagarawater.com
cpieroni@ieua.org
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
cdaisy@ieua.org
cms@eslawfirm.com
cguillen@bhfs.com
cindyc@cvwdwater.com
Cindy.li@waterboards.ca.gov

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
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
diana.frederick@cdcr.ca.gov
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

Eric N. Robinson	erobinson@kmtg.com
Eric Papathakis	Eric.Papathakis@cdcr.ca.gov
Eric Tarango	edtarango@fontanawater.com
Erik Vides	evides@cbwm.org
Erika Clement	Erika.clement@sce.com
Eunice Ulloa	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@mwwd.org
G. Michael Milhiser	Milhiser@hotmail.com
Garrett Rapp	grapp@westyost.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 Zarco	Greg.Zarco@airports.sbcounty.gov
Gregor Larabee	Gregor.Larabee@cdcr.ca.gov
Ha T. Nguyen	ha.nguyen@stoel.com
Henry DeHaan	Hdehaan1950@gmail.com
Hvianca Hakim	HHakim@linklogistics.com
Hye Jin Lee	HJLee@cityofchino.org
Imelda Cadigal	Imelda.Cadigal@cdcr.ca.gov
Irene Islas	irene.islas@bbklaw.com
Ivy Capili	ICapili@bhfs.com
James Curatalo	jamesc@cvwdwater.com
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. Jungreis	jjungreis@rutan.com
Jesse Pompa	jpompa@jcsd.us
Jessie Ruedas	Jessie@thejclawfirm.com
Jill Keehnen	jill.keehnen@stoel.com
Jim Markman	jmarkman@rwglaw.com
Jim Van de Water	jimvdw@thomashardercompany.com
Jim W. Bowman	jbowman@ontarioca.gov
Jimmie Moffatt	jimmiem@cvwdwater.com
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 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
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
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	lmcElhaney@bmklawplc.com
Lewis Callahan	Lewis.Callahan@cdcr.ca.gov
Linda Jadeski	ljadeski@wwwd.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 Insixiengmay	Maria.Insxiengmay@cc.sbcounty.gov
Maria Mendoza	mmendoza@westyost.com
Maribel Sosa	msosa@ci.pomona.ca.us
Marilyn Levin	Marilynhlevin@gmail.com
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
Maureen Snelgrove	Maureen.snelgrove@airports.sbcounty.gov
Megan N. Sims	mnsims@sgwater.com
Melanie Trevino	Mtrevino@jcsd.us
Michael Adler	michael.adler@mcmcnnet.net
Michael B. Brown, Esq.	michael.brown@stoel.com
Michael Blay	mblay@uplandca.gov
Michael Fam	mfam@dpw.sbcounty.gov
Michael Hurley	mhurley@ieua.org
Michael Mayer	Michael.Mayer@dpw.sbcounty.gov
Michael P. Thornton	mthornton@tkeengineering.com
Michele Hinton	mhinton@fennemorelaw.com
Michelle Licea	mlicea@mvwd.org
Mikayla Coleman	mikayla@cvstrat.com
Mike Gardner	mgardner@wmwd.com
Mike Maestas	mikem@cvwdwater.com
Miriam Garcia	mgarcia@ieua.org
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@mcmcnnet.net
Nathan deBoom	n8deboom@gmail.com
Neetu Gupta	ngupta@ieua.org
Nichole Horton	Nichole.Horton@pomonaca.gov
Nick Jacobs	njacobs@somachlaw.com
Nicole deMoet	ndemoet@uplandca.gov
Nicole Escalante	NEscalante@ontarioca.gov
Noah Golden-Krasner	Noah.goldenkrasner@doj.ca.gov
Norberto Ferreira	nferreira@uplandca.gov
Paul Hofer	farmwatchtoo@aol.com
Paul Hofer	farmerhofer@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
Robert DeLoach	robertadeloach1@gmail.com
Robert E. Donlan	red@eslawfirm.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@eslawfirm.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 Nix	snix@ci.upland.ca.us
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 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
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	tdd@tdaenv.com
Tom Harder	tharder@thomashardercompany.com
Tom O'Neill	toneill@chinodesalter.org
Toni Medell	mmedel@mbakerintl.com

Tony Long
Toyasha Sebbag
Tracy J. Egoscue
Trevor Leja
Veva Weamer
Victor Preciado
Vivian Castro
Wade Fultz
WestWater Research, LLC
William Brunick
William McDonnell
William Urena

tlong@angelica.com
tsebbag@cbwcd.org
tracy@egoscuelaw.com
Trevor.Leja@cao.sbcounty.gov
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

EXHIBIT C

FEE EXEMPT

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
RANCHO CUCAMONGA DISTRICT

JAN 10 2025

BY Stephanie Hernandez
STEPHANIE HERNANDEZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendant.

Case No. RCVRS51010

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

~~PROPOSED~~ ORDER GRANTING
MOTION TO INCREASE THE SAFE
STORAGE CAPACITY OF THE CHINO
BASIN

Date: January 10, 2025
Time: 10:00 a.m.
Dept: R17

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[PROPOSED] ORDER

On January 10, 2025, in Department R17 of the above-entitled Court, the Chino Basin Watermaster’s (“Watermaster”) Motion to Increase the Safe Storage Capacity of the Chino Basin (“Motion”) came on regularly for hearing in the above-captioned matter.

Having read and considered the papers and heard the arguments of counsel, if any, the Court finds that:

1. The public interest is benefitted by the beneficial use of the Basin’s storage capacity by increasing the Safe Storage Capacity up to 900,000 AF;
2. No amendments to the Peace Agreements and the Optimum Basin Management Program (“OBMP”) Implementation Plan are required to store quantities of water in excess of 500,000 AF up to a maximum of 900,000 AF through June 30, 2040;
3. The Inland Empire Utilities Agency certified the Recirculated Final Subsequent Environmental Impact Report (“RFSEIR”) to the Programmatic Environmental Impact Report for the 2000 OBMP for the 2020 update to the OBMP on February 21, 2024, which analyzed potential environmental impacts associated with increasing the Safe Storage Capacity to 900,000 AF, and included all feasible mitigation measures; and
4. The terms and conditions applicable to Local Storage of water in the Basin as set forth in the Peace Agreement and the OBMP Implementation Plan provide a consistent and logical framework for managing quantities of local storage up to 900,000 AF through 2040.

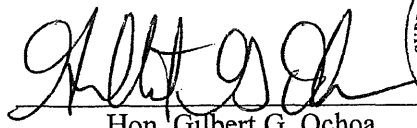
On these bases, it is **HEREBY ORDERED** that, effective July 1, 2024:

1. Watermaster manage all quantities of water held in storage in amounts from 500,001 AF up to a maximum of 900,000 AF until June 30, 2040, consistent with all provisions of the Peace Agreement and the Peace II Agreement applicable to the Local Storage of water within the Basin be extended, without limitation, subject to further order of this Court;
2. Watermaster conform the Watermaster Rules and Regulations consistent with such order;
2. Watermaster implement the OBMP in conformance with such order, the relevant storage provisions of the IEUA RFSEIR certified February 21, 2024, and the Court’s April 28, 2017, March 15, 2019, July 31, 2020, and December 16, 2022 orders establishing a Safe Yield Reset process;
3. All of the Parties’ rights and remedies, whatever they may be, are expressly reserved, preserved and protected and made applicable to the quantities of stored water greater than 500,000 AF; and
5. The Court reserves jurisdiction to consider future proposals of Watermaster or the Parties with regard to storage management.

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IT IS SO ORDERED.

Dated: 1-10-2025



Hon. Gilbert G. Ochoa
Judge of the Superior Court



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 4, 2024 I served the following:

1. [PROPOSED] ORDER GRANTING MOTION TO INCREASE THE SAFE STORAGE CAPACITY OF THE CHINO BASIN

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.

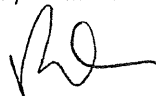
BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

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 4, 2024 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:

Alan Frost	Alan.Frost@dpw.sbcounty.gov
Alberto Mendoza	Alberto.Mendoza@cmc.com
Alejandro R. Reyes	arreyes@sgwater.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
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@sgwater.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@sgwater.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
Brett Godown	Brett.Godown@Airports.SBCounty.Gov
Brian Dickinson	bdickinson65@gmail.com
Brian Geye	bgeye@autoclubspeedway.com
Brian Lee	blee@sawaterco.com
Brittany Modesto (bmodesto@cbwm.org)	bmodesto@cbwm.org
Bryan Smith	bsmith@jcsd.us
Carmen Sierra	carmens@cvwdwater.com
Carol Boyd	Carol.Boyd@doj.ca.gov

Carolina Sanchez
Casey Costa
Cassandra Hooks
Cathleen Pieroni
Chad Blais
Chad Nishida
Chander Letulle
Charles Field
Charles Moorrees
Chino Hills City Council
Chris Berch
Chris Diggs
Christen Miller
Christensen, Rebecca A
Christiana Daisy
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
Diana Frederick
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

csanchez@westyost.com
ccosta@chinodesalter.org
chooks@niagarawater.com
cpieroni@ieua.org
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
cdaisy@ieua.org
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
diana.frederick@cdcr.ca.gov
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

Eric N. Robinson	erobinson@kmtg.com
Eric Papathakis	Eric.Papathakis@cdcr.ca.gov
Eric Tarango	edtarango@fontanawater.com
Erik Vides	evides@cbwm.org
Erika Clement	Erika.clement@sce.com
Eunice Ulloa	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
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 Zarco	Greg.Zarco@airports.sbcounty.gov
Gregor Larabee	Gregor.Larabee@cdcr.ca.gov
Ha T. Nguyen	ha.nguyen@stoel.com
Henry DeHaan	Hdehaan1950@gmail.com
Hvianca Hakim	HHakim@linklogistics.com
Hye Jin Lee	HJLee@cityofchino.org
Imelda Cadigal	Imelda.Cadigal@cdcr.ca.gov
Irene Islas	irene.islas@bbklaw.com
Ivy Capili	ICapili@bhfs.com
James Curatalo	jamesc@cvwdwater.com
Jasmin A. Hall	jhall@ieua.org
Jason Marseilles	jmarsailles@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. Jungreis	jjungreis@rutan.com
Jesse Pompa	jpompa@jcsd.us
Jessie Ruedas	Jessie@thejclawfirm.com
Jill Keehnen	jill.keehnen@stoel.com
Jim Markman	jmarkman@rwglaw.com
Jim Van de Water	jimvdw@thomashardercompany.com
Jim W. Bowman	jbowman@ontarioca.gov
Jimmie Moffatt	jimmiem@cvwdwater.com
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 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@mwwd.org
Kaitlyn Dodson-Hamilton	kaitlyn@tdaenv.com
Karen Williams	kwilliams@sawpa.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
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	lmcElhaney@bmklawplc.com
Lewis Callahan	Lewis.Callahan@cdcr.ca.gov
Linda Jadeski	ljadeski@wwwd.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 Insixiengmay	Maria.Insxiengmay@cc.sbcounty.gov
Maria Mendoza	mmendoza@westyost.com
Maribel Sosa	msosa@ci.pomona.ca.us
Marilyn Levin	Marilynhlevin@gmail.com
Marissa Turner	mtturner@tvmwd.com
Mark D. Hensley	mhensley@hensleylawgroup.com
Mark Wiley	mwiley@chinohills.org
Marlene B. Wiman	mwiman@nossaman.com
Martin Cihigoyenetché	marty@thejclawfirm.com
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	mezvirbulis@sgvwater.com
Matthew H. Litchfield	mlitchfield@tvmwd.com
Maureen Snelgrove	Maureen.snelgrove@airports.sbcounty.gov
Megan N. Sims	mnsims@sgvwater.com
Melanie Trevino	Mtrevino@jcsd.us
Michael Adler	michael.adler@mcmcnnet.net
Michael B. Brown, Esq.	michael.brown@stoel.com
Michael Blay	mblay@uplandca.gov
Michael Fam	mfam@dpw.sbcounty.gov
Michael Hurley	mhurley@ieua.org
Michael Mayer	Michael.Mayer@dpw.sbcounty.gov
Michael P. Thornton	mthornton@tkeengineering.com
Michele Hinton	mhinton@fennemorelaw.com
Michelle Licea	mlicea@mvwd.org
Mikayla Coleman	mikayla@cvstrat.com
Mike Gardner	mgardner@wmwd.com
Mike Maestas	mikem@cvwdwater.com
Miriam Garcia	mgarcia@ieua.org
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@mcmcnnet.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@uplandca.gov
Nicole Escalante	NEscalante@ontarioca.gov
Noah Golden-Krasner	Noah.goldenkrasner@doj.ca.gov
Norberto Ferreira	nferreira@uplandca.gov
Paul Hofer	farmwatchtoo@aol.com
Paul Hofer	farmerhofer@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
Robert DeLoach	robertadeloach1@gmail.com
Robert E. Donlan	red@eslawfirm.com

Robert Neufeld
Robert S. (RobertS@cbwcd.org)
Robert Wagner
Ron Craig
Ron LaBrucherie, Jr.
Ronald C. Pietersma
Ruben Llamas
Ruby Favela
Ryan Shaw
Sam Nelson
Sam Rubenstein
Sandra S. Rose
Scott Burton
Scott Slater
Seth J. Zielke
Shawnda M. Grady
Sherry Ramirez
Shivaji Deshmukh
Sonya Barber
Sonya Zite
Stephanie Reimer
Stephen Deitsch
Stephen Parker
Steve Kennedy
Steve M. Anderson
Steve Nix
Steve Smith
Steven Andrews
Steven J. Elie
Steven J. Elie
Steven Popelar
Steven Raughley
Susan Palmer
Sylvie Lee
Tammi Ford
Tariq Awan
Taya Victorino
Teri Layton
Terri Whitman
Terry Catlin
Terry Watkins
Thomas S. Bunn
Tim Barr
Timothy Ryan
Toby Moore
Todd M. Corbin
Tom Barnes
Tom Bunn
Tom Cruikshank
Tom Dodson
Tom Harder
Tom O'Neill
Toni Medell

robneu1@yahoo.com
RobertS@cbwcd.org
rwagner@wbecorp.com
Rcraig21@icloud.com
ronLaBrucherie@gmail.com
rcpietersma@aol.com
rllamas71@yahoo.com
rfavela@cbwm.org
RShaw@wmwd.com
snelson@ci.norco.ca.us
srubenstein@wpcarey.com
directorrose@mvwd.org
sburton@ontarioca.gov
sslater@bhfs.com
sjzielke@fontanawater.com
sgrady@eslawfirm.com
SRamirez@kmtg.com
sdeshmukh@ieua.org
sbarber@ci.upland.ca.us
szite@wmwd.com
SReimer@mvwd.org
stephen.deitsch@bbklaw.com
sparker@uplandca.gov
skennedy@bmklawplc.com
steve.anderson@bbklaw.com
snix@ci.upland.ca.us
ssmith@ieua.org
sandrews@sandrewsengineering.com
s.elie@mpglaw.com
selie@ieua.org
spopelar@jcsd.us
Steven.Raughley@isd.sbcounty.gov
spalmer@kidmanlaw.com
slee@tvmwd.com
tford@wmwd.com
Tariq.Awan@cdcr.ca.gov
tayav@cvwdwater.com
tlayton@sawaterco.com
TWhitman@kmtg.com
tlcatlin@wfajpa.org
Twatkins@geoscience-water.com
tombunn@lagerlof.com
tbarr@wmwd.com
tjryan@sgvwater.com
toby.moore@gswater.com
tcorbin@cbwm.org
tbarnes@esassoc.com
TomBunn@Lagerlof.com
tcruikshank@linklogistics.com
tda@tdaenv.com
tharder@thomashardercompany.com
toneill@chinodesalter.org
mmedel@mbakerintl.com

Tony Long
Toyasha Sebbag
Tracy J. Egoscue
Trevor Leja
Veva Weamer
Victor Preciado
Vivian Castro
Wade Fultz
WestWater Research, LLC
William Brunick
William McDonnell
William Urena

tlong@angelica.com
tsebbag@cbwcd.org
tracy@egoscuelaw.com
Trevor.Leja@cao.sbcounty.gov
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

EXHIBIT D

FEE EXEMPT

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
RANCHO CUCAMONGA DISTRICT

JAN 10 2025

BY Stephanie Hernandez
STEPHANIE HERNANDEZ, DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

CHINO BASIN WATERMASTER,

Case No. RCVRS51010

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

~~[PROPOSED]~~ ORDER
GRANTING MOTION FOR
AUTHORIZATION TO FILE SUIT

Date: January 10, 2025
Time: 10:00 a.m.
Dept.: R17

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
2049 Century Park East, Suite 3550
Los Angeles, CA 90067-3007

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
2049 Century Park East, Suite 3550
Los Angeles, CA 90067-3007

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2
3
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~~PROPOSED~~ ORDER

On January 10, 2025, in Department R17 of the above-entitled Court, Chino Basin Watermaster's ("Watermaster") Motion for Authorization to File Suit came on regularly for hearing in the above-captioned matter.

Having read, reviewed, and considered all pleadings filed in support and in response, if any, and good cause appearing therefore, the Motion is GRANTED and the Court Orders as follows:

1. Watermaster may file the civil complaint against Prospective Defendants LS-Fontana LLC, a Delaware Limited Liability Corporation, Landsea Homes of California LLC, a Delaware Limited Liability Corporation, Landsea Homes US Corporation, a Delaware corporation, and DOES 1 through 100 (the "Prospective Defendants") for (1) trespass, (2) private nuisance, (3) public nuisance, (4) negligence, and (5) negligence per se (the "Complaint").

2. Watermaster may file a federal lawsuit in U.S. District Court for Prospective Defendants' violations of the Clean Water Act (the "CWA" or the "Act"), 33 U.S.C. § 1251 *et seq.*

IT IS SO ORDERED.

Dated: _____

1 - 10 - 2025



[Handwritten Signature]

Hon. Gilbert G. Ochoa
Judge of the Superior Court

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 4, 2024 I served the following:

1. [PROPOSED] ORDER GRANTING MOTION FOR AUTHORIZATION TO FILE SUIT

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 4, 2024 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:

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
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
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
Brett Godown	Brett.Godown@Airports.SBCounty.Gov
Brian Dickinson	bdickinson65@gmail.com
Brian Geye	bgeye@autoclubspeedway.com
Brian Lee	blee@sawaterco.com
Brittany Modesto (bmodesto@cbwm.org)	bmodesto@cbwm.org
Bryan Smith	bsmith@jcsd.us
Carmen Sierra	carmens@cvwdwater.com
Carol Boyd	Carol.Boyd@doj.ca.gov

Carolina Sanchez
Casey Costa
Cassandra Hooks
Cathleen Pieroni
Chad Blais
Chad Nishida
Chander Letulle
Charles Field
Charles Moorrees
Chino Hills City Council
Chris Berch
Chris Diggs
Christen Miller
Christensen, Rebecca A
Christiana Daisy
Christopher M. Sanders
Christopher R. Guillen
Cindy Cisneros
Cindy Li
City of Chino, Administration Department

csanchez@westyost.com
ccosta@chinodesalter.org
chooks@niagarawater.com
cpieroni@ieua.org
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
cdaisy@ieua.org
cms@eslawfirm.com
cguillen@bhfs.com
cindyc@cvwdwater.com
Cindy.li@waterboards.ca.gov

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
Diana Frederick
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

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
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
diana.frederick@cdcr.ca.gov
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

Eric N. Robinson	erobinson@kmtg.com
Eric Papathakis	Eric.Papathakis@cdcr.ca.gov
Eric Tarango	edtarango@fontanawater.com
Erik Vides	evides@cbwm.org
Erika Clement	Erika.clement@sce.com
Eunice Ulloa	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@mwwd.org
G. Michael Milhiser	Milhiser@hotmail.com
Garrett Rapp	grapp@westyost.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 Zarco	Greg.Zarco@airports.sbcounty.gov
Gregor Larabee	Gregor.Larabee@cdcr.ca.gov
Ha T. Nguyen	ha.nguyen@stoel.com
Henry DeHaan	Hdehaan1950@gmail.com
Hvianca Hakim	HHakim@linklogistics.com
Hye Jin Lee	HJLee@cityofchino.org
Imelda Cadigal	Imelda.Cadigal@cdcr.ca.gov
Irene Islas	irene.islas@bbklaw.com
Ivy Capili	ICapili@bhfs.com
James Curatalo	jamesc@cvwdwater.com
Jasmin A. Hall	jhall@ieua.org
Jason Marseilles	jmareilles@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
Jill Keehnen	jill.keehnen@stoel.com
Jim Markman	jmarkman@rwglaw.com
Jim Van de Water	jimvdw@thomashardercompany.com
Jim W. Bowman	jbowman@ontarioca.gov
Jimmie Moffatt	jimmiem@cvwdwater.com
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
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
Kathleen Brundage	kathleen.brundage@californiasteel.com
Kati Parker	kparker@katithewaterlady.com
Keith Lemieux	klemieux@awattorneys.com
Keith Person	keith.person@waterboards.ca.gov
Kelly Alhadef-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
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	lmcElhaney@bmklawplc.com
Lewis Callahan	Lewis.Callahan@cdcr.ca.gov
Linda Jadeski	ljadeski@wvwd.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 Insixiengmay	Maria.Insxiengmay@cc.sbcounty.gov
Maria Mendoza	mmendoza@westyost.com
Maribel Sosa	msosa@ci.pomona.ca.us
Marilyn Levin	Marilynhlevin@gmail.com
Marissa Turner	mturner@tvmwd.com
Mark D. Hensley	mhensley@hensleylawgroup.com
Mark Wiley	mwiley@chinohills.org
Marlene B. Wiman	mwiman@nossaman.com
Martin Cihigoyenetché	marty@thejclawfirm.com
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	mezvirbulis@sgvwater.com
Matthew H. Litchfield	mlitchfield@tvmwd.com
Maureen Snelgrove	Maureen.snelgrove@airports.sbcounty.gov
Megan N. Sims	mnsims@sgvwater.com
Melanie Trevino	Mtrevino@jcsd.us
Michael Adler	michael.adler@mcmcnnet.net
Michael B. Brown, Esq.	michael.brown@stoel.com
Michael Blay	mblay@uplandca.gov
Michael Fam	mfam@dpw.sbcounty.gov
Michael Hurley	mhurley@ieua.org
Michael Mayer	Michael.Mayer@dpw.sbcounty.gov
Michael P. Thornton	mthornton@tkeengineering.com
Michele Hinton	mhinton@fennemorelaw.com
Michelle Licea	mlicea@mvwd.org
Mikayla Coleman	mikayla@cvstrat.com
Mike Gardner	mgardner@wmwd.com
Mike Maestas	mikem@cvwdwater.com
Miriam Garcia	mgarcia@ieua.org
Monica Nelson	mnelson@ieua.org
Moore, Toby	TobyMoore@gswater.com
MWDP Program	MWDPProgram@sdca.org
Nadia Aguirre	naguirre@tvmwd.com
Natalie Avila	navila@cityofchino.org
Natalie Costaglio	natalie.costaglio@mcmcnnet.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@uplandca.gov
Nicole Escalante	NEscalante@ontarioca.gov
Noah Golden-Krasner	Noah.goldenkrasner@doj.ca.gov
Norberto Ferreira	nferreira@uplandca.gov
Paul Hofer	farmwatchtoo@aol.com
Paul Hofer	farmerhofer@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
Robert DeLoach	robertadeloach1@gmail.com
Robert E. Donlan	red@eslawfirm.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@eslawfirm.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 Nix	snix@ci.upland.ca.us
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 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
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

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 January 13, 2025 I served the following:

1. NOTICE OF ENTRY OF ORDERS

/ 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.

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/ 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 January 13, 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:

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
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
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@mwwd.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@mwwd.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
Cathleen Pieroni
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

chooks@niagarawater.com
cpieroni@ieua.org
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

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
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Dawn Varacchi-Ives
Denise Garzaro
Dennis Mejia
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Derek Hoffman
Diana Frederick
Ed Diggs
Ed Means
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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

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
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
diana.frederick@cdcr.ca.gov
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	Erick.Jimenez@nucor.com
Erik Vides	evides@cbwm.org
Erika Clement	Erika.clement@sce.com
Eunice Ulloa	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
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 Zarco	Greg.Zarco@airports.sbcounty.gov
Gregor Larabee	Gregor.Larabee@cdcr.ca.gov
Ha T. Nguyen	ha.nguyen@stoel.com
Heather Placencia	heather.placencia@parks.sbcounty.gov
Henry DeHaan	Hdehaan1950@gmail.com
Hvianca Hakim	HHakim@linklogistics.com
Hye Jin Lee	HJLee@cityofchino.org
Imelda Cadigal	Imelda.Cadigal@cdcr.ca.gov
Irene Islas	irene.islas@bbklaw.com
Ivy Capili	ICapili@bhfs.com
James Curatalo	jamesc@cvwdwater.com
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
Jill Keehnen	jill.keehnen@stoel.com
Jim Markman	jmarkman@rwglaw.com
Jim Van de Water	jimvdw@thomashardercompany.com
Jim W. Bowman	jbowman@ontarioca.gov
Jimmie Moffatt	jimmiem@cvwdwater.com
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
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
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
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	lmcElhaney@bmklawplc.com
Lewis Callahan	Lewis.Callahan@cdcr.ca.gov
Linda Jadeski	ljadeski@wvwd.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 Insixiengmay	Maria.Insxiengmay@cc.sbcounty.gov

Maria Mendoza	mmendoza@westyost.com
Maribel Sosa	msosa@ci.pomona.ca.us
Marilyn Levin	Marilynhlevin@gmail.com
Marissa Turner	mturner@tvmwd.com
Mark D. Hensley	mhensley@hensleylawgroup.com
Mark Wiley	mwiley@chinohills.org
Marlene B. Wiman	mwiman@nossaman.com
Martin Cihigoyenetché	marty@thejclawfirm.com
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	mezvirbulis@sgvwater.com
Matthew H. Litchfield	mlitchfield@tvmwd.com
Maureen Snelgrove	Maureen.snelgrove@airports.sbcounty.gov
Megan N. Sims	mnsims@sgvwater.com
Melanie Trevino	Mtrevino@jcsd.us
Michael Adler	michael.adler@mcmcn.net
Michael B. Brown, Esq.	michael.brown@stoel.com
Michael Blay	mblay@uplandca.gov
Michael Fam	mfam@dpw.sbcounty.gov
Michael Hurley	mhurley@ieua.org
Michael Maeda	michael.maeda@cdcr.ca.gov
Michael Mayer	Michael.Mayer@dpw.sbcounty.gov
Michael P. Thornton	mthornton@tkeengineering.com
Michele Hinton	mhinton@fennemorelaw.com
Michelle Licea	mlicea@mvwd.org
Mikayla Coleman	mikayla@cvstrat.com
Mike Gardner	mgardner@wmwd.com
Mike Maestas	mikem@cvwdwater.com
Miriam Garcia	mgarcia@ieua.org
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
Natalie Gonzaga	ngonzaga@cityofchino.org
Nathan deBoom	n8deboom@gmail.com
Neetu Gupta	ngupta@ieua.org
Nicholas Miller	Nicholas.Miller@parks.sbcounty.gov
Nichole Horton	Nichole.Horton@pomona.ca.gov
Nick Jacobs	njacobs@somachlaw.com
Nicole deMoet	ndemoet@uplandca.gov
Nicole Escalante	NEscalante@ontarioca.gov
Noah Golden-Krasner	Noah.goldenkrasner@doj.ca.gov
Norberto Ferreira	nferreira@uplandca.gov
Paul Hofer	farmwatchtoo@aol.com
Paul Hofer	farmerhofer@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

Robert DeLoach	robertadeloach1@gmail.com
Robert E. Donlan	red@eslawfirm.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@eslawfirm.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 Nix	snix@ci.upland.ca.us
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 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
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