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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN BERNARDINO**

12 **CHINO BASIN MUNICIPAL WATER**
13 **DISTRICT**

14 **Plaintiff,**

15 **vs.**

16 **CITY OF CHINO, ET AL.**

17 **Defendant.**

Case No. RCV 51010

[Assigned for All Purposes to the
Honorable STANFORD E. REICHERT]

**MOTION TO RE-APPOINT NINE-
MEMBER WATERMASTER BOARD FOR
A FURTHER 5-YEAR TERM**

Hearing Date: January 21, 2011
Time: 10:30 a.m.
Dept: C-1 (Chino)

18 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

19 **PLEASE TAKE NOTICE** that on January 21, 2010, 10:30 a.m., or as soon thereafter as the
20 Court may hear the matter, the Chino Basin Watermaster will ask the Court to reappoint the nine-
21 member Watermaster Board for a further five year term. This motion will be based on this Notice,
22 the attached Points and Authorities and any evidence presented at the hearing.
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

On February 19, 1998, the Court appointed a nine-member Board to serve as the Chino Basin Watermaster ("Watermaster"). On September 28, 2000, the Court re-appointed the nine-member Board for a five-year terms ending on September 28, 2005. By Order dated September 22, 2005, this appointment was extended to February 9, 2006. On February 9, 2006, the Court re-appointed the nine-member Board for a further five-year term ending on February 10, 2011.

By this Motion, Watermaster requests the Court to re-appoint the nine-member Board for a further five-year terms ending on February 10, 2016. Watermaster knows of no party that intends to oppose this Motion.

II. Standard of Review

In its Order of September 28, 2000, the Court articulated several criteria by which it would evaluate whether to re-appoint the nine-member Board. In its January 11, 2006 Motion, Watermaster articulated the ways in which all of these criteria had been satisfied. In its February 9, 2006 Order, the Court did not establish any further criteria that would be used to judge whether to re-appoint the nine-member Board, but it did describe general "concerns" for Watermaster's continued progress.

The first "concern" related to progress on the desalter element of the Optimum Basin Management Program ("OBMP"). (February 9, 2006 Order, 3:20-22.) The Court expressed concern that there was no plan in place to fully implement this element of the OBMP and ordered a workshop to address this issue.

Since 2006, Watermaster and the parties have worked diligently to bring the final phase of the desalter project to fruition. In October 2010, the Board approved Watermaster Resolution 2010-04 which set in place the final elements of an agreement to allow this project to move forward to completion. Watermaster intends to submit this Resolution to the Court for approval once certain conditions have been satisfied and will be prepared at the January 21, 2011 hearing to provide a briefing to the Court on the elements of the Resolution and the manner of completion of this element of the OBMP.

1 The other concerns related to establishing a clear reconciliation between pumping and
2 recharge to the Basin, and ensuring that projected recharge needs and availability of water were fully
3 addressed. (February 9, 2006 Order 3:25-27.) These concerns were later articulated more fully
4 during the Peace II approval process and became the basis for the Court's December 21, 2007 Order
5 to prepare an updated Recharge Master Plan. Watermaster prepared such a Recharge Master Plan
6 which addressed the Court's 2006 concerns and requested the Court approve the plan. This request
7 was unopposed. On October 8, 2010, this Court approved the updated Recharge Master Plan.

8 **III. Request to Re-appoint Board for a Further Five-Year Term**


9 While the Court did not establish criteria for re-appointment in 2006, Watermaster has
10 successfully all of the concerns raised by the Court in its 2006 Order. Watermaster knows of no
11 objection to the re-appointment of the nine-member Board for a further five-year term. The
12 Overlying (Non-Agricultural) Pool has taken no action to provide a recommendation to Watermaster
13 in this issue, and abstained from the vote by the Board. On this basis, Watermaster respectfully
14 requests the Court to re-appoint the nine-member Board until February 10, 2016.

15 **IV. Additional January 21, 2010 Hearing Issues**

16 At the October 8, 2010 hearing Watermaster indicated to the Court that additional items
17 would be presented to the Court to be heard at the January 21, 2011 hearing. In particular, approval
18 of Watermaster Resolution 2010-04 pertaining to the desalter project and approval of a restated
19 Judgment. These items are not ready for Court approval and at the January 21, 2011 hearing,
20 Watermaster counsel will be prepared to provide an update to the Court on these items.

21 Dated: December 17, 2010

BROWNSTEIN HYATT FARBER SCHRECK, LLP

22
23 By: 
24 SCOTT S. SLATER
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27 CHINO BASIN WATERMASTER
28

CHINO BASIN WATERMASTER
Case No. RCV 51010
Chino Basin Municipal Water District v. The City of Chino

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

On December 17, 2010 I served the following:

1. MOTION TO RE-APPOINT NINE-MEMBER WATERMASTER BOARD FOR A FURTHER 5-YEAR TERM

☒ BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by 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.

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

Executed on December 17, 2010 in Rancho Cucamonga, California.



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