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9 CHINO BASIN WATERMASTER

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN BERNARDINO

12 CHINO BASIN MUNICIPAL WATER
13 DISTRICT

14 Plaintiff,

15 vs.

16 CITY OF CHINO, ET AL.

17 Defendant.

Case No. RCV 51010

[Assigned for All Purposes to the
Honorable JOHN P. WADE]

**EX PARTE REQUEST TO RESCHEDULE
APRIL 16, 2009 HEARING;
DECLARATION OF MARK
WILDERMUTH; PROPOSED ORDER**

Hearing Date: February 18, 2009
Time: 8:30 am

18
19 PLEASE TAKE NOTICE that on Wednesday February 18, 2009, at 8:30 am, Watermaster
20 will appear via Courtcall to request the Court to reschedule the currently scheduled April 16, 2009
21 Hearing. This request will be based upon this notice and the following points.
22

23
24 At the February 2, 2009 hearing, the Court set a further hearing date for April 16, 2009 at
25 10:00 am to receive further testimony concerning the Optimum Basin Management Program.
26 Watermaster has not yet provided the parties to the Judgment with notice of this hearing pending
27 receipt of the official transcript.
28

Following the hearing, it came to the attention of Watermaster's counsel that Watermaster's primary witness for the April 16th hearing (Mr. Wildermuth) has a prior commitment on April 16, 2009. Mr. Wildermuth's firm is the primary sponsor of a charitable event scheduled for April 16, 2009 for an organization known as Candlelighters. Candlelighters provides services for families that have children that are dying from cancer. The chapter of Candlelighters that will be benefited by the event on April 16 provides these services in the San Bernardino area. As the primary sponsor for the event, Wildermuth Environmental, Inc. has provided a considerable amount of money for the event and much of Wildermuth Environmental's staff will be involved in the event. Watermaster counsel has also been informed anecdotally that many of the individuals involved in the Watermaster process are participating in this event.

Following the hearing, Mr. Wildermuth explored all options to be able to attend the hearing. None proved feasible. Watermaster thus respectfully requests the Court to reschedule the April 16, 2009 hearing. Watermaster counsel is informed that any other day that week would be satisfactory, and any day the week prior (April 6-10) would be satisfactory as well. Watermaster informed the parties of this request at the regularly scheduled February 12, 2009 joint Appropriative Pool and Overlying (Non-Agricultural) Pool meeting. Watermaster knows of no opposition to this request.

Dated: February 12, 2009

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 

Scott S. Slater

Michael T. Fife

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CHINO BASIN MUNICIPAL WATER
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**DECLARATION OF MARK
WILDERMUTH**

1. My name is Mark Wildermuth and I am the founder and Chairman of Wildermuth Environmental Inc., a water resources consulting firm. My firm consults for the Chino Basin Watermaster with respect to implementation of the basin's Optimum Basin Management Plan and other Watermaster duties. I have personal knowledge of the following, and, if called as a witness, I would and could testify competently thereto.

2. I have a prior commitment on April 16, 2009 that prevents me from being able to attend the hearing scheduled by the court.

3. Wildermuth Environmental Inc. is the primary sponsor of a charitable event scheduled for April 16, 2009 for an organization known as Candlelighters.

4. Candlelighters provides services for families that have children that are dying from cancer.

1 5. The chapter of Candlelighters that will be benefited by the event on April 16
2 provides these services in the San Bernardino area.

3 6. Wildermuth Environmental, Inc. has provided a considerable amount of money for
4 the event and much of Wildermuth Environmental Inc.'s staff will be involved in the event.

5 7. Following the hearing, I explored all options to be able to attend the hearing. None
6 proved feasible.

7
8 I swear under penalty of perjury that the foregoing is true and correct to the best of my
9 knowledge.

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11 Executed this 12 day of February 2009, at Rancho Conejo, California.

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Mark Wildermuth, P.E.
Chairman

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Case No. RCV 51010

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JOHN P. WADE]

**[PROPOSED] ORDER ON
WATERMASTER'S REQUEST TO
RESCHEDULE APRIL 16, 2009 HEARING**

[proposed] ORDER

Having read, reviewed and considered all pleadings filed in support and in response, if any,
to the motion, including all declarations attached thereto and the argument of counsel, and good
cause appearing therefore,

IT IS ORDERED, that the hearing previously ordered by the court for April 16, 2009 is
hereby rescheduled to _____, 2009 at _____.

_____, 2009

The Honorable John P. Wade

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 February 13, 2009 I served the following:

1) EX PARTE REQUEST TO RESCHEDULE APRIL 16, 2009 HEARING; DECLARATION OF MARK WILDERMUTH; PROPOSED ORDER

/x/ 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.

/x/ 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 February 13, 2009 in Rancho Cucamonga, California.



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