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FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

FEB 15 2002

By *Nancy S. Williams* Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION
10

11 CHINO BASIN MUNICIPAL WATER DISTRICT,)
12 Plaintiff,)
13 v.)
14 THE CITY OF CHINO,)
15 Defendants.)
16
17
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19

CASE NO. RCV 51010

Judge: Honorable J. MICHAEL GUNN

**MOTION FOR CONTINUANCE
AND RELATED ORDER ON CITY
OF CHINO MOTION AND
SUBSEQUENT OPPOSITIONS;
SUGGESTED FUTURE
SCHEDULING**

Hearing Date: February 28, 2002

Time: 11:00 a.m.

Dept: 8

20 The parties have arrived at a consensus proposal according to which Watermaster will
21 convene a regularly scheduled stakeholder process to solicit input and to better define all
22 elements of Program Element Four of the OBMP with regard to subsidence. Pursuant to this
23 proposal the Court will defer on the ruling on the pleadings filed pursuant to Paragraph 15 of the
24 Judgment and the anticipated opposition pleadings that may also be filed. A schedule according
25 to which this process will proceed is recommended. In the past the parties have faced and
26 resolved equally formidable tasks and succeeded, and we believe that we shall also succeed in
27 developing and maintaining consensus on this issue.
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I.

INTRODUCTION

On January 31, 2002, Watermaster filed its Report of Watermaster Activities Regarding Subsidence and Request for Finding and Further Order. On that same date, the City of Chino filed a Response of the City of Chino to the Court's Order for Information; and Motion Pursuant to Paragraph 15 of the Judgment.

Both of these pleadings address the issue of subsidence and generally discuss the Court's jurisdiction over subsidence. Watermaster is informed that Monte Vista Water District and the City of Chino Hills may elect to file pleadings opposing the relief requested by the City of Chino (collectively referred to as Paragraph 15 Pleadings). Collectively, the pleadings raise the prospect that the Court *may* issue a decision on the breadth of this Court's jurisdiction under the Judgment; an issue that has long been divisive among the parties.

II.

ARGUMENT

Following Watermaster's receipt of the City of Chino pleadings, Watermaster held several stakeholder meetings to gauge the commitment of the parties to the Judgment to meet in a concerted effort to further define the interim management plan for subsidence in accordance with Program Element Four of the OBMP. The parties all acknowledge that if they are successful in reaching an agreement on how to further implement Program Element Four, it will be unnecessary to receive rulings from the Court on the issues raised in the Paragraph 15 Pleadings that have been or are expected to be filed. Accordingly, after considerable discussion, and despite the likelihood of opposition pleadings that Watermaster expects Monte Vista and others may file to the City of Chino, Watermaster has been informed by legal counsel to the parties to the Judgment that there is a consensus and apparent unanimity in support for the Court to issue the following further orders of the Court in addition to those previously requested by Watermaster in its Subsidence Report:

- 1 (1) Watermaster will convene a regularly scheduled stakeholder process to solicit
- 2 input and to better define all elements of Program Element Four of the OBMP
- 3 with regard to subsidence;
- 4 (2) Watermaster will report to the Court on or about May 1, 2002 (approximately 60
- 5 days) on any consensus that has been achieved on how best to further implement
- 6 Program Element Four of the OBMP;
- 7 (3) The Court will defer on the ruling on the pleadings filed pursuant to Paragraph 15
- 8 of the Judgment and the anticipated opposition pleadings that may be filed by
- 9 Monte Vista Water District and others until June 6, 2002 (approximately 90 days).
- 10 (4) All parties reserve their rights to file supplemental papers no earlier than May 16,
- 11 2002 as may be necessary in the event Watermaster and the stakeholders are
- 12 unable to achieve a consensus on implementation of Program Element Four.
- 13

14 III.
15 CONCLUSION

16 Watermaster respectfully requests the Court to make the above referenced Order in
17 support of the continuing progress that is being made by the parties in the implementation of the
18 OBMP.

19
20 DATED: HATCH AND PARENT
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22 By Michael T. Fife
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24 MICHAEL T. FIFE
25 Attorneys for Chino Basin Watermaster
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CHINO BASIN WATERMASTER
Case No. RCV 51010
Chino Basin Municipal Water District v. The City of Chino

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 February 15, 2002 I served the attached:

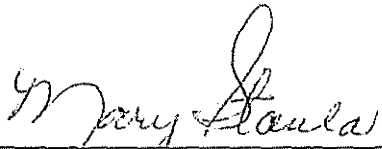
***MOTION FOR CONTINUANCE AND RELATED ORDER ON CITY OF CHINO MOTION AND
SUBSEQUENT OPPOSITIONS; SUGGESTED FUTURE SCHEDULING***

HEARING DATE: FEBRUARY 28, 2002 AT 11:00 A.M.

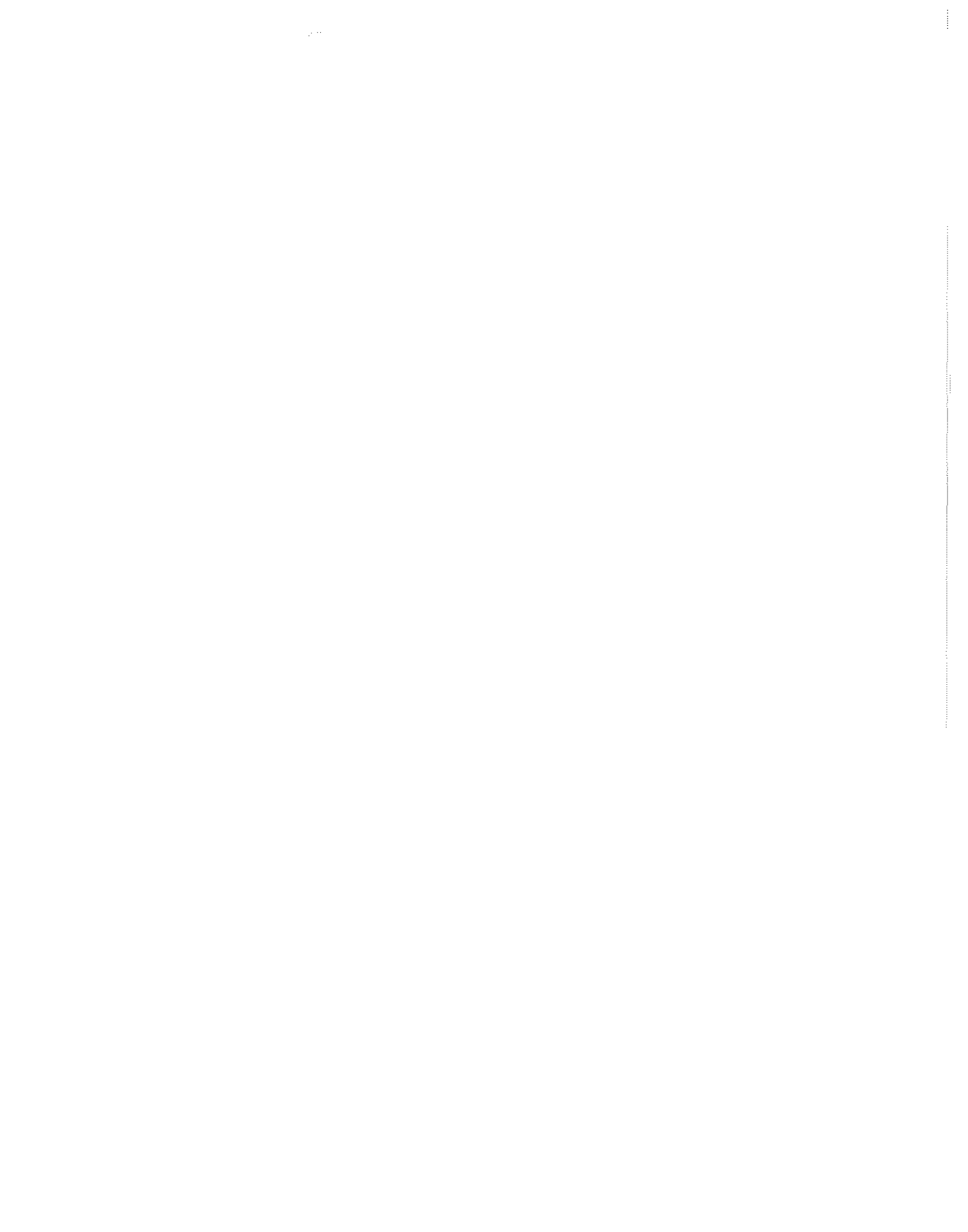
in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for overnight delivery by United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:

See attached service list:
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Rancho Cucamonga, California, on February 15, 2002.



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