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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Allen W. Hubsch (Bar No. 136834) HOGAN LOVELLS US LLP 1999 Avenue of the Stars, 15th Floor Los Angeles, California 90067 TELEPHONE NO.: (310) 785-460 FAX NO. (Optional): (310) 785-4601 E-MAIL ADDRESS (Optional): allen.hubsch@hoganlovells.com ATTORNEY FOR (Name): Non-Agricultural (Overlying) Pool Committ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino STREET ADDRESS: 13260 Central Avenue MAILING ADDRESS: same CITY AND ZIP CODE: Chino, California 91710 BRANCH NAME: Chino | |
| PLAINTIFF/PETITIONER: CHINO BASIN MUNICIPAL WATER DISTRICT, DEFENDANT/RESPONDENT: CITY OF CHINO, ET AL., | |
| APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE) | |
| RE: Appeal filed on (date): August 11 2010 | Superior Court Case Number: RCVRS 51010 Court of Appeal Case Number (if known): |
| Notice: Please read form APP-001 before completing this form. This form must be filed in the superior court, not in the Court of Appeal. | |

1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I elect to use the following method of providing the Court of Appeal with a record of the documents filed in the superior (check a, b, c, d, or e and fill in any required information):

- a. ☐ A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section on page 2 of this form.)
- (1) ☐ I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2) ☐ I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have attached the following document (check (a) or (b)):
- (a) ☐ An order granting a waiver of court fees and costs under rule 3.50 et seq.; or
- (b) ☐ An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)
- b. ☒ An appendix under rule 8.124.
- c. ☐ The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, Fourth, and Fifth Appellate Districts, permit parties to stipulate to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d. ☐ An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)
- e. ☐ A settled statement under rule 8.137. (You must complete item 2b(3) below and attach to your proposed statement on appeal copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.137(b)(3).)

2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I elect to proceed:

- a. ☐ WITHOUT a record of the oral proceedings in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether an error was made in the superior court proceedings.

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b. ☒ WITH the following record of the oral proceedings in the superior court:(1) ☒ A reporter's transcript under rule 8.130. (You must fill out the reporter's transcript section on page 3 of this form.)
I have (check all that apply):(a) ☒ Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).(b) ☐ Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).(c) ☐ Attached the reporter's written waiver of a deposit for (check either (i) or (ii)):(i) ☐ all of the designated proceedings.(ii) ☐ part of the designated proceedings.(d) ☐ Attached a certified transcript under rule 8.130(b)(3).(2) ☐ An agreed statement. (Check and complete either (a) or (b) below.)(a) ☐ I have attached an agreed statement to this notice.(b) ☐ All the parties have agreed in writing (stipulated) to try to agree on a statement. (You must attach a copy of this stipulation to this notice.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.(3) ☐ A settled statement under rule 8.137. (You must attach the motion required under rule 8.137(a) to this form.)**3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT**☐ I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (give the title and date or dates of the administrative proceeding):

Title of Administrative Proceeding

Date or Dates

4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

(You must complete this section if you checked item 1a. above indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court.)

a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.

Document Title and Description

Date of Filing

(1) Notice of appeal

(2) Notice designating record on appeal (this document)

(3) Judgment or order appealed from

(4) Notice of entry of judgment (if any)

(5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (if any)

(6) Ruling on one or more of the items listed in (5).

(7) Register of actions or docket (if any)

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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

- b. **Additional documents.** (If you want any documents from the superior court proceeding in addition to the items listed in a. above to be included in the clerk's transcript, you must identify those documents here.)

☐ I request that the clerk include the following documents from the superior court proceeding in the transcript. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed)

| | Document Title and Description | Date of Filing |
|------|--------------------------------|----------------|
| (8) | | |
| (9) | | |
| (10) | | |
| (11) | | |
| (12) | | |

☐ See additional pages.

- c. **Exhibits to be included in clerk's transcript.**

☐ I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court (for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence):

| | Exhibit Number | Description | Admitted (Yes/No) |
|-----|----------------|-------------|-------------------|
| (1) | | | |
| (2) | | | |
| (3) | | | |
| (4) | | | |
| (5) | | | |

☐ See additional pages.

5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT

(You must complete this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.)

- a. I request that the reporters provide (check one):

- (1) ☒ My copy of the reporter's transcript in paper format.
- (2) ☐ My copy of the reporter's transcript in computer-readable format.
- (3) ☐ My copy of the reporter's transcript in paper format and a second copy in computer-readable format.

(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

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b. Proceedings.

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—and, if you know it, the name of the court reporter who recorded the proceedings).

| Date | Department | Full/Partial Day | Description of Proceedings | Reporter's Name |
|-------------|------------|------------------|----------------------------|-----------------|
| (1) 4/2/10 | C-1 | Partial | Case Management Conference | |
| (2) 6/18/10 | C-1 | Partial | Motion Hearing | |
| (3) | | | | |
| (4) | | | | |
| (5) | | | | |
| (6) | | | | |
| (7) | | | | |

☐ See additional pages.

c. The proceedings designated in 5b ☒ include ☐ do not include all of the testimony in the superior court.

If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal (rule 8.130(a)(2) provides that your appeal will be limited to these points unless, on motion, the reviewing court permits otherwise).

Date: August 19, 2010

Allen W. Hubsch

(TYPE OR PRINT NAME)

(SIGNATURE OF APPELLANT OR ATTORNEY)

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to this action. My business address is Hogan Lovells US LLP, 1999 Avenue of the Stars, Suite 1400, Los Angeles, CA 90067.

On **August 19, 2010**, I caused the foregoing document described as:


**APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL
(UNLIMITED CIVIL CASE)**

to be served on the interested parties in this action as follows:

PLEASE SEE ATTACHMENT

- ☒ **BY MAIL.** I sealed said envelope and placed it for collection and mailing following ordinary business practices.
- ☐ **BY HAND DELIVERY.** I caused such envelope to be delivered by hand to the offices of the addressee(s) following ordinary business practices.
- ☐ **BY FACSIMILE.** I served such document via facsimile to the facsimile number as indicated above.
- ☐ **BY E-MAIL.** I caused such document(s) to be served via e-mail.
- ☐ **BY OVERNIGHT SERVICE.** I caused such document to be delivered by overnight mail to the offices of the addressee(s) by placing it for collection by UPS/Federal Express following ordinary business practices by my firm, to wit, that packages will either be picked up from my firm by UPS/Federal Express and/or delivered by my firm to the UPS/Federal Express office.
- ☒ **(State)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. **Executed on August 19, 2010**, at Los Angeles, California.

Kristen Echols
Print Name


Signature

ATTACHMENT

| | |
|--|--|
| <p> Scott S. Slater, Esq. Michael T. Fife, Esq. Brownstein Hyatt Farber Schreck, LLP 2029 Century Park East, Suite 2100 Los Angeles, CA 90067 Telephone: (310) 500-4600 Facsimile: (310) 500-4602 <i>Attorneys for Chino Basin Watermaster</i> </p> | <p> Steven G. Lee, Esq. Reid and Hellyer, LLP 3880 Lemon Street, Fifth Floor P.O. Box 1300 Riverside, CA 92502-1300 Telephone: (951) 682-1771 Facsimile: (951) 686-2415 <i>Attorneys for Agricultural Pool</i> </p> |
| <p> John Schatz, Esq. Attorney at Law P.O. Box 7775 Laguna Niguel, CA 92607-7775 Telephone: (949) 683-0398 Facsimile: (949) 305-6865 <i>Attorneys for Appropriative Pool</i> </p> | <p> Karin Dougan Vogel, Esq. Geoffrey K. Willis, Esq. Sheppard, Mullin, Richter & Hampton 501 West Broadway, Suite 1900 San Diego, CA 92101 <i>Attorneys for California Steel Industries, Inc.</i> </p> |
| <p> Chino Basin Watermaster Kenneth R. Manning, Chief Executive Officer 9641 San Bernardino Road Rancho Cucamonga, CA 91730 Facsimile: (909) 484-3890 E-Mail: KManning@CBWM.org </p> | |

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2 Including Professional Corporations
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Telephone: 714-513-5100
6 Facsimile: 714-513-5130

7 Attorneys for California Steel Industries, Inc.

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN BERNARDINO, CHINO DISTRICT

11 CHINO BASIN MUNICIPAL WATER
12 DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendants.

Case No. RCVRS 51010

**DESIGNATION OF RECORD ON
APPEAL**

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20 On August 11, 2010, defendant California Steel Industries, Inc. and
21 defendant Non-Agricultural (Overlying) Pool Committee each separately appealed from
22 the Court's June 18, 2010, post-judgment order. On August 19, 2010, defendant Non-
23 Agricultural (Overlying) Pool Committee filed its designation of the record on appeal,
24 electing to proceed with an appendix under Rule 8.124 in lieu of a clerk's transcript and
25 designating the reporter's transcripts for the hearings on April 2, 2010 and June 18, 2010,
26 in Department C-1. Defendant California Steel Industries, Inc. has nothing to add to that
27 designation.
28

1 Dated: August 19, 2010

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3
4 By Karin Dougan Vogel

5 KARIN DOUGAN VOGEL
6 Attorneys for California Steel Industries, Inc.

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1 San Bernardino Superior Court

2 Chino Basin Municipal Water District v. City of Chino, et al., Case No. RCVRS 51010

3 PROOF OF SERVICE

4 STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

5 I am employed in the County of San Diego; I am over the age of eighteen years and not a
6 party to the within entitled action; my business address is 501 West Broadway, Suite 1900,
7 San Diego, California 92101.

8 On **August 19, 2010**, I served the following document(s) described as **DESIGNATION
9 OF RECORD ON APPEAL** on the interested party(ies) in this action by placing true copies
10 thereof enclosed in sealed envelopes and/or packages addressed as follows:

11 **See Attached Service List**

12 ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing
13 correspondence for mailing. Under that practice it would be deposited with the U.S. postal
14 service on that same day with postage thereon fully prepaid at San Diego, California in the
15 ordinary course of business. I am aware that on motion of the party served, service is
16 presumed invalid if postal cancellation date or postage meter date is more than one day
17 after date of deposit for mailing in affidavit.

18 ☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on
19 the same day to an authorized courier or driver authorized by the overnight service carrier
20 to receive documents, in an envelope or package designated by the overnight service
21 carrier.

22 ☐ **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to
23 Rule 2.306 of the California Rules of Court. The telephone number of the sending
24 facsimile machine was 714-513-5130. The name(s) and facsimile machine telephone
25 number(s) of the person(s) served are set forth in the service list. The sending facsimile
26 machine (or the machine used to forward the facsimile) issued a transmission report
27 confirming that the transmission was complete and without error. Pursuant to Rule
28 2.306(h)(4), a copy of that report is attached to this declaration.

☐ **BY ELECTRONIC MAIL:** I caused the above document(s) to be transmitted by
electronic mail.

☐ **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the office
of the addressee(s).

☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

Executed on **August 19, 2010**, at San Diego, California.


JAN FREDERICK

SERVICE LIST

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Facsimile: (909) 484-3890

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.

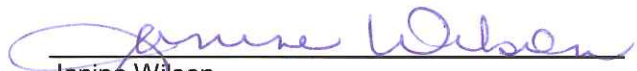
On August 23, 2010 I served the following:

**1) DESIGNATION OF RECORD RE NON-AGRICULTURAL POOL PARAGRAPH 31
MOTION APPEAL**

- ☒ 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 August 23, 2010 in Rancho Cucamonga, California.



Janine Wilson
Chino Basin Watermaster

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