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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.  
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CASE NO. RCV 51010

Assigned for All Purposes to:  
Honorable Barry L. Plotkin  
Department R9

**MOTION REQUESTING APPROVAL OF  
INTERVENTION OF RIBOLI  
FAMILY/SAN ANTONIO WINERY, INC.;  
FUJI NATURAL FOODS, INC.; KCO, LLC  
("KOLL"); AND MICHAEL Y. PARK  
INTO THE CHINO BASIN JUDGMENT**

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101

1 **I. INTRODUCTION**

2 Chino Basin Watermaster (Watermaster) hereby requests the Court to approve four pending  
3 petitions in intervention to the Chino Basin Judgment (Judgment). Until the recent assignment of  
4 this case to the Honorable Barry Plotkin in Department 9, the above-captioned matter was  
5 effectively without a judge for several months. Currently, there are several pending motions before  
6 the Court requesting approval of petitions in intervention that have been stalled for a lengthy period  
7 of time.  
8

9 According to a July 14, 1978 Order in this case, attached hereto as Exhibit "A," petitions in  
10 intervention may be approved by the Court either (1) in an ex parte proceeding, or (2) upon 48 hours  
11 notice to the parties. As described below, all of the interventions have been through the normal  
12 Watermaster approval process without objection from any party. Three of the four interventions  
13 have been on file with the Court without objection from any party. Unless the Court receives  
14 objection to this pleading, Watermaster requests the Court to sign the proposed Order approving  
15 these interventions on Wednesday August 20, 2008.  
16

17 **II. INTERVENTIONS**

18 Watermaster is a consensus-based organization facilitating development and utilization of the  
19 Chino Groundwater Basin ("Basin"). Watermaster consists of various entities pumping water from  
20 the Basin including cities, water districts, water companies, agricultural, commercial and other  
21 private concerns. Watermaster is comprised of three stakeholder groups, called Pools, represented  
22 by the following three Pool Committees: (1) the Overlying Agricultural Pool Committee,  
23 representing dairymen, farmers, and the State of California; (2) the Overlying Non-Agricultural Pool  
24 Committee, representing area industries; and (3) the Appropriative Pool Committee, representing  
25 local cities, public water districts, and private water companies. Representatives from the three  
26 Pools also form an Advisory Committee to oversee the regular activities of Watermaster. The Pool  
27  
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1 Committees address their internal business, and make recommendations to the Advisory Committee;  
2 The Advisory Committee then makes recommendations to the Watermaster Board for final action.

3 Any person that proposes to produce water from the Basin may become a party to the  
4 Judgment by filing a petition in intervention. Watermaster receives and make recommendations  
5 regarding petitions for intervention and accumulates them for filing with the Court from time to  
6 time, provided that at least 48 hours notice is provided to any party. (Judgment ¶ 60 and Order re  
7 Intervention Procedures, July 14, 1978.) Neither the Judgment nor the 1978 Order require a hearing  
8 to be held for uncontested interventions. Only after court approval is an intervenor bound by the  
9 Judgment and entitled to the rights and privileges accorded under the adjudication. (Judgment ¶ 60.)

10 There are currently four pending petitions for intervention pending before the court: (1)  
11 Riboli Family/San Antonio Winery into the Agricultural Pool (Petition filed in July 2007; Motion  
12 filed on April 10, 2008); (2) Fuji Natural Foods into the Agricultural Pool (Petition filed in October  
13 2007; Motion filed on April 10, 2008); (3) KCO, LLLC ("Koll") into the Non-Agricultural Pool  
14 (Petition filed in May 2008; Motion filed on July 15, 2008); and (4) Michael Y. Park into the  
15 Agricultural Pool (Petition filed on March 26, 2008<sup>1</sup>). These interventions were properly filed in  
16 accordance with the 1978 Order re Intervention Procedures and the procedures set forth in the  
17 Judgment. Watermaster staff has reviewed the petitions in intervention and requested that the parties  
18 be placed in the appropriate pool. At their respective meetings, the three Pools, the Watermaster  
19 Board and the Advisory Committee unanimously approved the interventions.

20 Watermaster hereby requests the Court approve the following interventions:  
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25 <sup>1</sup> No Motion Requesting Approval of Michael Y. Park's Petition in Intervention has been filed with  
26 the Court. However, Mr. Park's petition was circulated to Watermaster and placed on the agendas of  
27 all of the Watermaster pools and committee meetings in July 2008. At the July 10, 2008 Joint  
28 Appropriative and Non-Agricultural Pool meeting, the pools approved Michael Y. Park's  
intervention into the Agricultural Pool. On July 15, 2008, the Agricultural Pool approved the  
Michael Y. Park's intervention. Michael Y. Park's intervention as an Agricultural Pool party was  
approved unanimously by the Watermaster Board and the Advisory Committee at their respective  
July 24, 2008 meetings.

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(1) The Riboli Family/San Antonio Winery, Inc.'s voluntary intervention into the Non-Agricultural Pool with an adjudicated production right of 0 acre-feet per year with a full replenishment obligation on all water that it produces from the Chino Basin.

(2) Fuji Natural Foods, Inc.'s voluntary intervention into the Agricultural Pool.


(3) Koll's voluntary intervention into the Overlying Non-Agricultural Pool with an adjudicated production right of 22 afy.

(4) Michael Park's voluntary intervention into the Agricultural Pool.

Watermaster respectfully requests the Court to approve these interventions by signing the attached [Proposed] Order Approving Intervention within forty-eight (48) hours in accordance Judgment and the 1978 Order.

Dated: August 18, 2008

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**

By:   
Michael T. Fife  
Scott S. Slater  
Amy M. Steinfeld  
Attorney For Chino Basin Watermaster

SB 477235 v1:008350.0001

# **Exhibit A**

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 10 FOR THE COUNTY OF SAN BERNARDINO  
 11

12 CHINO BASIN MUNICIPAL WATER )  
 DISTRICT, )  
 13 )  
 Plaintiff, )  
 14 )  
 v. )  
 15 )  
 CITY OF CHINO, et al. )  
 16 )  
 Defendants. )  
 17 )

No. 164327  
 ORDER RE  
 INTERVENTION  
 PROCEDURES

18  
 19 Good cause appearing therefore, IT IS HEREBY ORDERED that  
 20 all subsequent petitions in intervention may be accepted by Water-  
 21 master and accumulated for filing from time to time in an ex parte  
 22 proceeding, except upon 48-hour notice to any party or to any  
 23 attorney of record who shall have requested such notice; and that  
 24 prior to filing with the Court, Watermaster shall be permitted to  
 25 take all administrative steps pertaining to the Judgment provided,  
 26 however, that no assessments shall be made until a formal order

27 /////  
 28 /////  
 29

DONALD D. STARK  
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 (714) 752-8971

1 has been entered by this Court.

2 DATED: JUL 14 1978, 1978.

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4 DON A TURNER  
5 Honorable Don A. Turner  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER  
DISTRICT

Plaintiff,

vs.

CITY OF CHINO, ET AL.

Defendant.

Case No. RCV 51010

Assigned for All Purposes to:  
Honorable Barry L. Plotkin  
Department R9

**[PROPOSED] ORDER APPROVING  
INTERVENTION OF RIBOLI  
FAMILY/SAN ANTONIO WINERY, INC.;  
FUJI NATURAL FOODS, INC.; KCO, LLC  
("KOLL"); AND MICHAEL Y. PARK  
INTO THE CHINO BASIN JUDGMENT**



1 ORDER

2 **I. WATERMASTER'S APPROVALS AND FILINGS**

3 On April 11, 2008 Chino Basin Watermaster filed a Motion Requesting Approval of  
4 Intervention of Riboli Family/San Antonio Winery, Inc. into the Non-Agricultural Pool with an  
5 adjudicated production right of 0 acre-feet per year with a full replenishment obligation on all water  
6 that it produces from the Chino Basin. On April 10, 2008, Chino Basin Watermaster filed a Motion  
7 Requesting Approval of Intervention of Fuji Natural Foods, Inc.'s into the Agricultural Pool. On  
8 July 15, 2008, Chino Basin Watermaster filed a Motion Requesting Approval of Intervention of  
9 KCO, LLC ("Koll") into the Overlying Non-Agricultural Pool with an adjudicated production right  
10 of 22 afy.

11 At the July 10, 2008 Joint Appropriative and Non-Agricultural Pool meeting, the pools  
12 approved Michael Y. Park's March 2008 petition in intervention into the Agricultural Pool. On July  
13 15, 2008, the Agricultural Pool approved the Michael Y. Park's intervention. Michael Y. Park's  
14 intervention as an Agricultural Pool party was approved unanimously by the Watermaster Board and  
15 the Advisory Committee at their respective July 24, 2008 meetings.

16 **II. INTERVENTIONS**

17 **A. Riboli Family/San Antonio Winery, Inc.**

18 The Court approves the intervention of the Riboli Family/San Antonio Winery, Inc.'s into the  
19 Non-Agricultural Pool with an adjudicated production right of 0 acre-feet per year with a full  
20 replenishment obligation on all water that it produces from the Chino Basin.

21  
22 **B. Fuji Natural Foods, Inc.**

23 The Court approves the intervention of Fuji Natural Foods, Inc.'s into the Agricultural Pool.

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25 **C. KCO, LLC ("Koll")**

26 The Court approves the intervention of Koll into the Overlying Non-Agricultural Pool with  
27 an adjudicated production right of 22 afy.

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**D. Michael Y. Park**

The Court approves the intervention of Michael Y. Park into the Agricultural Pool.

**IT IS SO ORDERED.**

Dated: August \_\_, 2008

By: \_\_\_\_\_  
**BARRY L. PLOTKIN, Judge**

SB 477236 v1:008350.0001

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**  
21 East Carrillo Street  
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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 April 18, 2008 I served the following:

- 1) **MOTION REQUESTING APPROVAL OF INTERVENTION OF RIBOLI FAMILY/SAN ANTONIO WINERY, INC; FUJI NATURAL FOODS, INC.; KCO, LLC ("KOLL"); AND MICHAEL Y. PARK INTO THE CHINO BASIN JUDGEMENT**
- 2) **[PROPOSED] ORDER APPROVING INTERVENTION OF RIBOLI FAMILY/SAN ANTONIO WINERY, INC; FUJI NATURAL FOODS, INC.; KCO, LLC ("KOLL"); AND MICHAEL Y. PARK INTO THE CHINO BASIN JUDGEMENT**

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 April 18, 2008 in Rancho Cucamonga, California.

  
\_\_\_\_\_  
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