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10 CHINO BASIN WATERMASTER

FILED - West District
San Bernardino County Clerk

FEB 14 1997

Wanda DeVinney

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF SAN BERNARDINO - WEST DISTRICT

13 CHINO BASIN MUNICIPAL WATER

14 DISTRICT,

15 Plaintiff,

16 v.

17 CITY OF CHINO,

18 Defendant.

) Case No. RCV 51010

)
) PROOF OF SERVICE OF JOINDERS IN
) MOTION FOR ORDER OF COURT
) THAT AUDIT COMMISSIONED BY
) THE CHINO BASIN MUNICIPAL WATER
) DISTRICT BOARD IS NOT A
) WATERMASTER EXPENSE

) DATE: March 3, 1997

) TIME: 8:30 a.m.

) DEPT: H

)
) Specially assigned to the Honorable
) Judge J. Michael Gunn

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1 I, Michelle Lauffer, declare:

2 1. I am over the age of 18 and not a party to this action. My business
3 address is Chino Basin Watermaster, 8632 Archibald Avenue, Suite 109, Rancho
4 Cucamonga, California 91730.

5 2. On today's date, I served the documents identified below by placing a true
6 and correct copy of same in sealed envelopes address to each of addresses listed on the
7 attached mailing list "A".

8 • Joinder of Cucamonga County Water District's and Kaiser Ventures
9 Inc.'s in Motion for Order of Court that audit commissioned by the Chino Basin Municipal
10 Water District is not a Watermaster expense.

11 • Joinder of Fontana Union Water Company in Motion for Order of
12 Court that audit commissioned by the Chino Basin Municipal Water District is not a
13 Watermaster expense.

14 • Joinder of Fontana Water Company in Motion for Order of Court
15 that audit commissioned by the Chino Basin Municipal Water District is not a Watermaster
16 expense.

17 • Joinder of City of Ontario in Motion for Order of Court that audit
18 commissioned by the Chino Basin Municipal Water District is not a Watermaster expense.

19 • Joinder of City of Pomona in Motion for Order of Court that audit
20 commissioned by the Chino Basin Municipal Water District is not a Watermaster expense.

21 • Joinder of San Antonio Water Company in Motion for Order of
22 Court that audit commissioned by the Chino Basin Municipal Water District is not a
23 Watermaster expense.

24 • Joinder of the State of California in Motion for Order of Court that
25 audit commissioned by the Chino Basin Municipal Water District is not a Watermaster
26 expense.

27

28

AAAAA AAAAA
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FILED - West District
 San Bernardino County Clerk

FEB 14 1997

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 9 District and Kaiser Ventures, Inc.

Wanda DeVinney

10
 11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 12 COUNTY OF SAN BERNARDINO

| | | | |
|----|-----------------------------|---|--------------------------------|
| 13 | CHINO BASIN MUNICIPAL WATER |) | Case No. RCV 51010 |
| 14 | DISTRICT, |) | |
| 15 | Plaintiff, |) | CUCAMONGA COUNTY WATER |
| 16 | v. |) | DISTRICT'S AND KAISER VENTURES |
| 17 | CITY OF CHINO, et al., |) | INC.'S JOINDER IN MOTION RE |
| 18 | Defendants. |) | AUDIT |
| 19 | |) | Date: March 3, 1997 |
| 20 | |) | Time: 8:30 a.m. |
| 21 | |) | Dept: H |
| 22 | |) | |

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1 JOINDER IN MOTION RE AUDIT

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3 Cucamonga County Water District ("CCWD") and Kaiser Ventures
4 Inc. ("Kaiser") join in the Motion for Order of Court That Audit
5 Commissioned by the Chino Basin Municipal Water District Board is
6 Not a Watermaster Expense, etc., served on January 27, 1997
7 ("Motion"). CCWD and Kaiser join in the Motion on the grounds that
8 the Board of the Chino Basin Municipal Water District ("CBMWD") acted
9 contrary to the express action of the Advisory Committee in ordering
10 that the audit be made, that CBMWD failed to give notice of its
11 intended action as required by the Judgment, and that CBMWD took its
12 action after a closed session contrary to the Rules and Regulations
13 of the Chino Basin Watermaster.

14

15 Dated: February 12, 1997.

16 BEST BEST & KRIEGER LLP

17

18

19 By: Gene Tanaka

20 Gene Tanaka
21 Attorneys for Cucamonga
22 County Water District and
23 Kaiser Ventures Inc.
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO - WEST DISTRICT

11 CHINO BASIN MUNICIPAL WATER)
12 DISTRICT,)

13 Plaintiff,)

15 v.)

16 CITY OF CHINO)

17 Defendant.)

Case No. RCV 51010

) JOINDER OF FONTANA
) UNION WATER COMPANY IN
) MOTION FOR ORDER OF
) COURT THAT AUDIT
) COMMISSIONED
) BY THE CHINO BASIN
) MUNICIPAL WATER
) DISTRICT BOARD NOT A
) WATERMASTER EXPENSE

) Date: March 3, 1997
) Time: 8:30 a.m.
) Place: Department H

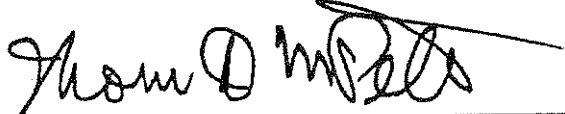
) Specially assigned to
) the Honorable Judge J.
) Michael Gunn

23 Fontana Union Water Company ("FUWCO") is a party in
24 this action and a member of the Appropriative Pool. FUWCO
25 supports and joins in the motion for an order that the costs
26 of the audit commissioned by the Chino Basin Municipal Water
27 District Board is not a Watermaster expense.
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The action directing that the audit be done was not taken in compliance with the terms and conditions of the Judgment and Watermaster Rules and Regulations.

McPETERS McALEARNEY SHIMOFF & HATT
A PROFESSIONAL CORPORATION

By: 
Thomas H. McPeters
Attorneys for Fontana Union Water
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San Bernardino County Clerk

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9 FOR THE COUNTY OF SAN BERNARDINO - WEST DISTRICT
10

11
12 CHINO BASIN MUNICIPAL WATER)
13 DISTRICT,)

14 Plaintiff,)

15 v.)

16 CITY OF CHINO,)

17 Defendant.)

) Case No. RCV 51010

) JOINDER OF FONTANA WATER COMPANY
) MOTION FOR ORDER OF COURT THAT
) AUDIT COMMISSIONED BY THE CHINO
) BASIN MUNICIPAL WATER DISTRICT
) BOARD IS NOT A WATERMASTER EXPENSE

) Date: March 3, 1997
) Time: 8:30 a.m.
) Place: Department H

) Specially assigned to the
) Honorable
) Judge J. Michael Gunn
20)

21
22
23 Fontana Water Company is a party in this action and a member
24 of the Appropriative Pool. Fontana Water Company provides public
25 utility water service to a population of over 100,000 persons residing
26 in the Chino Basin. Fontana Water Company supports and joins in the
27 motion for an order that the costs of the audit commissioned by the
28 Chino Basin Municipal Water District Board is not a Watermaster expense.

1 The actions of the District Board, acting at special meetings of the
2 Chino Basin Watermaster on January 14, 1997 and January 23, 1997,
3 directing that the audit be conducted were *ultra vires* with respect to
4 its authority as Watermaster and do not bind Watermaster in any way.
5 Those actions were taken contrary to the provisions and requirements of
6 the Judgment and the Rules and Regulations of the Chino Basin
7 Watermaster.

8 Accordingly, Fontana Water Company urges the Court to issue an
9 order declaring that the costs of the audit of Watermaster Services are
10 not properly a Watermaster expense and that the costs should be borne
11 entirely by the Chino Basin Municipal Water District.

12
13
14 TIMOTHY J. RYAN

15
16 BY



17 Timothy J. Ryan
18 Attorney for Fontana Water Company
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San Bernardino County Clerk

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9 WEST DISTRICT

11 CHINO BASIN MUNICIPAL WATER)
DISTRICT,)

12 Plaintiff,)

13 v.)

14 CITY OF CHINO, et al.,)

15 Defendants.)

CASE NO. RCV 51010
Specially Assigned to the Honorable
Judge J. Michael Gunn

JOINDER OF CITY OF ONTARIO IN
MOTION FOR ORDER OF COURT THAT
AUDIT COMMISSIONED BY THE CHINO
BASIN MUNICIPAL WATER DISTRICT
BOARD IS NOT A WATERMASTER
EXPENSE

Date: March 3, 1997
Time: 8:30 a.m.
Dept: RC-H

17
18
19 The City of Ontario is a party in this action and a member of the Appropriative Pool. The
20 City of Ontario supports and joins in the motion for an order that the costs of the audit
21 commissioned by the Chino Basin Municipal Water District Board is not a Watermaster expense.
22 The action directing that the audit be done was not taken in compliance with the terms and
23 conditions of the Judgment and Watermaster Rules and Regulations.

24 Dated: February 11, 1997

Respectfully submitted,

25 COVINGTON & CROWE, LLP

26
27 By:


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Attorneys for Defendant City of Ontario

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FILED - West District
San Bernardino County Clerk

FEB 14 1997
Wanda DeVinney

Attorneys for
City of Pomona

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO - WEST DISTRICT

| | | |
|---------------------------------------|---|-------------------------------------|
| CHINO BASIN MUNICIPAL WATER DISTRICT, |) | Case No. RCV 51010 |
| |) | |
| Plaintiff, |) | JOINDER OF CITY OF POMONA IN |
| |) | MOTION FOR ORDER OF COURT |
| v. |) | THAT AUDIT COMMISSIONED BY |
| |) | THE CHINO BASIN MUNICIPAL |
| |) | WATER DISTRICT BOARD IS NOT A |
| CITY OF CHINO, |) | WATERMASTER EXPENSE |
| |) | |
| Defendant |) | DATE: March 3, 1997 |
| |) | TIME: 8:30 A.M. |
| |) | PLACE: Department H |
| |) | |
| |) | Specially assigned to the Honorable |
| |) | Judge J. Michael Gunn |
| |) | |
| |) | |


The CITY OF POMONA is a party in this action and a member of Appropriative Pool and Advisory Committee. The CITY OF POMONA supports and joins in the motion for an order that the costs of the audit commissioned by the Chino Basin Municipal Water District

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Board is not a Watermaster expense. The action directing that the audit be done was not taken in compliance with the terms and conditions of the Judgment and Watermaster Rules and Regulations.

Dated: 2-11-97

ARNOLD M. ALVAREZ-GLASMAN
City Attorney

By: 
RICHARD L. ADAMS II, Deputy City
Attorney for City of Pomona

1 THOMAS H. McPETERS (State Bar No. 034300)
2 McPETERS McALEARNEY SHIMOFF & HATT
3 A PROFESSIONAL CORPORATION
4 615 Brookside Avenue, Suite B
5 Redlands, CA 92373
6 (909) 792-8919 (909) 792-6234 (fax)

FILED - West District
San Bernardino County Clerk

FEB 14 1997

Attorneys for
San Antonio Water Company

Wanda DeVinney

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO - WEST DISTRICT

11 CHINO BASIN MUNICIPAL WATER)
12 DISTRICT,)

13 Plaintiff,)

15 v.)

16 CITY OF CHINO)

17 Defendant.)

Case No. RCV 51010

) JOINDER OF SAN ANTONIO
) WATER COMPANY IN
) MOTION FOR ORDER OF
) COURT THAT AUDIT
) COMMISSIONED
) BY THE CHINO BASIN
) MUNICIPAL WATER
) DISTRICT BOARD NOT A
) WATERMASTER EXPENSE

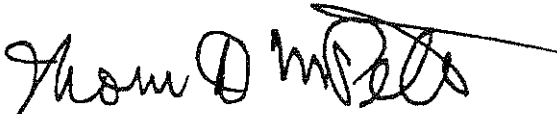
) Date: March 3, 1997
) Time: 8:30 a.m.
) Place: Department H

) Specially assigned to
) the Honorable Judge J.
) Michael Gunn

23 San Antonio Water Company ("SAWCO") is a party in
24 this action and a member of the Appropriative Pool. SAWCO
25 supports and joins in the motion for an order that the costs
26 of the audit commissioned by the Chino Basin Municipal Water
27 District Board is not a Watermaster expense.
28

The action directing that the audit be done was not taken in compliance with the terms and conditions of the Judgment and Watermaster Rules and Regulations.

MCPETERS MCALEARNEY SHIMOFF & HATT
A PROFESSIONAL CORPORATION

By: 
Thomas H. McPeters
Attorneys for San Antonio Water
Company

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 CHARLES W. GETZ, IV
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FILED - West District
San Bernardino County Clerk

FEB 14 1997

Wanda DeVinney

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6 Telephone: (213) 897-2612

7 Attorneys for State of California
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SAN BERNARDINO - WEST DISTRICT

11 CHINO BASIN MUNICIPAL WATER

) Case No. RCV 51010

12 DISTRICT,

) JOINDER OF THE STATE OF CALIFORNIA

13 Plaintiff,

) IN MOTION FOR ORDER OF COURT

14 v.

) THAT AUDIT COMMISSIONED BY

15 CITY OF CHINO,

) THE CHINO BASIN MUNICIPAL

16 Defendant.

) WATER DISTRICT BOARD IS NOT A

) WATERMASTER EXPENSE

) DATE: March 3, 1997

) TIME: 8:30 a.m

) DEPT: H

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20) Specially assigned to the Honorable

) Judge J. Michael Gunn
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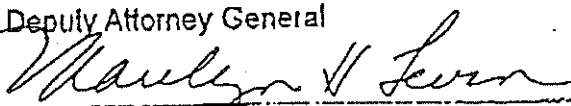
1 The State of California is a party to this action and a member of the Agricultural
2 Pool. The State of California supports and joins in the motion for an order that the costs of the
3 audit commissioned by the Chino Basin Municipal Water District Board is not a Watermaster
4 expense. The action directing that the audit be done was not taken in compliance with the
5 terms and conditions of the Judgment and Watermaster Rules and Regulations.

6 Dated: February 13, 1997

7
8 DANIEL E. LUNGREN, Attorney General
 of the State of California

9 CHARLES W. GETZ IV,
 Assistant Attorney General

10 MARILYN H. LEVIN,
 Deputy Attorney General

11 By: 
12 MARILYN H. LEVIN
13 Deputy Attorney General

14 Attorneys for State of California

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FEB 14 1997

Wanda DeVinney

7 Attorneys for
8 West End Consolidated Water Company

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

11 CHINO BASIN MUNICIPAL WATER)
12 DISTRICT,)

13 Plaintiff,)

14 v.)

15 CITY OF CHINO)

16 Defendant.)

Case No. RCV 51010

17 JOINDER OF WEST END)
18 CONSOLIDATED WATER)
19 COMPANY IN)
20 MOTION FOR ORDER OF)
21 COURT THAT AUDIT)
22 COMMISSIONED)
23 BY THE CHINO BASIN)
24 MUNICIPAL WATER)
25 DISTRICT BOARD NOT A)
26 WATERMASTER EXPENSE)

27 Date: March 3, 1997)
28 Time: 8:30 a.m.)
Place: Department H)

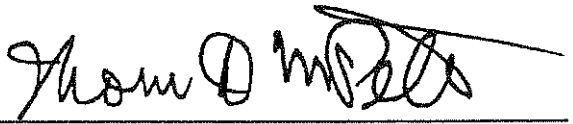
Specially assigned to)
the Honorable Judge J.)
Michael Gunn)

29 West End Consolidated Water Company ("WECWC") is a
30 party in this action and a member of the Appropriative Pool.
31 WECWC supports and joins in the motion for an order that the
32 costs of the audit commissioned by the Chino Basin Municipal
33 Water District Board is not a Watermaster expense.

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The action directing that the audit be done was not taken in compliance with the terms and conditions of the Judgment and Watermaster Rules and Regulations.

McPETERS McALEARNEY SHIMOFF & HATT
A PROFESSIONAL CORPORATION

By: 
Thomas H. McPeters
Attorneys for West End
Consolidated Water Company