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FILED - West District
San Bernardino County Clerk

SEP 22 2000

By Lusan Thug Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION**

CHINO BASIN MUNICIPAL WATER DISTRICT,)
Plaintiff,)
v.)
THE CITY OF CHINO,)
Defendants.)

CASE NO. RCV 51010

Judge: Honorable J. MICHAEL GUNN

**REPLY TO BRIEF'S REGARDING
MOTION TO EXTEND NINE-
MEMBER BOARD**

Date: September 28, 2000
Time: 2:00 PM
Dept: 8

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I.

PROCEDURAL BACKGROUND

On August 30, 2000, Watermaster filed a motion requesting the Court to extend the term of the nine-member Watermaster Board for a full five-year term. As a part of this request, Watermaster noted that the issue of how exactly to rotate the Board positions among all of the parties had not yet been fully resolved, though the parties were, and still are, very close to reaching agreement on this issue. The motion thus requests the Court to extend the term of the

1 nine-member Board, but to allow the parties until October 31, 2000, to agree upon a specific plan
2 for the rotation of Board members.

3
4 **II.**

5 **ONGOING NEGOTIATIONS BETWEEN THE PARTIES**
6

7 It is important to emphasize that there are several groups that have needed to determine a
8 procedure for rotation of their representatives on the nine-member Board. These groups are the
9 Overlying (Agricultural) Pool, the Overlying (Non-Agricultural) Pool, the three municipal
10 purveyors who hold designated seats on the Board, and the Appropriative Pool. Most of the work
11 appears complete. Watermaster remains hopeful that a complete consensus will emerge prior to
12 October 31, 2000, the date specified in Watermaster's initial motion.

13 Subsequent to the filing of Watermaster's motion, other parties also filed motions
14 pertaining to the issue of Board member rotation. Several of the parties have also filed joinders to
15 Watermaster's August 30, 2000 motion. One of these briefs, filed by the City of Chino, requests
16 that the Court make a determination as to Board rotation and that it do so in accordance with
17 several criteria described in the brief. These criteria are certainly some of the many factors that
18 the parties must consider in arriving at a fair rotation schedule, and these factors have been
19 components of the ongoing consensus building that has been taking place.

20 Rather than take issue with the City of Chino's brief, Watermaster merely responds that
21 the referenced factors are indeed important. However, there are other factors to which some of
22 the other stakeholders would prefer to give greater weight.

23 We point out that over the past several months, all the parties have shown an
24 extraordinary ability to resolve their differences in a consensual manner. There is every reason to
25 believe that such resolution will be obtained on this issue as well. Accordingly, we respectfully
26 request that the Court merely allow the consensus building process to continue working and grant
27 Watermaster's original motion to give the parties until October 31, 2000 to resolve their
28

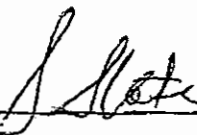
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1 differences. If, at that time, resolution still has not been reached, then, if the Court so desires, it
2 can craft a rotation schedule that is responsive to the concerns of the various agencies.

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DATED: 9/22/00

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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 22, 2000, I served the attached:

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

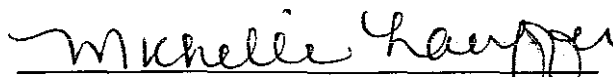
- **REPLY TO BRIEF'S REGARDING MOTION TO EXTEND NINE-MEMBER BOARD**
- **DEFENDANT CUCAMONGA COUNTY WATER DISTRICT'S REPLY MEMORANDUM OF POINTS AND AUTHORITIES TO CITY OF CHINO'S OPPOSITION TO MOTION TO EXTEND THE NINE-MEMBER BOARD FOR A FULL FIVE-YEAR TERM**
- **DECLARATION OF ROBERT A. DELOACH IN SUPPORT OF DEFENDANT CUCAMONGA COUNTY WATER DISTRICT'S REPLY MEMORANDUM OF POINTS AND AUTHORITIES TO CITY OF CHINO'S OPPOSITION TO MOTION TO EXTEND THE NINE-MEMBER BOARD FOR A FULL FIVE-YEAR TERM**
- **CITY OF ONTARIO'S JOINDER IN 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 22, 2000.


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