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Water | Environment | Government

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January 29, 2019

VIA WATERMASTER ELECTRONIC SERVICE

Re: *Chino Basin Municipal Water District v. City of Chino, et al.*
Superior Court, Case No. RCVRS 51010
Notice of Ex Parte Application for An Order to Take Watermaster's
Motion Off Calendar

To Watermaster, Parties to the Restated Judgment and Counsel of Record:

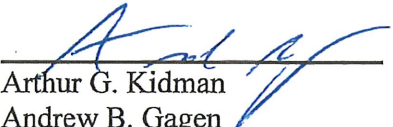
Please take notice that at 8:30 a.m., on Friday, February 1, 2019, in Department S35 of the San Bernardino County Superior Court, located at 247 West Third Street, San Bernardino, California, Defendant and Appellant Monte Vista Water District ("Monte Vista") will make an Ex Parte Application ("Application") to take off calendar Watermaster's Motion Regarding Amendments to Restated Judgment, Peace Agreement, Peace II Agreement, and Re-Operation Schedule ("Watermaster's Motion"); or, in the alternative, stay both the briefing schedule and March 15th hearing on the appeal parties' Motion to Approve Amendments to Appropriative Pool Plan and Court-Approved Management Agreements ("Appeal Parties' Motion") until the Court of Appeal responds to Watermaster's violation of its November 6th Order.

The Application is made pursuant to the Court's inherent power and responsibility to (a) compel obedience to its orders and to the orders of a judge out of court, in an action or proceeding pending therein (i.e. the Court of Appeal case No. E068640) and (b) exercise control over all proceedings before it in order to insure the orderly administration of justice. [CCP § 128(a)(2)-(5); *Hays v. Superior Court*, 16 Cal.2d 260, 264 (1940).]

Good cause exists to grant this Application because this Court lacks jurisdiction to hear or even consider any motion other than the Appeal Parties' Motion. If *either* this Court decides to hear and grant Watermaster's Motion *or* if the Court of Appeal perceives Watermaster's Motion as a violation of its November 6th 'order for limited remand' and order the appeal parties back to the Court of Appeal, then the settlement among the six parties on appeal may be nullified, which will cause irreparable harm to Monte Vista.

Pursuant to this notice, we request that any party that will appear to oppose the Application provide notice of such intent to counsel for Monte Vista, Andrew Gagen, at 714-755-3100 or agagen@kidmanlaw.com.

Sincerely,



Arthur G. Kidman
Andrew B. Gagen
KIDMAN GAGEN LAW LLP
Attorneys for Defendant and Appellant
Monte Vista Water District

cc: See attached Watermaster service list