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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT

12 Plaintiff,

13 vs.

14 CITY OF CHINO, ET AL.

15 Defendant.

Case No. RCV 51010

[Assigned for All Purposes to the
Honorable MICHAEL GUNN]

MOTION REQUESTING APPROVAL OF
INTERVENTION OF KCO, LLC ("KOLL")

Hearing Date: August 21, 2008
Time: 2:00 PM
Dept: R8

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1 INTERVENTION OF KCO, LLC ("KOLL")

2 On February 22, 2008, Watermaster received a request from KCO, LLC, a Delaware limited
3 liability company (Koll), to intervene into the Judgment. In 2006 Sunkist Growers, Inc. (Sunkist)
4 sold 15 acres of its real property overlying the Chino Groundwater Basin (Basin) to Koll. Now
5 Sunkist wishes to transfer 22 acre-feet per year (afy) of its adjudicated rights to Koll for use on the
6 Koll property. Watermaster staff recommended that Koll be placed in the Overlying Non-
7 Agricultural Pool as Koll will use the groundwater extracted solely for industrial and commercial
8 purposes on its overlying property. At the April 10, 2008 Joint Appropriative and Non-Agricultural
9 Pool meeting, the pools approved Koll's intervention as a member of the Overlying Non-
10 Agricultural Pool. On April 15, 2008, the Agricultural Pool approved Koll's intervention. Koll's
11 intervention as an Overlying Non-Agricultural Pool party was approved unanimously by the
12 Watermaster Board and the Advisory Committee at their respective May 22, 2008 meetings.

13 Watermaster hereby requests the Court approve Koll's voluntary intervention into the
14 Overlying Non-Agricultural Pool with an adjudicated production right of 22 afy with a full
15 replenishment obligation on all ^{additional} water that it produces from the Chino Basin. Watermaster requests
16 the Court to approve this intervention, unanimously approved by the pools, as soon as possible due
17 to the time-sensitive nature of the intervention.

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22 Dated: July 15, 2008

BROWNSTEIN HYATT FARBER SCHRECK, LLP

23
24 By: 
25 Michael T. Fife
26 Scott S. Slater
27 Amy M. Steinfeld
28 Attorney For Chino Basin Watermaster

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 July 15, 2008 I served the following:

1) MOTION REQUESTING APPROVAL OF INTERVENTION OF KCO, LLC ("KOLL")

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

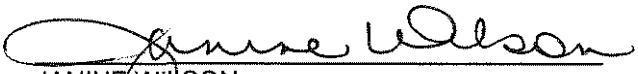
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 July 15, 2008 in Rancho Cucamonga, California.


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