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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. RS 51010

Assigned for All Purposes to:
Honorable John P. Wade
Department S32

NOTICE OF MOTION AND MOTION
REQUESTING APPROVAL OF
INTERVENTION OF AQUA CAPITAL
MANAGEMENT INTO THE CHINO
BASIN JUDGMENT; POINTS AND
AUTHORITIES IN SUPPORT THEREOF

Date: February 2, 2009
Department: S32
Time: 9:30 a.m.

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21 PLEASE TAKE NOTICE that on February 2, 2009 at 9:30 a.m., or as soon as the
22 matter can be heard in department S32 of the San Bernardino Superior Court located at 303 West
23 Third Street, San Bernardino, California, Chino Basin Watermaster ("Watermaster") will request
24 that the Court approve the intervention of Aqua Capital Management into the Chino Basin
25 Judgment. This request will be based upon this Notice of Motion, the Points and Authorities
26 discussed below, all other pleadings and records on file herein, and such further oral and
27 documentary evidence as may be presented prior to or at the hearing on the Motion.
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POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR APPROVAL OF INTERVENTION

Watermaster receives and makes recommendations regarding petitions for intervention and accumulates them for filing with the Court from time to time, provided that at least 48 hours notice is provided to any party. (Judgment ¶ 60 and Order re Intervention Procedures, July 14, 1978.) Neither the Judgment nor the 1978 Order require a hearing to be held for uncontested interventions. Only after Court's approval is an intervenor bound by the Judgment and entitled to the rights and privileges accorded under the adjudication. (Judgment ¶ 60.)

Watermaster respectfully requests approval of the request for intervention into the Overlying (Non-Agricultural) Pool by Aqua Capital Management. This request for intervention was approved unanimously by all three pool committees on November 18, 2008. It was approved unanimously by both the Advisory Committee and Board on November 20, 2008. Watermaster is not aware of any opposition to approval of this intervention by the Court.

Dated: December 22, 2008

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 

Michael T. Fife
Scott S. Slater
Amy M. Steinfeld
Attorneys 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 December 23, 2008 I served the following:

1) NOTICE OF MOTION AND MOTION REQUESTING APPROVAL OF INTERVENTION OF AQUA CAPITAL MANAGEMENT INTO THE CHINO BASIN JUDGMENT; POINTS AND AUTHORITIES IN SUPPORT THEREOF

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

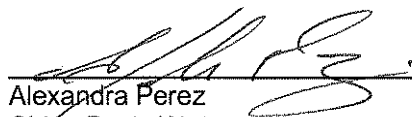
BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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 December 23, 2008 in Rancho Cucamonga, California.



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