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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 the
Honorable JOHN P. WADE]

NOTICE OF MOTION AND MOTION FOR
APPROVAL OF CASE MANAGEMENT
ORDER

Hearing Date: September 17, 2009
Time: 9:30 a.m.
Dept: S32

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take Notice that on September 17, 2009 Chino Basin Watermaster ("Watermaster") will request that the Court sign a Case Management Order as set forth in Exhibit "A" to the Motion submitted pursuant to this Notice. Approval will be requested based upon this Motion as well as the overall record before the Court.

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MOTION FOR APPROVAL OF CASE MANAGEMENT ORDER

At the August 11, 2009 hearing, counsel for the Watermaster proposed that the Court sign a Case Management Order ("CMO") in order to provide a general overview of the status of Watermaster's compliance for the next judge assigned to the case. A copy of Watermaster's proposed CMO is attached here as Exhibit "A."

Watermaster prepared a proposed CMO and circulated it to the parties and their attorneys on Friday, August 28, 2009. Comments were received from the parties and changes were made to the proposed CMO. On September 3, 2009, a conference call was held to which all parties and their attorneys were invited. No party objected to the filing of the CMO as revised. Subsequent email correspondence from Watermaster's general counsel was sent to all parties and their attorneys indicating that based on the lack of objection that Watermaster would file the proposed CMO as soon as possible and request the Court to sign the CMO.

Watermaster currently has a case management hearing scheduled for September 17, 2009. Because of the lack of objection to the proposed CMO, Watermaster respectfully requests the Court to sign the CMO without the need for appearance at the hearing. Alternatively, Watermaster counsel will appear via CourtCall on the 17th.

Dated: September 8, 2009

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 

MICHAEL T. FIFE
SCOTT S. SLATER
Attorneys for
CHINO BASIN WATERMASTER

EXHIBIT A

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 the
Honorable JOHN P. WADE]

**CASE MANAGEMENT ORDER RE:
WATERMASTER**

In 1978, Judgment was entered in this case and provided for continuing jurisdiction by the Court in order to oversee implementation of the Physical Solution ordered by the Judgment. The Judgment appointed a Chino Basin Watermaster ("Watermaster") in order to assist the Court in this task.

Over the course of the last several months, four substantive hearings have been held at which Watermaster provided testimony concerning the status of implementation of its Optimum Basin Management Program ("OBMP"), which is one component of the Physical Solution under the Judgment.

Watermaster's testimony for each of the nine OBMP Program Elements was organized into four categories:

1. Present program status

2. Timelines
3. Plans for the future
4. Anticipated problems

Watermaster's testimony demonstrated that it is proceeding diligently with implementation of the OBMP, and that it is currently in compliance with all deadlines. Pursuant to the stipulation of the parties, Watermaster's presentation was not opposed, and all parties reserved their respective rights to, without prejudice, produce evidence to rebut or controvert evidence as to any matter that is at a later time placed "at issue." The parties also stipulated that all evidentiary objections and all requirements to qualify any expert witness would be reserved.

Watermaster is currently in the process of satisfying the Conditions Subsequent ordered by the Court in its December 21, 2007 Order. (See 12/21/07 Order, pages 7-8.)

The Court excused Watermaster from the July 1, 2009 filing required by Condition Subsequent Number 5. (See 12/21/07 Order, 8:12.)

Watermaster's next deadline is July 1, 2010 to comply with Condition Subsequent Number 8. (12/21/07 Order, 8:21-23.)

Dated: _____, 2009

John P. Wade, Judge

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 September 8, 2009 I served the following:

1) NOTICE OF MOTION AND MOTION FOR APPROVAL OF CASE MANAGEMENT ORDER

- ☒ 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 September 8, 2009 in Rancho Cucamonga, California.



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