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13 **CHINO BASIN WATERMASTER**

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 FOR THE COUNTY OF SAN BERNARDINO

16 CHINO BASIN MUNICIPAL WATER
17 DISTRICT,

18 Plaintiff,

19 v.

20 CITY OF CHINO, ET AL.,

21 Defendants.

Case No. RCVRS51010

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

**REQUEST FOR THE COURT TO
APPROVE INTERVENTION**

Date: May 1, 2026
Time: 10:00 a.m.
Dept: R17

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

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TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, on May 1, 2026 at 10:00 a.m. in Department R17 of the above-entitled court located at 8303 Haven Avenue, Rancho Cucamonga, California 91730, the Chino Basin Watermaster (“Watermaster”) will hereby request that the Court approve the intervention of the San Gabriel Band of Mission Indians Led by the Gabrieleno Tongva Tribal Council into the Appropriative Pool.

Watermaster’s request will be based upon this Notice, the attached Memorandum of Points and Authorities, the Declaration of Bradley J. Herrema concurrently filed herewith, all documents on file herein, and such oral and documentary evidence as may be presented at the time of the hearing on this matter.

Dated: April 1, 2026

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

By: 
SCOTT S. SLATER
BRADLEY J. HERREMA
BENJAMIN MARKHAM
Attorneys for
CHINO BASIN WATERMASTER

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The Chino Basin Watermaster (“Watermaster”) hereby requests that the Court approve the
3 intervention of the San Gabriel Band of Mission Indians Led by the Gabrieleno Tongva Tribal
4 Council into the Appropriative Pool. (Collectively, “Intervenor.”)

5 **I. INTERVENOR**

6 The Council is a 501(c)(3) nonprofit organization. The San Gabriel Band of Mission
7 Indians claims to have been acknowledged by the State of California pursuant to Assembly Joint
8 Resolution No. 96, dated September 13, 1994. (Herrema Decl., ¶ 2.) Watermaster understands
9 that Assembly Joint Resolution No. 96 recognizes “the Gabrielinos” as the aboriginal tribe of the
10 Los Angeles Basin, and that the San Gabriel Band of Mission Indians asserts that this recognition
11 applies to its group. (Herrema Decl., ¶ 3.)

12 The San Gabriel Band of Mission Indians is not presently a federally recognized tribe.
13 (Herrema Decl., ¶ 4.) A group known as the Gabrielino/Tongva Nation filed a pending federal
14 petition for acknowledgment with the Bureau of Indian Affairs, which was officially noticed on
15 February 6, 2026. (Herrema Decl., ¶ 5.) As of the date of this request, Watermaster is not aware
16 that this petition has been approved. (Herrema Decl., ¶ 6.)

17 **II. LEGAL STANDARD**

18 Paragraph 60 of the Restated Judgment provides:

19 Any non-party assignee of the adjudicated appropriative rights of
20 any appropriator, or any other person newly proposing to produce
21 water from Chino Basin, may become a party to this Judgment
22 upon filing a petition in intervention. Said intervention must be
23 confirmed by order of this Court. Such intervenor shall thereafter
be a party bound by this judgment and entitled to the rights and
privileges accorded under the Physical Solution herein, through the
pool to which the Court shall assign such intervenor.

24 On July 14, 1978, this Court further clarified the intervention procedures in its “Order re
25 Intervention Procedures,” stating:

26 [A]ll subsequent petitions in intervention may be accepted by
27 Watermaster and accumulated for filing from time to time in an ex
28 parte proceeding, except upon 48-hour notice to any party or to any
attorney of record who shall have requested such notice; and that
prior to filing with the Court, Watermaster shall be permitted to
take all administrative steps pertaining to the Judgment provided,

1 however, that no assessments shall be made until a formal order has
2 been entered by this Court.

3 Pursuant to this direction, Watermaster’s practice has been to accept intervention requests
4 informally by way of a letter and then process the requests through the Pool Committees,
5 Advisory Committee, and Watermaster Board. After this internal process, Watermaster files the
6 request for intervention with the Court for approval along with Watermaster’s recommendation as
7 to its disposition. Only after Court approval is an intervenor formally bound by the Restated
8 Judgment and entitled to the rights and privileges accorded under the Physical Solution. Neither
9 the Restated Judgment nor the July 14, 1978 Order requires a hearing to be held for uncontested
10 interventions.

11 Parties may request intervention into a particular Pool when proposing to become a new
12 party to the Restated Judgment. (Restated Judgment, ¶ 43.) The Appropriative Pool consists of
13 owners of appropriative rights. (Restated Judgment, ¶ 43.)

14 **III. BACKGROUND AND ANALYSIS**

15 On January 11, 2026, Intervenor submitted a petition for intervention to Watermaster for
16 the purpose of accepting the transfer of 4 acre-feet of stored water from NCL, Co LLC, which
17 holds this water under a valid Local Excess Carry Over storage agreement after receiving it from
18 CalMat Co. (a member of the Appropriative Pool), who received it from San Antonio Water
19 Company as one of its shareholders. (Declaration of Bradley J. Herrema (“Herrema Decl.”), ¶¶ 7,
20 8, Ex. A.)

21 Intervenor intends to be a member of the Appropriative Pool to receive and exercise
22 Appropriative rights consistent with the Restated Judgment. (Herrema Decl., ¶ 9.) To the extent
23 that they do not produce the water they receive from NCL, Co LLC (Appropriative), Intervenor
24 understands that they would be required to enter into a Storage Agreement with Watermaster.
25 (*Id.*)

26 On February 12, 2026, the intervention request was presented to the Pool Committees for
27 consideration. The Appropriative Pool Committee unanimously recommended that this item be
28 deferred to next month to allow more time for the Committee to fully consider the request; the

1 Overlying (Non-Agricultural) Pool Committee, with an abstention by the City of Ontario,
2 recommended its representatives to support at the Advisory Committee and Watermaster Board
3 meetings subject to changes they deem appropriate; the Overlying (Agricultural) Pool Committee
4 unanimously recommended to defer this item until the Appropriative Pool Committee has had the
5 time to obtain the necessary information regarding the intervention request. (Herrema Decl., ¶
6 10.)

7 The intervention request was then presented to the Advisory Committee on February 19,
8 2026, where it was recommended by majority vote that the item be deferred to the next month.
9 (Herrema Decl., ¶ 11.)

10 On March 12, 2026, the intervention request was once again presented to the Pool
11 Committees for consideration. The Appropriative and Overlying (Agricultural) Pool Committees
12 unanimously recommended moving the item forward to the Advisory Committee; and the
13 Overlying (Non-Agricultural) Pool Committee unanimously recommended its representatives to
14 support at the Advisory Committee and Watermaster Board meetings, subject to changes they
15 deem appropriate. (Herrema Decl., ¶ 12.)

16 On March 19, 2026, the intervention request was presented to the Advisory Committee,
17 which unanimously recommended the Watermaster Board to recommend Court approval of the
18 intervention request. (Herrema Decl., ¶ 13.)

19 On March 26, 2026, the intervention request was presented to the Watermaster Board,
20 which unanimously voted to recommend to the Court the approval of Intervenor’s intervention
21 request. (Herrema Decl., ¶ 14.)

22 **IV. PROPOSED ORDER AND LIMITED WAIVER OF IMMUNITY**

23 Under federal law, tribal sovereign immunity bars suits against a federally recognized
24 tribe unless Congress abrogates that immunity or the tribe expressly and unequivocally waives it.
25 (*Maverick Gaming LLC v. United States* (9th Cir. 2024) 123 F.4th 960, 979, cert. denied sub nom.
26 *RunItOneTime LLC v. United States* (2025) 146 S. Ct. 98.) Courts will not infer waiver from
27 participation, removal, or other litigation conduct. (*Id.*)

28 Although Intervenor is not presently federally recognized and do not presently possess

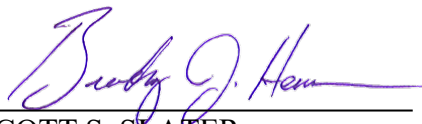
1 federal sovereign immunity, the Watermaster proceedings occur under the Court’s continuing
2 jurisdiction to interpret and enforce the Restated Judgment. To avoid any future uncertainty if
3 Intervenor’s status changes, an express, purpose-specific waiver of immunity is integrated into
4 the Proposed Order filed concurrently herewith. This limited waiver ensures that the Court will
5 retain the ability to enforce, interpret, and, as necessary, modify the Restated Judgment as it
6 applies to Intervenor, thereby avoiding the risk of later jurisdictional challenges if Intervenor
7 were ever to become federally recognized.

8 **V. CONCLUSION**

9 For all of the reasons discussed above, Watermaster respectfully requests that this Court
10 grant Intervenor’s request to intervene into the Restated Judgment.

11
12 Dated: April 1, 2026

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SCHRECK, LLP

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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 April 1, 2026, I served the following:

1. REQUEST FOR THE COURT TO APPROVE INTERVENTION

/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 April 1, 2026, in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

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