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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 STANFORD E. REICHERT]

**EXHIBIT LIST TO WATERMASTER
OPPOSITION TO PARAGRAPH 31
MOTION**

Hearing Date: May 14, 2010
Time: 10:30 a.m.
Dept: C-1 (Chino)

18 For the convenience of the Court, Chino Basin Watermaster (“Watermaster”) hereby submits
19 the following list of exhibits attached to Watermaster’s Opposition to Paragraph 31 Motion
20 (“Opposition”). The first table lists all exhibits referenced by Watermaster, organized by exhibit
21 number and arranged in the order the exhibits are referenced in Watermaster’s Opposition. The next
22 table lists the exhibits referenced by Watermaster in its Opposition that are attached to the
23 Declaration of Robert Bowcock, filed with the Court in this matter. The third table is a compendium
24 of all of the case law authority cited by Watermaster in its Opposition, arranged in alphabetical
25 order. Watermaster has provided hard copies of all of these cases with its Opposition.
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Exhibits to Watermaster Opposition to Paragraph 31 Motion

Exhibit #	Description
1	Purchase and Sale Agreement for the Purchase of Water by Watermaster From Overlying (Non-Agricultural) Pool.
2	Plaintiff's Post Trial Memorandum, filed July 12, 1978.
3	Judgment in <i>Chino Basin Municipal Water District v. City of Chino et al.</i> , San Bernardino County Superior Ct. Case No. RCV 51010 (1978) and all exhibits thereto (Unamended).
4	Current list of members of Non-Agricultural Pool.
5	2000 Peace Agreement and attachments thereto.
6	December 21, 2007 Order.
7	Peace II Agreement and Watermaster Resolution 07-05, including attachments thereto.
8	Judgment, Amended Exhibit "G."
9	Joint Appropriative and Non-Agricultural Pool Meeting Minutes for February 12, 2009.
	Board Meeting Minutes, February 26, 2009.
	Board Meeting Minutes, March 26, 2009.
	Joint Appropriative and Non-Agricultural Pool Meeting Minutes, May 14, 2009.
	Board Meeting Minutes, May 28, 2009.
	Joint Appropriative and Non-Agricultural Pool Meeting Minutes, June 11, 2009.
	Board Meeting Minutes, June 25, 2009.
10	Stipulation Between Appropriative Pool and Non-Agricultural Pool Regarding Financial Benefits Derived from Auction.
11	August 11, 2009 Order.
12	Final Notice of Intent to Purchase.
13	Watermaster Board Meeting Minutes, September 24, 2009.
14	Advisory Committee and Board Meeting Minutes November 19, 2009.
15	Spreadsheet of Specific Allocation of Plan B Assessment Distributed to Advisory Committee and Watermaster Board.
16	February 18, 1998 Order.

17	Watermaster Compliance with December 21, 2007 Order Conditions One and Two, Dated January 31, 2008.
18	Reporter's Transcript of Proceedings, February 2, 2009, pp. 69-70.
19	2001 Watermaster Rules and Regulations.
20	December 13, 1978 Order re Ex Parte Application re Notice Procedure.
21	Reporter's Transcript of Proceedings, September 9, 1998.
22	Reporter's Transcript of Proceedings, March 8, 2001, pp. 11-12.
23	July 19, 2001 Order.
24	Reporter's Transcript of Proceedings, October 17, 2002.
25	Reporter's Transcript of Proceedings, February 2, 2009, pp. 21-39.
26	July 31, 1989 Order.

Watermaster Cross-References to Exhibits to Declaration of Robert Bowcock

Bowcock Declaration Exhibit	Description
Bowcock Decl., Exhibit I	Joint Appropriative Pool and Non-Agricultural Pool Meeting Minutes, August 13, 2009.
Bowcock Decl., Exhibit X	Full agenda package for August 27, 2009 Watermaster Board Meeting.
Bowcock Decl., Exhibit H	Watermaster August 13, 2009 Staff Report.
Bowcock Decl., Exhibit J	Watermaster August 27, 2009 Staff Report.
Bowcock Decl., Exhibit L	Watermaster October 1, 2009 Staff Report.
Bowcock Decl., Exhibit M	Joint Appropriative Pool and Non-Agricultural Pool Meeting Minutes, October 1, 2009.
Bowcock Decl., Exhibit K	August 27, 2009 Board Meeting Minutes.
Bowcock Decl., Exhibit O	November 5, 2009 Board Meeting Minutes.
Bowcock Decl., Exhibit Q	Final Version of Plan Regarding Disposition of Water Purchased from the Non-Agricultural Pool Pursuant to the Peace II Purchase and Sale Agreement (Plan B).
Bowcock Decl., Exhibit N	November 5, 2009 Version of Plan B.
Bowcock Decl., Exhibit Q	Advisory Committee and Board Agendas, November 19, 2009.
Bowcock Decl., Exhibit R	Draft Verbatim Minutes of Non-Agricultural Pool January 18, 2010 Conference Call Meeting.

Watermaster Compendium of Legal Authority Cited in Opposition to Paragraph 31
Motion

<i>Bekins Moving & Storage Co. v. Prudential Ins. Co.</i> (1985) 176 Cal.App.3d 245, 251.
<i>Benson v. Superior Court In and For Napa County</i> (Cal.App. 1 Dist. 1963) 214 Cal.App.2d 551, 558.
<i>Braun v. MacLaughlin Company</i> (1928) 93 Cal.App. 116, 124.
<i>Citron v. Franklin</i> (1943) 23 Cal.2d 47, 57.
<i>Coast Plaza Doctors Hosp. v. Blue Cross</i> (2000) 83 Cal.App.4th 677, 684.
<i>Conforti v. Dunmeyer</i> (1962) 209 Cal.App.2d 41, 43.
<i>Henck v. Lake Hemet Water Co.</i> (1937) 9 Cal.2d 136, 143-44.
<i>In re Crossman's Estate</i> (1964) 231 Cal.App.2d 370, 375.
<i>Johnson v. Alexander</i> (1976) 63 Cal.App.3d 806, 813.
<i>Katemis v. Westerlind</i> (1953) 120 Cal.App.2d 537, 543-544.
<i>Keller v. Pacific Turf Club</i> (1961) 192 Cal.App.2d 189, 196-97.
<i>Lodge v. General Acc. Fire & Life Assur. Corp.</i> (1930) 105 Cal.App.160, 165.
<i>Murfee v. Porter</i> (1950) 96 Cal.App.2d 9, 18.
<i>Palo Alto Town & Country</i> (1974) 11 Cal.3d 494, 502.
<i>Patty v. Berryman</i> (1949) 95 Cal.App.2d 159, 167.
<i>People ex rel Lockyer v R.J. Reynolds Tobacco Co.</i> (2004) 116 Cal.App.4th 1253, 1263.
<i>Perry v. Quackenbush</i> (1894) 105 Cal. 299, 309-10.
<i>Ray Thomas, Inc. v. Cowan</i> (1929) 99 Cal.App. 140, 145.
<i>Riverside Fence Co. v. Novak</i> (1969) 273 Cal.App.2d 656, 662-63.
<i>Rollins v. Stokes</i> (1981) 123 Cal.App.3d 701, 712-13.
<i>Stuart v. RadioShack Corp.</i> (N.D.Cal. 2009) 641 F.Supp.2d 901, 904, fn. 1.
<i>Wilson v. Bailey</i> (1937) 8 Cal.2d 416, 422-24.
<i>Wood v. Gunther</i> (1949) 89 Cal.App.2d 718, 731.
15 Williston on Contracts § 46:12 (4th ed.).