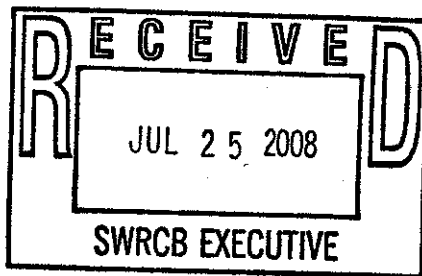


Public Comment  
Chino Basin Watermaster  
Deadline: 7/25/08 by 5:00 p.m.

**Brownstein | Hyatt  
Farber | Schreck**

*A Strategic  
California Merger  
with Hatch & Parent*

July 24, 2008



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Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812-0100

**RE: COMMENT LETTER – 9/2/08 BOARD MEETING: CHINO BASIN  
WATERMASTER DECISION**

Dear Ms. Townsend:

This comment letter is submitted by Chino Basin Watermaster on behalf of itself as well as Western Municipal Water District of Riverside County, San Bernardino Valley Municipal Water District, and the City of Riverside.

Overall, we believe the Draft Order is an appropriate disposition of Application 31369. Watermaster thanks staff for the time and consideration involved in preparing the Draft Order.

However, we are concerned that Section 9 of the proposed Draft Order includes language concluding that, "The current record does not clearly reveal any agreement to adjust the priorities of the other applicants." In fact, the Applicants stipulated that the priorities amongst the parties were established by the 1969 Judgment and all of the many agreements that have followed that Judgment. As indicated in footnote 9 of the Draft Order, the hearing officer accepted the Stipulation of the Applicants, dated April 5, 2007, as the basis for resolving key hearing issues 4 and 5.

We believe it would be appropriate for the existing draft text of section 9 to be deleted and to instead simply indicate that key hearing issues 4 and 5 were resolved by the Applicants by Stipulation. Watermaster suggests the following language based upon footnote 9 of the Draft Order:

Rights to the use of the water in the Santa Ana River, including the potential rights of the applicants in this proceeding, are the subject of several judgments, settlement agreements, and memoranda. In this regard, the applicants presented the hearing officer a stipulation, resolving hearing issues 4 and 5, on April 5, 2007. (Stipulation of Applicants, dated April 5, 2007.) On April

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10, 2007, no party having objected to the stipulation, the hearing officer accepted the stipulation as the basis for resolving key hearing issues 4 and 5 concerning the priorities of the applications relative to other legal users of water and among the pending applications. (RT, Vol.1, 2:21-24; see also 4.0 Hearing Issues, p. 5, ante.) Priorities among the applicants shall be as described in the stipulation.

We also recommend that the Stipulation of the Applicants be appended as an exhibit to the Order.

We recommend that the Draft Order be adopted by the Board as written in all other respects, including Condition 6 which will make Watermaster's permit specifically subject to the terms of the 1969 Judgment.

We again thank the Board for the time and care taken in the processing and disposition of Application 31369. Should you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,



Michael T. Fife  
Brownstein Hyatt Farber Schreck, LLP