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FEE EXEMPT

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9 CHINO BASIN WATERMASTER

FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

JUN 16 2004

BY Wanda Lewis  
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DISTRICT

11 CHINO BASIN MUNICIPAL WATER DISTRICT,  
12 Plaintiff,

13 v.

14 THE CITY OF CHINO,  
15 Defendants.

) CASE NO. RCV 51010  
) Assigned for All Purposes to  
) Honorable J. MICHAEL GUNN  
) Department R8  
)  
) **JOINT REQUEST FOR ORDER TO**  
) **CONTINUE FOR A SECOND TIME**  
) **THE MONTE VISTA WATER**  
) **DISTRICT MOTION TO COMPEL**  
) **WATERMASTER TO ESTABLISH A**  
) **PROGRAM TO EQUITABLY**  
) **ALLOCATE BENEFITS FROM**  
) **WATER QUALITY MITIGATION**  
) **MEASURES UNDER THE PHYSICAL**  
) **SOLUTION**  
)  
) Current Hearing Date:  
) DATE: June 24, 2004  
)  
) New Hearing Date:  
) DATE: September 2, 2004  
) TIME: 1:30 p.m.  
) DEPT: R8

16 Moving party Monte Vista Water District ("Monte Vista") and responding party Chino  
17 Basin Watermaster ("Watermaster") hereby jointly request that this Court order the hearing on the  
18 above-referenced matter continued for a second time to September 2, 2004, based on the following  
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1 facts:

2 1. Monte Vista filed its "Motion for an Order Compelling Watermaster to Establish a  
3 Program to Equitably Allocate Benefits from Water Quality Mitigation Measures Under the  
4 Physical Solution" on March 11, 2004.

5 2. At its March 25, 2004 meeting, the Watermaster Board directed staff and legal  
6 counsel to convene a process that would be responsive to the relief requested by the Motion.

7 3. This Court previously continued the hearing on this Motion to June 24, 2004 to allow  
8 the parties to work through that process.

9 4. Through that process, attorney/manager representatives for the parties have reached a  
10 resolution of the issues raised in the Motion. That resolution would require a minor amendment to  
11 the Peace Agreement. The amendment would need to be authorized by the boards of the various  
12 parties and presented to the Court for approval.

13 5. In order to give time for the process of authorizing the amendment and receiving  
14 approval of the Court, the parties agreed that the hearing on the Motion will be continued to a date  
15 certain approximately 60 days from the currently scheduled June 24, 2004 hearing date. The parties  
16 will present the fully executed amendment to this Court within approximately 30 days for this  
17 Court's approval on the continued date for hearing of the Motion.

18 6. The Court Clerk has indicated that the date of September 2, 2004 is available for a  
19 continued hearing date on this motion. Watermaster is serving this Request on all parties of record  
20 in this case concurrent with its filing of this Request.

21 DATED: June 15, 2004

MCCORMICK, KIDMAN & BEHRENS, LLP

22 By:   
23 \_\_\_\_\_

24 ARTHUR G. KIDMAN

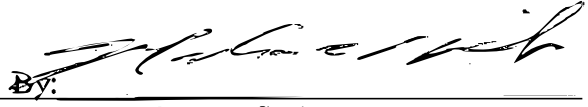
25 BOYD L. HILL

26 Attorneys for Defendant

27 MONTE VISTA WATER DISTRICT

1 DATED: June 15, 2004

HATCH & PARENT, A LAW CORPORATION

2  
3  
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By: \_\_\_\_\_  
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**ORDER**

IT IS HEREBY ORDERED THAT the hearing on the Monte Vista Motion is continued to the date of September 2, 2004.

DATED: June \_\_, 2004

\_\_\_\_\_  
HONORABLE J. MICHAEL GUNN,  
JUDGE PRESIDING

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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, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On June 16, 2004 I served the following:

**JOINT REQUEST FOR ORDER TO CONTINUE FOR A SECOND TIME THE MONTE VISTA WATER DISTRICT MOTION TO COMPEL WATERMASTER TO ESTABLISH A PROGRAM TO EQUITABLY ALLOCATE BENEFITS FROM WATER QUALITY MITIGATION MEASURES UNDER THE PHYSICAL SOLUTION**

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:**  
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 notice of availability of electronic documents 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 June 16, 2004 in Rancho Cucamonga, California.

  
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