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EXEMPT FROM FILING FEES PURSUANT  
TO GOV. CODE § 6103

Attorney for: Cucamonga Valley Water District

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

LAW OFFICES OF  
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RIVERSIDE, CALIFORNIA 92502

CHINO BASIN MUNICIPAL WATER  
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendants.

Case No. RCV 51010  
Judge: Hon. John Wade

**CUCAMONGA VALLEY WATER  
DISTRICT'S *EX PARTE* APPLICATION  
TO CONTINUE THE HEARING ON  
CVWD'S MOTION TO DISCONTINUE  
THE APPOINTMENT OF THE SPECIAL  
REFEREE**

[Filed Concurrently with Declaration of Jill N.  
Willis and [PROPOSED] Order]

Date: October 14, 2008  
Time: 8:30 a.m.  
Dept.: S32

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
3750 UNIVERSITY AVENUE  
P.O. BOX 1028  
RIVERSIDE, CALIFORNIA 92502

**EX PARTE APPLICATION**

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TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 14, 2008, at 8:30 a.m. in Department S32, before the Honorable John Wade, Cucamonga Valley Water District (“CVWD”) will apply *ex parte* for an Order continuing the hearing on CVWD’s Motion to Discontinue the Appointment of the Special Referee until the week of November 10, 2008.

This application is made on an *ex parte* basis because hearing on this matter is currently set for October 21, 2008, and there is insufficient time to have this motion heard on regular notice.

This application is made on the ground that the Court has the authority to control its proceedings.

Good cause exists for the request *ex parte* Order because:


1. This matter was originally set for hearing before Judge Gunn on August 21, 2008.
2. On September 15, 2008, the matter was reassigned to Judge Wade for all purposes, and the hearing on CVWD’s motion was reset to October 21, 2008.
3. CVWD’s counsel of record, Jill Willis, has a pre-paid overseas flight scheduled for October 21, 2008, and has been unable to reschedule the flight. (Declaration of Jill N. Willis [“Willis Decl.”] ¶ 2.) Counsel is scheduled to return on November 4<sup>th</sup>. (Willis Decl., ¶ 3.)
4. Ms. Willis is the primary attorney responsible for representing CVWD in this matter and is the attorney most familiar with the facts contained in CVWD’s motion. There are no other attorneys at Best Best & Krieger LLP who are prepared to cover the hearing on this motion of behalf of CVWD. (Willis Decl. ¶ 4.) Thus, CVWD respectfully requests that the Court continue CVWD’s motion until the week of November 10<sup>th</sup>, 2008.
5. CVWD further requests that the other matters currently set for October 21, 2008 remain on calendar as scheduled.

This application is based on this *Ex Parte* Application, the Declaration of Jill N. Willis, all pleadings and papers on file in this matter, and such other evidence as may be presented to the Court at the hearing.

1 Respectfully Submitted,

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4 Dated: October 7, 2008

BEST BEST & KRIEGER LLP

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6 By:   
7 JILL N. WILLIS  
8 Attorney for  
9 Cucamonga Valley Water District

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TO GOV. CODE § 6103

Attorney for: Cucamonga Valley Water District

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER  
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendants.

Case No. RCV 51010  
Judge: Hon. John Wade  
Department S32

**DECLARATION OF JILL N. WILLIS IN  
SUPPORT OF CUCAMONGA VALLEY  
WATER DISTRICT'S EX PARTE  
APPLICATION TO CONTINUE THE  
HEARING ON CVWD'S MOTION TO  
DISCONTINUE THE APPOINTMENT OF  
THE SPECIAL REFEREE**

[Filed Concurrently with *Ex Parte* Application  
and [PROPOSED] Order]

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I, Jill N. Willis, declare as follows:

1. I am a partner at the law firm of Best Best & Krieger LLP, attorneys of record for Cucamonga Valley Water District. I have personal knowledge of the following facts, and if called upon to do so, I could and would testify to these facts.

2. I am scheduled to leave on a pre-paid overseas flight on October 21, 2008. I have been unable to reschedule the flight.

3. I am scheduled to return on November 4<sup>th</sup>, 2008.

4. I am the primary attorney responsible for representing CVWD in this matter and am the attorney most familiar with the facts contained in CVWD's motion. There are no other attorneys at Best Best & Krieger LLP who are prepared to cover the hearing on this motion of behalf of CVWD.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of October, 2008, in Los Angeles, California.

  
JILL N. WILLIS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

LAW OFFICES OF  
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CHINO BASIN MUNICIPAL WATER  
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendants.

Case No. RCV 51010  
Judge: Hon. John Wade  
Department S32

**[PROPOSED] ORDER CONTINUING  
HEARING ON CUCAMONGA VALLEY  
WATER DISTRICT'S MOTION TO  
DISCONTINUE THE APPOINTMENT OF  
THE SPECIAL REFEREE**

**ORDER**

On October 14, 2008, at 8:30 a.m. in Department S32, before the Honorable John Wade, Cucamonga Valley Water District ("CVWD") applied *ex parte* for an Order to continue the hearing on CVWD's Motion to Discontinue the Appointment of the Special Referee until the

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week of November 10, 2008.

This Court, having read and considered the Ex Parte Application, and finding good cause therefore, orders that:

The hearing date on CVWD's Motion, currently set for October 21, 2008 at 8:30 a.m. in Department S32, is continued to \_\_\_\_\_ at 8:30 a.m. in Department S32. All other matters calendared for October 21, 2008 shall remain on calendar as previously scheduled.

IT IS SO ORDERED.

Date \_\_\_\_\_

\_\_\_\_\_  
Honorable John Wade  
Judge of the Superior Court

\_\_\_\_\_

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BEST BEST & KRIEGER LLP  
3750 UNIVERSITY AVENUE  
P.O. BOX 1028  
RIVERSIDE, CALIFORNIA 92502

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 October 7, 2008 I served the following:

- 1) **CUCAMONGA VALLEY WATER DISTRICT'S EX PARTE APPLICATION TO CONTINUE THE HEARING ON CVWD'S MOTION TO DISCONTINUE THE APPOINTMENT OF THE SPECIAL REFEREE**
- 2) **DECLARATION OF JILL N. WILLIS IN SUPPORT OF CUCAMONGA VALLEY WATER DISTRICT'S EX PARTE APPLICATION TO CONTINUE THE HEARING ON CVWD'S MOTION TO DISCONTINUE THE APPOINTMENT OF THE SPECIAL REFEREE**
- 3) **[PROPOSED] ORDER CONTINUING HEARING ON CUCAMONGA VALLEY WATER DISTRICT'S MOTION TO DISCONTINUE THE APPOINTMENT OF THE SPECIAL REFEREE**

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**

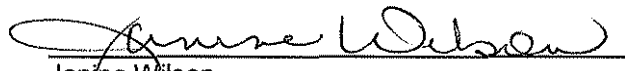
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 October 7, 2008 in Rancho Cucamonga, California.

  
Janine Wilson  
Chino Basin Watermaster



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