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FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

JUL 0 2 2002

8 Attorneys for CHINO BASIN WATERMASTER

By *Wanda DeWing* Deputy

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

11 CHINO BASIN MUNICIPAL WATER DISTRICT,)

12 Plaintiff,)

13 v.)

14 THE CITY OF CHINO,)

15 Defendants.)

CASE NO. RCV 51010

Judge: Honorable J. MICHAEL GUNN

EX PARTE APPLICATION FOR
AN ORDER SHORTENING TIME
FOR THE FILING OF MOTION
FOR APPROVAL OF RECHARGE
FACILITIES FINANCING
AGREEMENT

Date: July 8, 2002

Time: 1:30 pm

Dept: R8

20 APPLICATION FOR AN ORDER SHORTENING TIME

21 Watermaster hereby applies for an Order Shortening Time for the filing of its Motion for
22 Approval of Recharge Facilities Financing Agreement.
23

24 This Court may order that the time prescribed by statute for notice and hearing a motion
25 may be shortened for good cause. Code.Civ.Proc. § 1005; Rules 317, 325, California Rules of
26 Court; San Bernardino Local Court Rule 510.
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1 As described in the Declaration of Michael T. Fife which is attached to this pleading as
2 Exhibit "A," good cause exists for this Court to enter an Order Shortening Time for the filing of
3 the Motion for Approval of the Recharge Facilities Financing Agreement.

4 On May 16, 2002, the Agricultural Pool Committee unanimously recommended that
5 Watermaster enter into this Agreement with the Authority. The Appropriative Pool and the Non-
6 Agricultural Pool also discussed the Agreement on this date, and then continued their discussion
7 to a special meeting held on May 22, 2002. At this meeting both Pools unanimously voted to
8 recommend execution of the Agreement and also determined a methodology for distributing the
9 costs under the Agreement amongst the parties in each Pool. On May 23, 2002 the Advisory
10 Committee also unanimously recommended to the Board that this Agreement be executed and
11 submitted to the Court for approval. On that same day the Board unanimously directed staff and
12 counsel to complete negotiation of the Agreement and to submit it to the Court for approval.

13 All of the parties who attended these meetings were made aware that the Agreement
14 would be transmitted to the Court. The parties are also aware that the bond issuance
15 contemplated by the Agreement is anticipated to occur on July 17, 2002. As directed by the
16 Board, the staff proceeded to complete negotiation of the Agreement, which completion has
17 delayed the filing of the Agreement with the Court until the present time. Watermaster is
18 attempting to receive approval of the Agreement from the Court in time to meet the scheduled
19 bond issuance that is the subject of the Agreement.

20 Good cause therefore exists for the Court to Order that the time prescribed by statute for
21 notice and hearing a motion may be shortened, and no party will be prejudiced by such an Order.

22
23 DATED: July 1, 2002

HATCH AND PARENT

24
25 By 

26 SCOTT S. SLATER
27 MICHAEL T. FIFE
28 Attorneys for Chino Basin Watermaster

EXHIBIT A

FEE EXEMPT

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FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

JUL 02 2002

By Michael T. Fife Deputy

5 Attorneys for CHINO BASIN WATERMASTER
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION
10

11 CHINO BASIN MUNICIPAL WATER DISTRICT,)	CASE NO. RCV 51010
12 Plaintiff,)	Judge: Honorable J. MICHAEL GUNN
13 v.)	DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR THE FILING OF MOTION TO APPROVE RECHARGE FACILITIES FINANCING AGREEMENT
14 THE CITY OF CHINO,)	
15 Defendants.)	Date: July 8, 2002
)	Time: 1:30 pm
)	Dept: R8

HATCH AND PARENT
21 East Carrillo Street
Santa Barbara, CA 93101

- 19
20
- 21 1. My name is Michael Fife and I am an attorney with the law firm of Hatch and Parent.
 - 22 2. Hatch and Parent is the General Counsel for the Chino Basin Watermaster.
 - 23 3. In my capacity as General Counsel for the Chino Basin Watermaster I have participated in
 - 24 the negotiations regarding the Recharge Facilities Financing Agreement ("Agreement").
 - 25 4. I have personal knowledge of the progress of these negotiations and of the schedule that
 - 26 has been followed throughout the course of these negotiations.
 - 27 5. The Agricultural Pool met on May 16, 2002 and discussed the Agreement.
- 28

1 7. The other two Pool Committees also met on May 16, 2002 to discuss and continued this
2 discussion to May 22, 2002 at which time both Pools approved the Agreement unanimously.

3 8. The Advisory Committee and Board met on May 23, 2002 and both unanimously
4 approved the Agreement and directed that negotiation of the Agreement be completed and that
5 the completed Agreement then be submitted to the Court for approval.

6 9. Watermaster staff completed negotiation of the Agreement as expeditiously as possible.

7 9. I swear under penalty of perjury that the foregoing is true and correct to the best of my
8 knowledge and belief.

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10 Dated: July 1, 2002


Michael T. Fife

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**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
**ORDER GRANTING EX PARTE
APPLICATION FOR AN ORDER
SHORTENING TIME FOR THE
FILING OF THE RECHARGE
FACILITIES FINANCING
AGREEMENT**
Hearing Date: July 8, 2002
Time: 1:30 pm
Dept: 8

GOOD CAUSE APPEARING, Watermaster's Ex Parte Application for an Order Shortening Time for the filing of the Motion for Approval of the Recharge Facilities Financing Agreement is hereby GRANTED.

DATED:

By _____
Honorable J. Michael Gunn

CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

PROOF OF SERVICE

FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

JUL 02 2002

By *Wanda L. King* 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 July 2, 2002 I served the attached:

HEARING DATE: JULY 8, 2002

1. ***EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR THE FILING OF MOTION FOR APPROVAL OF RECHARGE FACILITIES FINANCING AGREEMENT; EXHIBIT A - DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR THE FILING OF THE RECHARGE FACILITIES FINANCING AGREEMENT; PROPOSED ORDER GRANTING EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR THE FILING OF THE RECHARGE FACILITIES FINANCING AGREEMENT; AND***
2. ***MOTION FOR APPROVAL OF RECHARGE FACILITIES FINANCING AGREEMENT; EXHIBIT A - RECHARGE FACILITIES FINANCING AGREEMENT; EXHIBIT B - DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF MOTION TO APPROVE RECHARGE FACILITIES FINANCING AGREEMENT***

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, addresses as follows:

See attached service list:

Attorney Service List
Mailing List 1

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 2, 2002.

Michelle Lauffer
Michelle Lauffer, Water Resources Specialist

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Updated 7/2/02

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