

SEP 22 2005

BY *Shirley Judd ell*
DEPUTY

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Michael T. Fife (State Bar No. 203025)
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5 **Attorneys For**
CHINO BASIN WATERMASTER

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

10 CHINO BASIN MUNICIPAL DISTRICT

11 Plaintiff,

12 vs.

13 CITY OF CHINO, ET AL.

14 Defendant.

Case No. RCV 51010

[Assigned for All Purposes to the Honorable
MICHAEL GUNN]

**NOTICE OF EX PARTE MOTION FOR
AN ORDER SHORTENING TIME FOR
THE FILING OF A MOTION TO
SCHEDULE BOARD REAPPOINTMENT
HEARING AND TO EXTEND TERM OF
BOARD UNTIL HEARING DATE**


Hearing Date: September 22, 2005
Time: 1:30 pm

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23 PLEASE TAKE NOTICE that on September 22, 2005, at 1:30pm Chino Basin Watermaster
24 will request this Court to issue an Order Shortening Time for the Filing of a Motion to schedule a
25 Watermaster Board reappointment hearing for February 9, 2006, and to extend the term of the
26 Watermaster Board until the February 9, 2006 hearing, with rotation of the Board members to occur
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according to the existing rotation schedule. This request will be based on this Notice and the accompanying Points and Authorities.

Dated: 9/22, 2005


By: _____
HATCH & PARENT
Scott S. Slater
Michael T. Fife
Attorneys for Chino Basin Watermaster

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8 **Attorneys For**
9 **CHINO BASIN WATERMASTER**

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

12 CHINO BASIN MUNICIPAL DISTRICT

13 Plaintiff,

14 vs.

15 CITY OF CHINO, ET AL.

16 Defendant.

17 Case No. RCV 51010

18 [Assigned for All Purposes to the Honorable
19 MICHAEL GUNN]

20 **POINTS AND AUTHORITIES IN**
21 **SUPPORT OF EX PARTE MOTION FOR**
22 **AN ORDER SHORTENING TIME FOR**
23 **THE FILING OF A MOTION TO**
24 **SCHEDULE BOARD REAPPOINTMENT**
25 **HEARING AND TO EXTEND TERM OF**
26 **BOARD UNTIL HEARING DATE**

27 Hearing Date: September 22, 2005
28 Time: 1:30 pm


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By this Memorandum of Points and Authorities, Watermaster requests this Court to issue an order shortening time for the filing of a Motion to schedule a Board reappointment hearing for February 9, 2006, and to extend the term of the Board until hearing date. Good cause for shortening the time for service and hearing of this Motion exists. Watermaster counsel respectfully represents the following:

- 1) On July 28, 2005, the Board directed Watermaster counsel to draft a Motion requesting re-appointment of the nine-member Board for an additional term of five years. During the month of August all parties were provided with the Motion and an opportunity to comment. In September 2005 the Motion was brought to the Pools for approval.
- 2) On September 8, 2005, during an Appropriative Pool meeting, the members of the Appropriative Pool considered the draft Motion to Re-Appoint the Watermaster Board for another five-year term. After discussion and a comment period, the Appropriative Pool, with the concurrence of the Overlying (Non-Agricultural) Pool, took action to recommend that the Board inform the Court that the parties are confident in their ability to come to the Court with a consensus concerning the milestone issues under the Peace Agreement as well as the issue of Board re-appointment. During this time the Pool requested that the Board direct counsel to ask the Court to set a continued hearing date.
- 3) On September 14, 2005, the Board directed counsel to draft a Motion informing the Court of the action by the Appropriative pool and requesting the Court to set a hearing for February 9, 2006 to consider re-appointment of the Board and to order an interim re-appointment of the Board until that date, and to agendize this Motion for consideration and action at its September 22, 2005 meeting.
- 4) It is necessary that the Court enter an order shortening time period because Watermaster counsel did not receive direction until September 22, 2005 to file its Motion, and made an appearance to the Court at the earliest possible time. Additionally, if the Motion for an order shortening time for the filing of a Motion to schedule a Board re-appointment is not granted all parties will be adversely affected because the term of the Watermaster Board will expire on September, 30, 2005.
- 5) A reduction of the time period in question is not prohibited by the California Code of Civil Procedure Section 1005(b).

1 WHEREFORE, it is respectfully requested that the Court enter the proposed Order
2 Shortening Time herewith submitted.

3
4 Dated: 9/22, 2005

By: 
HATCH & PARENT
Scott S. Slater
Michael T. Fife
Attorneys for Chino Basin Watermaster

HATCH AND PARENT
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Michael T. Fife (State Bar No. 203025)
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5 **Attorneys For**
CHINO BASIN WATERMASTER

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

10 CHINO BASIN MUNICIPAL DISTRICT

11 Plaintiff,

12 vs.

13 CITY OF CHINO, ET AL.

14 Defendant.

Case No. RCV 51010

[Assigned for All Purposes to the Honorable
MICHAEL GUNN]

**DECLARATION IN SUPPORT OF EX
PARTE MOTION FOR AN ORDER
SHORTENING TIME FOR THE FILING
OF A MOTION TO SCHEDULE BOARD
REAPPOINTMENT HEARING AND TO
EXTEND TERM OF BOARD UNTIL
HEARING DATE**

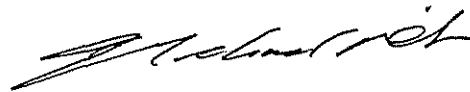
Hearing Date: September 22, 2005
Time: 1:30 pm

20 **DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF EX PARTE MOTION FOR AN**
21 **ORDER SHORTENING TIME**

- 22
- 23 1) My name is Michael T. Fife and I am an attorney with the law firm of Hatch & Parent
 - 24 licensed to practice law in the State of California.
 - 25 2) Hatch & Parent acts as General Counsel to the Chino Basin Watermaster.
 - 26 3) On July 28, 2005, I was in attendance at the joint meeting of the Appropriative Pool and the
 - 27 Overlying (Non-Agricultural) Pool and am able to report the substance of the discussion that
 - 28 took place on the record at that time.

- 1 4) On July 28, 2005, the Board directed Watermaster counsel to draft a Motion requesting re-
2 appointment of the nine-member Board for an additional term of five years.
- 3 5) During the month of August all parties were provided with the Motion and an opportunity to
4 comment. In September 2005 the Motion was brought to the Pools for approval.
- 5 6) On September 8, 2005, I was in attendance at the joint meeting of the Appropriative Pool and
6 the Overlying (Non-Agricultural) Pool and am able to report the substance of the discussion
7 that took place on the record at that time concerning the agendized business item of the
8 Motion to Re-Appoint the Board.
- 9 7) At the September 8, 2005 meeting, the members of the Appropriative Pool considered the
10 draft Motion to Re-Appoint the Watermaster Board for another five-year term.
- 11 8) After discussion and a comment period, the Appropriative Pool, with the concurrence of the
12 Overlying (Non-Agricultural) Pool, took action to recommend that the Board inform the
13 Court that the parties are confident in their ability to come to the Court with a consensus
14 concerning the milestone issues under the Peace Agreement as well as the issue of Board re-
15 appointment. During this time the Pool requested that the Board direct counsel to ask the
16 Court to set a continued hearing date.
- 17 9) On September 14, 2005, I was in attendance at the special Board meeting and am able to
18 report the substance of the discussion that took place on the record at that time.
- 19 10) At the meeting the Board directed counsel to draft a Motion informing the Court of the action
20 by the Appropriative pool and requested the Court to set a hearing for February 9, 2006 to
21 consider re-appointment of the Board and to order an interim re-appointment of the Board
22 until that date, and to agendize this Motion for consideration and action at its September 22,
23 2005 meeting.
- 24 11) I swear under penalty of perjury that the forgoing is a true and correct account made to the
25 best of my abilities.

9/22/2005



Michael T. Fife

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO

SEP 22 2005

BY *Christine Rudell*
DEPUTY

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

CHINO BASIN MUNICIPAL DISTRICT

Plaintiff,

vs.

CITY OF CHINO, ET AL.

Defendant.

Case No. RCV 51010

[Assigned for All Purposes to the Honorable
MICHAEL GUNN]

**[PROPOSED] ORDER GRANTING EX
PARTE MOTION FOR AN ORDER
SHORTENING TIME**

Hearing Date: September 22, 2005
Time: 1:30 pm

GOOD CAUSE SHOWING, IT IS HEREBY ORDERED that Chino Basin Watermaster's
Ex Parte Motion for an Order Shortening Time for the Filing of a Motion to Schedule Board
Reappointment Hearing and to Extend Term of Board until Hearing Date is GRANTED.

Dated: Sept 22, 2005

By: J. Michael Gunn, Judge
Honorable J. Michael Gunn

ORDER

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

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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 September 23, 2005 I served the following:

- 1) NOTICE OF EX PARTE MOTION FOR AN ORDER SHORTENING TIME FOR THE FILING OF A MOTION TO SCHEDULE BOARD REAPPOINTMENT HEARING AND TO EXTEND TERM OF BOARD UNTIL HEARING DATE
- 2) ORDER GRANTING EXPARTE MOTION FOR AN ORDER SHORTENING TIME

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 September 23, 2005 in Rancho Cucamonga, California.



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Chino Basin Watermaster

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