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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

DEPARTMENT S35 HON. STANFORD REICHERT, JUDGE

CHINO BASIN MUNICIPAL)
WATER DISTRICT,)
)
Plaintiff,)
)
-vs-) Case No. RCVRS51010
)
CITY OF CHINO, et al.,)
)
Defendants.)
-----)

REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS

FRIDAY, DECEMBER 15, 2017

APPEARANCES:

FOR CHINO BASIN WATERMASTER: BRADLEY HERREMA
Attorney at Law

ALSO PRESENT: BOB BOWCOCK
DR. EDGAR TELLEZ FOSTER

REPORTED BY: LINDY J. CASTRO
Official Court Reporter
CSR No. 13180

1 SAN BERNARDINO, CALIFORNIA, FRIDAY, DECEMBER 15, 2017
2 P.M. SESSION
3 DEPARTMENT S35 HON. STANFORD E. REICHERT, JUDGE
4 APPEARANCES:
5 For Chino Basin Watermaster,
6 BRADLEY J. HERREMA, Attorney at Law.
7 (Lindy J. Castro, Official Court Reporter
8 CSR No. 13180.)
9 -oOo-
10 THE COURT: So we're on calendar today for a
11 couple of matters in the Watermaster case. To approve
12 the intervention of Calmat, formally known as Vulcan;
13 correct?
14 MR. HERREMA: I believe Calmat is a division of
15 Vulcan.
16 THE COURT: Division of Vulcan. Thank you. And
17 NCL. What kind of business is NCL?
18 MR. HERREMA: I have with me today, if I may
19 introduce two people. Dr. Edgar Tellez Foster is the
20 senior environmental engineer for Watermaster.
21 THE COURT: Thank you.
22 MR. HERREMA: And then Bob Bowcock,
23 representative of NCL.
24 THE COURT: I recognize Mr. Bowcock and his name,
25 of course. Please be seated.
26 MR. HERREMA: He may be the best person to answer

1 the question.

2 THE COURT: Mr. Bowcock.

3 MR. BOWCOCK: Yes, sir.

4 THE COURT: What kind of business is NCL in?

5 MR. BOWCOCK: It's a real estate land holding
6 trust that is engaged in water resource management.
7 They're acquiring the water rights to hold for future
8 developments.

9 THE COURT: Thank you very much. Can I get the
10 spelling of doctor --

11 MR. TELLEZ FOSTER: Edgar Tellez Foster. Last
12 name is T-e-l-l-e-z, Foster, F-o-s-t-e-r.

13 THE COURT: E-d-g-a-r?

14 MR. TELLEZ FOSTER: Yes.

15 THE COURT: Thank you, Mr. Tellez Foster. Thank
16 you. All right. Let's see. So that got the first part
17 of the proceedings underway.

18 And the second part is to receive and file the
19 39th annual report, which the Court has read and
20 considered. And I'm ready to grant both motions.

21 MR. HERREMA: Thank you, your Honor.

22 THE COURT: You're welcome. Let the record
23 reflect there's been no opposition. Let the record
24 reflect I've also received a proposed order, which I'm
25 going to go ahead and sign.

26 Before I do, I did have one question. Let me

1 address Mr. Bowcock. You're welcome to be seated,
2 Mr. Herrema.

3 Because Calmat is a division -- is it a
4 subsidiary of Vulcan.

5 MR. BOWCOCK: Actually it's --

6 THE COURT: Come on up, please.

7 MR. BOWCOCK: Vulcan Materials Company is the
8 nation's largest aggregate mining company. They're
9 headquartered in Birmingham, Alabama. Through
10 acquisitions of various entities, historically Calmat
11 was the predecessor of Conrock, which is the area around
12 Cable Airport out in the Upland area. All those
13 facilities there were all Conrock facilities. That was
14 acquired by Calmat and was acquired by Vulcan.

15 And then the landholdings are all in Calmat's
16 name. So the water rights that were developed as part
17 of the area south of Baseline or south of the 210
18 freeway are in Calmat's name. And the area north are in
19 Vulcan. They're transferring the water rights from the
20 holding in San Antonio Mutual Water Company to their
21 land that is Calmat. So in order to do that, they had
22 to intervene as Calmat to effect the transfer lawfully.

23 THE COURT: Got it. Thanks. Does that give them
24 an extra vote somewhere, like overline nonagricultural
25 pool because they have two entities now or fewer votes
26 because they are one entity?

1 MR. HERREMA: We have a number of parties that
2 are in multiple pools. So each of the pools are
3 administered separately. The State of California is in
4 just the ag -- well, the county of San Bernardino is in
5 all three pools. We have a number of parties that are
6 in both the appropriate pool and the non-ag pool. And
7 that would be -- Calmat would be in both pools going
8 forward.

9 And the difference is the exercise -- it's which
10 type of right of exercise, so if you are exercising an
11 overlying right or if you are exercising an
12 appropriative right.

13 THE COURT: Got it. Thank you very much for the
14 insight. I appreciate it.

15 MR. BOWCOCK: Thank you.

16 THE COURT: I'm going to go ahead and sign the
17 order today. And let the record reflect I've signed the
18 order, and I believe that will conclude the hearing
19 today. Unless I'm missing something. Am I missing
20 something, Mr. Herrema?

21 MR. HERREMA: No, you are not, your Honor.

22 THE COURT: Thank you very much. Nice to meet
23 you Mr. Tellez Foster. And good to see you Mr. Bowcock.

24 MR. BOWCOCK: Good to see you, your Honor.

25 THE COURT: As I mentioned, I signed the order,
26 and we'll go ahead and file it forthwith. So that will

1 complete the hearing for today.

2 MR. HERREMA: Thank you, your Honor. Good to see
3 you and happy holidays.

4 THE COURT: Happy holidays to you as well.

5 (Whereupon, the proceedings in the
6 above-entitled matter concluded for the day.)

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) Reporter's Certificate
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STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, Lindy J. Castro, Official Court Reporter for
the Superior Court of the State of California, for the
County of San Bernardino, do hereby certify that the
foregoing pages, 1 through 5, to the best of my
knowledge and belief, comprise a full, true, and correct
computer-aided transcript of the proceedings taken in
the matter of the above-entitled cause held on Friday,
December 15, 2017.

Dated this 12th day of January, 2018.

Lindy J. Castro
C.S.R. 13180