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15 Fee exempt – Gov. Code §§ 6103 and 27383

16
17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **COUNTY OF SAN BERNARDINO, RANCHO CUCAMONGA DIVISION**
19

20 CHINO BASIN MUNICIPAL WATER
21 DISTRICT,

22 Plaintiff,

23 vs.

24 THE CITY OF CHINO, et al.,

25 Defendants.
26

CASE NO. RCV 51010

**JOINT REQUEST FOR JUDICIAL
NOTICE**

**[SERVED AND FILED CONCURRENTLY
WITH JOINT OPPOSITION TO
CUCAMONGA VALLEY WATER
DISTRICT'S MOTION TO
DISCONTINUE THE APOINTMENT OF
THE SPECIAL REFEREE]**

Date: August 21, 2008

Time: 2:00 p.m.

Dept: R8

1 Defendants, Monte Vista Water District, the City of Chino Hills, and the City of Chino, by and
2 through their respective counsel of record, jointly request that the Court take judicial notice pursuant to
3 Evidence Code 452, subdivision (d) of the following court records in the above-captioned matter in
4 support of the Opposing Parties' Joint Opposition to Cucamonga Valley Water District's Motion to
5 Discontinue the Appointment of the Special Referee (the "Motion"). Copies of the court records are
6 attached to this Request for Judicial Notice. The items requested to be noticed are relevant to the
7 Motion in that they support the Opposing Parties' Opposition.

- 8 1. Order to Show Cause (March 19, 1997).
- 9 2. Ruling and Order of Special Reference (April 29, 1997).
- 10 3. Ruling (February 19, 1998).
- 11 4. Order Continuing the Hearing on the Scope and Level of Detail Plan for the OBMP
12 (October 5, 1998).
- 13 5. Final Ruling—Sept. 30, 1999 Hrng. (October 28, 1999).
- 14 6. Notice of Rulings and Hearing (December 3, 1999).
- 15 7. Order (June 29, 2000).
- 16 8. Order Concerning Adoption of OBMP (July 13, 2000).
- 17 9. Report and Recommendation Concerning Motion to Extend Nine-Member Board
18 (September 26, 2000).
- 19 10. Order Concerning Motion to Re-Appoint Nine-Member Board (September 28, 2000).
- 20 11. Order Concerning Motion to Amend Judgment (September 28, 2000).
- 21 12. Special Referee's Report and Comments Concerning First OBMP Implementation
22 Status Report (April 19, 2001).
- 23 13. Order Granting Final Approval of Watermaster Rules and Regulations (July 19, 2001).
- 24 14. Special Referee's Report and Comments Concerning OBMP Implementation Status
25 Report No. 2 (November 15, 2001).
- 26 15. Order Granting Motion to Conform Minimal Producer Definition in Judgment
27 (November 15, 2001).

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- 1 16. Order Receiving Supplemental Desalter Report, Supplemental OBMP Report, 24th
2 Annual Report, and Initial State of the Basin Report; Order Continuing Hearing on
3 Subsidence (February 28, 2002).
- 4 17. Order Scheduling Workshop on Interim Plan, Continuing Hearing on Subsidence, and
5 Receiving Final Initial State of the Basin Report (June 19, 2002).
- 6 18. Special Referee's Report and Comments Concerning Draft Final State of the Basin
7 Report (June 26, 2002).
- 8 19. Points and Authorities in Support of Motion to Re-Appoint the Nine-Member Board for
9 a Further Five-Year Term; Motion to Receive and File State of the Basin Report
10 (January 12, 2006).
- 11 20. Declaration of Michael Fife in Support of Motion to Re-Appoint the Nine-Member
12 Board for Further Five-Year Term (January 12, 2006).
- 13 21. Objections by Cucamonga Valley Water District to Special Referee's Report and
14 Recommendations Concerning Motion to Re-Appoint the Nine-Member Board for a
15 Further Five-Year Term (January 30, 2006).
- 16 22. Special Referee's Comments and Recommendations Concerning Motion to Re-Appoint
17 the Nine-Member Board for a Further Five-Year Term (February 9, 2006).
- 18 23. Order Re-Appointing Nine-Member Board for Further Five-Year Term (February 9,
19 2006).
- 20 24. Order on Ex Parte Application for Continuance of Hearing on Motion for Approval of
21 Long Term Plan (August 27, 2007).
- 22 25. Special Referee's Comments and Recommendations Concerning Motion for Approval
23 of Watermaster's Long Term Plan (October 16, 2007).
- 24 26. Special Referee's Preliminary Comments and Recommendations on Motion for
25 Approval of Peace II Documents (November 27, 2007).
- 26 27. Watermaster's Response to Special Referee's Preliminary Comments and
27 Recommendations on Motion for Approval of Peace II Documents (December 14,
28 2007).

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28. Special Referee's Final Report and Recommendations on Motion for Approval of Peace II Documents (December 20, 2007).

29. Order Concerning Motion for Approval of Peace II Documents (December 21, 2007).

RESPECTFULLY SUBMITTED.

Dated: August 8, 2008

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Tram T. Tran
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Dated: August _____, 2008

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28. Special Referee's Final Report and Recommendations on Motion for Approval of Peace II Documents (December 20, 2007).

29. Order Concerning Motion for Approval of Peace II Documents (December 21, 2007).

RESPECTFULLY SUBMITTED.

Dated: August _____, 2008

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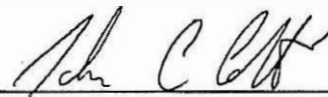
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Dated: August 8, 2008

JENKINS & HOGIN

By:



JOHN COTTI
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Dated: August _____, 2008

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1 28. Special Referee's Final Report and Recommendations on Motion for Approval of Peace
2 II Documents (December 20, 2007).

3 29. Order Concerning Motion for Approval of Peace II Documents (December 21, 2007).
4 RESPECTFULLY SUBMITTED.

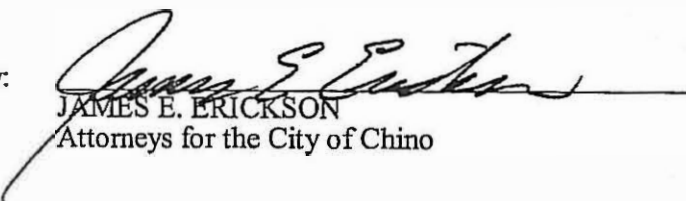
5 Dated: August _____, 2008 MCCORMICK, KIDMAN & BEHRENS, LLP

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7 By: _____
8 Arthur G. Kidman
9 John Paul Glowacki
10 Tram T. Tran
11 Attorneys for Monte Vista Water District

12
13 Dated: August _____, 2008 JENKINS & HOGIN

14 By: _____
15 JOHN COTTI
16 Attorneys for the City of Chino Hills

17 Dated: August 8, 2008 LAW OFFICES OF JIMMY L. GUTIERREZ

18 By: 
19 JAMES E. ERICKSON
20 Attorneys for the City of Chino

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PROOF OF SERVICE

1
2 STATE OF CALIFORNIA)
3 COUNTY OF ORANGE)

4 I am employed in the County of Orange, State of California. I am over the age of eighteen (18)
5 years and not a party to the within action; my business address is: 650 Town Center Drive, Suite 100,
6 Costa Mesa, California 92626.

7 On August 8, 2008, I served the foregoing document described as: **JOINT REQUEST FOR**
8 **JUDICIAL NOTICE [SERVED AND FILED CONCURRENTLY WITH JOINT**
9 **OPPOSITION TO CUCAMONGA VALLEY WATER DISTRICT'S MOTION TO**
10 **DISCONTINUE THE APPOINTMENT OF THE SPECIAL REFEREE]** on the interested
11 parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as
12 follows:

13 Jannie Wilson
14 Chino Basin Watermaster
15 9641 San Bernardino Road
16 Rancho Cucamonga, California 91730
17 (909) 484-3888

18 [] (BY MAIL) I am "readily familiar" with the firm's practice of collection and processing
19 correspondence by mailing. Under that practice it would be deposited with U.S. postal service
20 on that same day with postage fully prepaid at Costa Mesa, California in the ordinary course of
21 business. I am aware that on motion of the party served, service is presumed invalid if postal
22 cancellation date or postage meter date is more than one day after date of deposit for mailing in
23 affidavit.

24 [] (BY OVERNIGHT MAIL) I caused such document to be delivered by overnight mail to the
25 offices of the addressee(s).

26 [XX] (BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices
27 of the addressee.

28 [] (BY FACSIMILE) I transmitted said document by fax transmission to the fax
number(s) indicated

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

Executed on August 8, 2008, at Costa Mesa, California.



ALLA VAINBERG

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 August 11, 2008 I served the following:

- 1) **JOINT OPPOSITION TO CUCAMONGA VALLEY WATER DISTRICT'S MOTION TO DISCONTINUE THE APPOINTMENT OF THE SPECIAL REFEREE; DECLARATION OF MARK KINSEY [SERVED AND FILED CONCURRENTLY WITH EVIDENTIARY OBJECTIONS AND REQUEST FOR JUDICIAL NOTICE]**
- 2) **EVIDENTIARY OBJECTIONS TO CUCAMONGA VALLEY WATER DISTRICT'S MOTION TO DISCONTINUE THE APPOINTMENT OF SPECIAL REFEREE AND THE DECLARATION OF JILL N. WILLIS IN SUPPORT THERE OF**
- 3) **JOINT REQUEST FOR JUDICIAL NOTICE**

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 August 11, 2008 in Rancho Cucamonga, California.



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