

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION

DEPARTMENT R-8

HON. J. MICHAEL GUNN, JUDGE

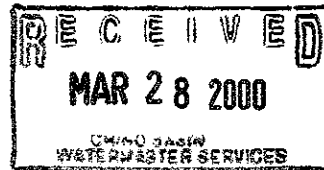
CHINO BASIN MUNICIPAL WATER DISTRICT,

Plaintiff,

vs.

THE CITY OF CHINO,

Defendant.



Case No. RCV 51010

**COPY**

REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS  
re: *Status Conference/Review of Time Line*

Thursday, January 6, 2000

APPEARANCES:

For Inland  
Empire Utilities:

Cihigoyenette, Grossberg  
& Clouse  
By: **MR. JEAN CIHIGOYENETTE**  
Attorney at Law

For WMWD  
& CCWD:

Best, Best, & Krieger  
**MR. JAMES P. MORRIS**  
Attorney at Law

For the Agricultural  
Pool:

Reid & Hellyer  
BY: **MR. DAN G. MC KINNEY**  
Attorney at Law

Reported by:

HEATHER R. MOORE, C.S.R.  
Official Reporter, C-10294

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Appearances: (Continued)

For Watermaster  
Services:

Lemieux & O'Neil  
By: **MR. WAYNE K. LEMIEUX**  
Attorney at Law

For the City of  
Pomona:

Alvarez-Glasman & Colvin  
By: **MR. THOMAS S. BUNN, III**  
Attorney at Law

For the Three Valleys  
Water District:

Brunick, Alvarez & Battersby  
By: **MR. STEVEN M. KENNEDY**  
Attorney at Law

1 RANCHO CUCAMONGA, CALIFORNIA; THURSDAY, JANUARY 6, 2000;

2 1:30 P.M.

3 DEPARTMENT R-8

HON. J. MICHAEL GUNN, JUDGE

4 APPEARANCES:

5 (Appearances as noted on the cover page.)

6 (Heather R. Moore, C.S.R., Official Reporter, C-10294)

7 THE COURT: Let's go on the record in the case  
8 of Chino Basin Municipal Water District versus the City of  
9 Chino, case number RCV 51010.

10 Starting with Mr. Cihigoyenetché, why don't we  
11 get everybody's name.

12 MR. CIHIGOYENETCHE: Good afternoon. Jean  
13 Cihigoyenetché on behalf of Inland Empire Utilities.

14 MR. MORRIS: Jim Morris on behalf of Western  
15 Municipal Water District and Cucamonga County Water  
16 District.

17 MR. MC KINNEY: Dan McKinney on behalf of the  
18 Agricultural Pool.

19 MR. LEMIEUX: Wayne Lemieux on behalf of the  
20 Watermaster.

21 MR. BUNN: Thomas Bunn on behalf of the City of  
22 Pomona.

23 MR. KENNEDY: Steve Kennedy on behalf of Three  
24 Valleys Municipal Water District.

25 THE COURT: And we have various members in the  
26 audience.

1           What I have received since you were last here, I  
2 received from Jim Morris his second report of the status  
3 of proceedings. I received a report from Mr. Lemieux, a  
4 notice of rulings and the hearing, and from  
5 Mr. Cihigoyenatche, a further status report on petitions  
6 to set aside, and another one from Mr. Lemieux -- not  
7 Mr. Lemieux, but Mr. Cihigoyenatche.

8           Okay. Basically, they had a meeting in December  
9 and Orange County said that it wasn't fully appropriated.  
10 Mr. Cihigoyenatche's group says it is fully appropriated.  
11 Mr. Morris' group says it isn't, but Orange County  
12 shouldn't get it because we want it.

13           Is that pretty much it?

14           MR. CIHIGOYENETCHE: That's pretty much it. We  
15 had a hearing over two days and evidence has been  
16 submitted and it has been submitted to the State Board.  
17 Closing briefs are due on or before February 11th. I  
18 don't have my copy of the transcript of oral proceedings  
19 yet. I don't know if anyone else does.

20           MR. MORRIS: Yes, we do.

21           MR. CIHIGOYENETCHE: We'll have to check on  
22 that. Once those briefs are submitted, it is up to the  
23 State Board to submit a ruling.

24           THE COURT: Interesting. So much for the theory  
25 they weren't going to do anything in December.

26           MR. CIHIGOYENETCHE: They did.

1 THE COURT: Okay. Apparently, all time lines  
2 are okay, then.

3 MR. LEE: That's right, your Honor.

4 THE COURT: Anything else we need to do today?

5 (No response.)

6 THE COURT: I guess, is it March the 28th?

7 MS. STEWART: The 16th, I think.

8 MR. MCKINNEY: 16th. March 16th of 2000 is the  
9 next hearing.

10 THE COURT: I need to look at Mr. Lemieux's  
11 paperwork to be sure. Let's make sure we're all on the  
12 same -- I have April 27th for hearing on continuance of  
13 nine-member board.

14 What do we have in the interim as far as  
15 hearings go?

16 Go ahead, Tracey.

17 MR. MCKINNEY: In looking at your final ruling  
18 which contained --

19 Dan McKinney, Reid & Hellyer. The time line  
20 reflects March 16th, 2000, 1:30 hearing for a status OBMP  
21 and related CEQA matters.

22 MS. STEWART: And April 27th, I believe, was on  
23 the revised time line that we had contemplated after this  
24 Exhibit A was attached to the final ruling of the  
25 September 30th, 1999, hearing.

26 THE COURT: You're right. The one I signed was

1 the one you just mentioned. So status hearing March 16th,  
2 1:30.

3 June 13th would be the hearing on the  
4 continuance of the nine-member board then.

5 Okay, everybody agree with that?

6 Things are running smooth -- well, let's not go  
7 that far? Okay. Great. Let's see if there is a proof of  
8 service on that as far as the next hearing. It's a shame.  
9 We could have given that with the last one, Mr. Lemieux's  
10 December 3rd. Apparently, we will have to do it again,  
11 the notice of the next hearing. Who wants to do it? Who  
12 is equipped to do it? What larger firms do we have here?

13 Mr. Morris, have we picked on you, yet?

14 MR. MORRIS: If you would like us to do it, we  
15 certainly can.

16 THE COURT: Why don't you do both the July and  
17 the March hearings, that way after the March hearing, we  
18 won't have to -- if nothing transpires other than what is  
19 contemplated, then you won't have to give another notice  
20 for the July hearing.

21 MS. STEWART: June 29th?

22 THE COURT: The hearing on the OBMP. So you  
23 would have to do the June 29th too, Mr. Morris; is that  
24 okay?

25 MR. MORRIS: Shall do.

26 THE COURT: I guess that's it. Everything is

1 okay then? We have been busy here too. Good. Thank you,  
2 very much.

3 (Proceedings in the above-entitled matter  
4 were concluded.)

5 --oOo--

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION

DEPARTMENT R-8

HON. J. MICHAEL GUNN, JUDGE

CHINO BASIN MUNICIPAL WATER )  
DISTRICT, )  
Plaintiff, )  
vs. )  
THE CITY OF CHINO, )  
Defendants. )  
\_\_\_\_\_ )

Case No. RCV 51010

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )

ss

I, Heather R. Moore, Official Reporter of the Superior Court of the State of California, for the County of San Bernardino, Rancho Cucamonga Division, do hereby certify under penalty of perjury that the foregoing pages numbered 1 through 5, comprise a full, true and correct computer-aided transcription of the proceedings held in the above-entitled matter on Thursday, January 6, 2000.

Dated this 13th day of January, 2000.

Heather R Moore C.S.R.

Official Reporter, C-10294