

FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

DEC 19 2001

By *[Signature]* Deputy

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

CITY OF CHINO HILLS,
Petitioner,

vs.
CITY OF CHINO, et al.,
Respondents

CASE NO. RCV 59670

ORDER ON REQUEST FOR SPECIAL
ASSIGNMENT

Date: December 19, 2001
Dept: 20

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

WHEREAS the City of Chino Hills has filed a verified petition for writ of mandate against the City of Chino, the City Council for the City of Chino, the Director of Public Works for the City of Chino, and the City Engineer for the City of Chino;

WHEREAS the City of Chino Hills has requested the matter be specially assigned to Hon. J. Michael Gunn, pursuant to Article IV, paragraph 15 of the final judgment in the case entitled Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino Superior Court Case No. 16437, now designated No. RCV 51010


1 (hereinafter referred to as "the Judgment") and further pursuant to Article X of the
 2 "Chino Basin Watermaster Rules and Regulations" adopted under the Judgment and
 3 the binding agreement known as the "Peace Agreement" adopted by the parties to the
 4 Judgment;

5 WHEREAS it appears that the verified petition presents two separate and
 6 distinct claims, one of which arises under Article IV, paragraph 15 of the Judgment, the
 7 issue of Chino Hills' right to produce water to meet its water supply needs, as
 8 described in the Judgment; and one of which does not arise under the Judgment, the
 9 matter of the rights and obligations of the parties under Public Utility Code sections
 10 10101 through 10107;

11 NOW THEREFORE, THE COURT HEREBY RULES ON THE REQUEST FOR
 12 SPECIAL ASSIGNMENT AS FOLLOWS:

13 The Court construes the petition filed by the City of Chino Hills as
 14 encompassing two separate matters. The first matter is a mandamus proceeding
 15 brought under Public Utility Code sections 10101 through 10107, which encompasses
 16 all claims arising out of the rights and obligations of the parties under those code
 17 sections. This matter has been given case no. RCV 59670 and shall be assigned to a
 18 regular civil department. The second matter is properly described as a motion brought
 19 under paragraph 15 of the Judgment, which encompasses all claims pertaining to the
 20 rights and obligations of the parties with respect to the production of water in the Chino
 21 Basin, including any issues related to subsidence. This matter shall be considered a
 22 part of the ongoing proceedings in case no. RCV 51010, and shall be specially
 23 assigned to the Honorable J. Michael Gunn.

24
 25 Dec. 19, 2001


 Joseph E. Johnston,
 Supervising Civil Judge

CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

PROOF OF SERVICE

DEC 20 2001

By *Victoria L. DeSteno* Deputy

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 December 20, 2001, I served the document(s) identified below

- 1) **ORDER ON REQUEST FOR SPECIAL ASSIGNMENT**
- 2) **ORDER SETTING HEARING ON CHINO HILLS' MOTION UNDER PARAGRAPH 15 OF THE JUDGMENT (Hearing date February 28, 2002)**

by placing a true copy of same in sealed envelopes for delivery by United States Postal Service mail at Rancho Cucamonga, California, to each of the addresses shown on the 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 December 20, 2001.

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