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FILED-Rancho Cucamonga District
SAN BERNARDINO COUNTY
SUPERIOR COURT

OCT 10 2002

By *Adrian S. Wong* Deputy

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

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11 CHINO BASIN MUNICIPAL WATER DISTRICT,)
12)
Plaintiff,)
13 vs.)
14 THE CITY OF CHINO, et al.,)
15)
Defendants.)

CASE NO. RCV 51010
[Judge: Honorable J. Michael Gunn]
MONTE VISTA STATEMENT RE
OBJECTIONS TO REFEREE
REPORT
DATE: October 17, 2002
TIME: 1:30 p.m.
DEPT: 8

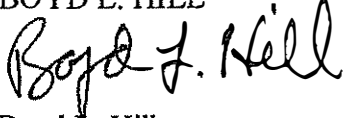
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17 Defendant Monte Vista Water District generally supports the efforts of the Court-appointed
18 Referee to monitor and report to the Court regarding management of the Chino Basin pursuant to the
19 stipulated Judgment in this case. The Referee can provide the Court with a useful check and balance
20 on water user-management, through the Watermaster, of an important public resource.

21 The Referee reports, however, can affect important vested property rights. The Court and the
22 Referee, therefore, should strictly follow important statutory and constitutional procedures established
23 to protect these rights. Code of Civil Procedure Section 644(b) requires the Court to independently
24 consider the Referee's findings, any objections and responses thereto. Ex parte communications
25 between the Referee and the Court may deprive the parties of due process rights to examine witnesses
26 whose opinions and testimony influence the Court's determination and modification of these important
27 property rights. Such evidence and opinions from the Referee should be presented in open court and
28

1 should be subject to examination by the parties.

2 DATED: October 9, 2002

MCCORMICK, KIDMAN & BEHRENS
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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 October 10, 2002 I served the attached:

MONTE VISTA STATEMENT RE OBJECTIONS TO REFEREE REPORT

Hearing Date: October 17, 2002

BY MAIL: 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


BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

BY ELECTRONIC MAIL: I transmitted said document by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 10, 2002 in Rancho Cucamonga, California.



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