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FEE EXEMPT

FILED - West District
San Bernardino County Clerk

JUL 06 2000

By Susan King Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN BERNARDINO**

11 CHINO BASIN MUNICIPAL
12 WATER DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendants.

CASE NO. R.C.V. 51010

Judge: Honorable J. MICHAEL GUNN

STATUS REPORT ON
DOCUMENTS REQUESTED BY
THE COURT; COMMENTS TO
INTENDED JULY 13, 2000
RULING

Date: July 13, 2000
Time: 1:30

21 On June 29, 2000, this Court filed an Order in *Chino Basin Municipal Water District v.*
22 *City of Chino*, San Bernardino Superior Court Case No. RCV 51010, continuing the hearing
23 scheduled for June 29 to July 13, 2000. The Court also requested Watermaster to file the
24 following documents by July 6, 2000: (1) any final Task Memoranda for the program elements of
25 the Optimum Basin Management Program ("OBMP"); (2) a Revised Draft Water Supply Plan
26 Phase I Desalting Project Facilities Report; (3) the OBMP Phase I Report and comments thereto;
27 and (4) the OBMP Implementation Plan and comments thereto.

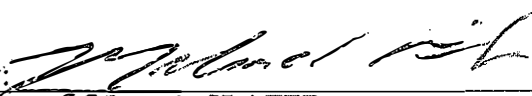
1 Watermaster is pleased to be able to report that all of these documents have already been
2 submitted to the Court: (1) there are no additional "final Task Memoranda" for each program
3 element other than those previously transmitted to the Court; (2) the Revised Draft Water Supply
4 Plan Phase I Desalting Project Facilities Report was filed with the Court on June 29, 2000; (3)
5 the OBMP Phase I Report and Comments thereto were filed with the Court on September 30,
6 1999, and we are not aware of any additional comments; and (4) the final OBMP Implementation
7 Plan was submitted to the Court on June 29, 2000. Since the final OBMP Implementation Plan
8 was formulated as part of the recent consensus-based negotiation process, there are no comments
9 to be filed.

10 The Court also presented the contents of its intended July 13 order and invited the parties
11 to provide comments. Watermaster appreciates the opportunity to provide comments to the Court
12 and fully supports the Court's intended orders announced on June 29, 2000, with the inter-
13 lineation shown, attached hereto as Exhibit "A".

14 These changes alter the intended order in only minor ways so that the phrasing mirrors
15 the agreements of the parties and avoids potential prejudice to any party arising from the
16 sequencing of the various approvals and the completion of environmental review. By
17 referencing the Resolution of the Watermaster Board which was adopted by unanimous vote by
18 the Board on June 29, 2000 and which was submitted to the Court with the materials filed by
19 Watermaster on the same date, the requirement of unanimous approval by all the parties to the
20 Peace Agreement can be preserved. Watermaster believes that these requirements are material
21 elements of the negotiated agreement of the parties and respectfully requests this Court to add
22 these minor inter-lineations to its intended order.

23 Dated: July 6, 2000

HATCH AND PARENT

24
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO**

CHINO BASIN MUNICIPAL
WATER DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendants.

CASE NO. RCV 51010

ORDER

Date: June 29, 2000
Dept: 8
Time: 1:30

Good cause appearing, the motion of Chino Basin Watermaster for a continuance of the hearing on the OBMP is hereby granted. The hearing is continued to July 13, 2000. That portion of the hearing previously scheduled for July 13, 2000, concerning the continuation of the nine-member board shall be continued to September 28, 2000, and consolidated with a hearing concerning any motions to amend the Judgement in furtherance of the OBMP. Watermaster shall prepare and file any motions to amend the Judgment in furtherance of the OBMP on or before August 15, 2000. Watermaster is requested to lodge the following documents with the Court no later than July 6, 2000: any final Task Memoranda for each program element of the OBMP (referenced in the Phase 1 Report); the Revised Draft Water Supply Plan Phase 1 Desalting Project Facilities Report; the Phase 1 Report and comment to the Phase 1 Report; and

1 the Implementation Plan and comments to the Implementation Plan. Watermaster is also
2 requested to lodge the final PEIR with the Court as soon as it has been certified.

3 The Court intends that, at the hearing on July 13, 2000, the interim appointment of the
4 nine-member board as Watermaster will be extended to September 28, 2000. Furthermore, the
5 Court intends to order that Watermaster shall retain discretion regarding the negotiation,
6 termination and execution of contracts for personnel and consultants with an expiration date no
7 later than September 30, 2000, and the Court intends to authorize Watermaster to enter into
8 equipment rental and service agreements with an expiration date no later than June 30, 2001.

9 Finally, the Court intends that, at the hearing on July 13, 2000, the following orders will
10 be made concerning the OBMP:

- 11 1. As provided in Watermaster Resolution No. 2000-02, Watermaster shall adopt the goals
12 and plans of the Phase 1 Report and implement them through the Implementation Plan
13 which is attached as Exhibit B to the Peace Agreement consistent with the Peace
14 Agreement. The Watermaster shall proceed in accordance with the Peace Agreement and
15 the OBMP Implementation Plan.
- 16 2. The Court will adopt the following briefing schedule for any motions in furtherance of
17 the OBMP to amend the Judgment as provided in the Peace Agreement: motions to be
18 filed by August 15, 2000; oppositions to be filed by September 1, 2000; replies to be filed
19 by September 8, 2000; hearing on motions set for September 28, 2000, at 2:00 p.m..

20 Although the parties have previously had such an opportunity, the Court is providing
21 advance notice of its intended rulings to permit the filing of any additional comments or
22 objections to the OBMP Phase 1 Report and Implementation Plan.

23
24 **Dated: June 29, 2000**

25

J. MICHAEL GUNN, Judge

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, 8632 Archibald Avenue, Suite 109, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On July 06, 2000, I served the attached:

1. Status Report on Documents Requested By The Court; Comments To Intended July 13, 2000 Ruling

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, addressed as follows:

See attached service lists:

- Attorney Service List
- Mailing List A

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Rancho Cucamonga, California, on July 06, 2000.



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