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

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO

SEP 22 2005

BY *Arife Riddell* DEPUTY

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 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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19 PLEASE TAKE NOTICE that on September 22, 2005, at 1:30pm Chino Basin Watermaster
20 will request the Court to issue a Motion to schedule a Board reappointment hearing and to extend the
21 term of the Board until hearing date. This request will be based on this Notice and the
22 accompanying Points and Authorities.
23

24
25 Dated: 9/22, 2005

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

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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 **MOTION TO SCHEDULE BOARD**
21 **REAPPOINTMENT HEARING AND TO**
22 **EXTEND TERM OF BOARD UNTIL**
23 **HEARING DATE**

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

26 On September 28, 200⁰~~5~~, the Court issued an Order extending the term of the Watermaster
27 Board for a five-year period to expire on September 30, 2005. This re-appointment was based upon
28 successful completion of the Peace Agreement, which allowed implementation of the OBMP to
commence.

The Peace Agreement contained a number of issues that were not ripe for resolution in 2000,
and so were set for renegotiation by the end of 2005. The parties have been actively negotiating
these issues over the past year and have made good progress in these negotiations.

1 At its July 28, 2005 meeting, the Board directed Watermaster counsel to draft a Motion
2 requesting re-appointment of the nine-member Board for another five-year term. This Motion was
3 distributed to the parties for comment in the month of August, and brought to the Pools for approval
4 in September.

5
6 At the September 8, 2005 Appropriative Pool meeting, the members of the Appropriative
7 Pool considered the draft Motion to Re-Appoint the Watermaster Board for Another Five Year
8 Term. At that time, various Pool members commented that the renegotiation of the milestone issues
9 under the Peace Agreement was still in process and that the members of the Pool had agreed
10 amongst themselves to refrain from addressing the issue of the re-appointment of the Board until
11 completion of those negotiations. (See Declaration of Michael T. Fife attached to this pleading as
12 Exhibit "A.")


13
14 The Pool took action to recommend that the Board inform the Court that the parties are
15 confident in their ability to come to the Court with a consensus concerning the milestone issues
16 under the Peace Agreement as well as the issue of Board re-appointment, but that additional time is
17 necessary in order to reach this consensus. The Pool requested that the Board direct counsel to ask
18 the Court to set a hearing date for reappointment of the Board at a date that will allow sufficient time
19 to complete the negotiations and that the term of the Board be extended until this hearing date. This
20 action received the concurrence of the Overlying (Non-Agricultural) Pool.

21
22 On September 14, 2005, the Board held a special Board meeting and directed counsel to draft
23 a Motion informing the Court of the action by the Appropriative Pool and requesting the Court to:

- 24 (1) Set a hearing for February 9, 2006 to consider re-appointment of the Board;
25 (2) Order an interim re-appointment of the nine-member Board until the February 9, 2006
26 hearing, with rotation of the Board members to occur according to the existing rotation
27 schedule.
28

1 Watermaster counsel drafted this request and agendized it for consideration by the Advisory
2 Committee and Board on September 22, 2005.

3
4 Dated: 9/22, 2005

5 By: 
6 HATCH & PARENT
7 Scott S. Slater
8 Michael T. Fife
9 Attorneys for Chino Basin Watermaster

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21 East Carrillo Street
Santa Barbara, CA 93101

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2 EXHIBIT "A"

3 DECLARATION OF MICHAEL T. FIFE IN SUPPORT OF MOTION
4

5 1. My name is Michael T. Fife and I am an attorney with the law firm of Hatch & Parent
6 licensed to practice law in the State of California.

7 2. Hatch & Parent acts as General Counsel to the Chino Basin Watermaster.

8 3. On September 8, 2005 I was in attendance at the joint meeting of the Appropriative Pool and
9 the Overlying (Non-Agricultural) Pool and am able to report the substance of the discussion that
10 took place on the record at that time concerning the agenda item of the Motion to Re-
11 Appoint the Board.

12 4. At the September 8, 2005 meeting, members of the Appropriative Pool stated that
13 negotiations concerning certain 5-year milestone issues under the Peace Agreement were continuing
14 and that progress was being made on those issues.

15 5. These members of the Appropriative Pool indicated that they have agreed amongst
16 themselves not to discuss issues associated with the re-appointment of the Board until the other
17 negotiations concerning the Peace Agreement issues are complete.

18 6. These members of the Appropriative Pool further indicated that they would like more time to
19 continue their negotiations in order to make a good faith attempt to reach consensus on all issues.

20 7. The Appropriative Pool took action to request the Board to direct counsel to request the
21 Court set a hearing date for re-appointment of the Board and to extend the term of the Board until
22 that time. The members of the Pool asked that their comments be reported to the Board and to the
23 Court for its consideration.

24 8. I swear under penalty of perjury that the foregoing is a true and correct account made to the
25 best of my abilities.

26 9/22/2005



27 Michael T. Fife
28

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21 East Camino Street
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FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO

SEP 22 2005

BY *Debra Russell*
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
MOTION TO SCHEDULE BOARD
REAPPOINTMENT HEARING AND TO
EXTEND TERM OF BOARD UNTIL
HEARING DATE**

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

GOOD CAUSE SHOWING, IT IS HEREBY ORDERED that Chino Basin Watermaster's

Motion to:

- (1) Set a hearing for February 9, 2006 to consider re-appointment of the Board;
- (2) Order an interim re-appointment of the nine-member Board until the February 9, 2006 hearing, with rotation of the Board members to occur according to the existing rotation schedule is GRANTED.

Dated: Sept 22, 2005

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

ORDER

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 A MOTION TO SCHEDULE BOARD REAPPOINTMENT HEARING AND TO EXTEND TERM OF BOARD UNTIL HEARING DATE
- 2) ORDER GRANTING MOTION TO SCHEDULE BOARD REAPPOINTMENT HEARING AND TO EXTEND TERM OF BOARD UNTIL HEARING DATE

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

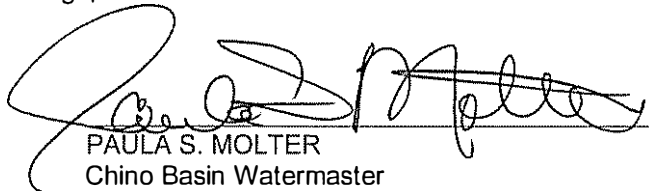
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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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