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FILED - West District
San Bernardino County Clerk

SEP 18 2000

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6
7

By Susan King Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DISTRICT

10 CHINO BASIN MUNICIPAL WATER)
11 DISTRICT,)

CASE NO. RCV 51010

12 Plaintiff,)

OPPOSITION TO MOTION TO
EXTEND THE NINE-MEMBER
BOARD FOR A FULL
FIVE-YEAR TERM

13 vs.)

14 THE CITY OF CHINO,)

Date: September 28, 2000

15 Defendant.)

Time: 2:00 p.m.

Dept: 8

16)
17)
18)
19 I.

20 CITY OF CHINO STATUS

21 The City of Chino is a party to the Judgment entered in *Chino Basin Municipal Water*
22 *District v. City of Chino*, a signatory party to the Peace Agreement, and a "Priority
23 Purchaser" entitled by Section VII of such Peace Agreement to purchase desalter water
24 produced by the Chino II desalter and the expansion of the Chino I desalter referred to in
25 Section I of the Motion to Extend the Nine-Member Board for as Full Five-Year Term.
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1 II.

2 REAPPOINTMENT OF THE NINE-MEMBER WATERMASTER BOARD

3 The City of Chino supports a continuation of the current nine-member structure of the
4 Watermaster Board, but opposes any such continuation unless and until this Court orders
5 the establishment of criteria, procedures and schedules for the rotation of Appropriative
6 Pool members serving as members of such Board. Such rotation initially was directed to
7 occur on June 30, 2000 by Order of this Court dated February 19, 1998, but extended to
8 September 28, 2000 by further Order of this Court. Such rotation has not yet occurred;
9 and the members of the Appropriative Pool have been unable to reach any unanimity of
10 agreement on such rotation.

11 The City of Chino therefore requests this Court to order continuation of the current
12 nine-member structure of the Watermaster Board, subject to its establishment of additional
13 and clarifying criteria, procedures and schedules for rotation of the Appropriative Pool
14 members of such Board to provide equality of representation in accordance with the
15 following:

- 16 (1) Total long-term length of service by all entities represented by Appropriative
17 Pool members on such Board since its original inception pursuant to the
18 February 19, 1998 Order of this Court shall be as equal as possible,
19 consistent with all other criteria.
- 20 (2) Frequency of service by all entities represented by Appropriative Pool
21 members on such Board since its original inception pursuant to the February
22 19, 1998 Order of this Court shall be as equal as possible, consistent with all
23 other criteria.
- 24 (3) Sequence of service by all entities represented by Appropriative Pool
25 members on such Board since its original inception pursuant to the February
26 19, 1998 Order of this Court shall be rotated so that no entity is represented
27 on such Board again until all other eligible entities have served one term on
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such Board, consistent with all other criteria.

(4) Duplication of representation by any Appropriative Pool member and any other entity eligible for service on such Board owned by it or in which it has a controlling interest shall be avoided, not only by preventing the simultaneous service on such Board by such entities, but also by considering such entities as the same for purposes of application of other criteria.

(5) Continuity of representation of Appropriative Pool members shall be assured by selection of staggered terms for Appropriative Pool Members of such Board immediately after commencement of service on such Board after September 28, 2000.

Dated: September 18, 2000

JIMMY L. GUTIERREZ, A.P.C.

By: _____
Jimmy L. Gutierrez
Attorney for Defendant

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 September 18, 2000, I served the attached:

Chino Basin Watermaster Hearing Date: 9/28/2000 2:00 p.m.

**OPPOSITION TO MOTION TO EXTEND THE NINE-MEMBER BOARD
FOR A FULL FIVE-YEAR TERM**

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 September 18, 2000.



Michelle Lauffer

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