

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF SAN BERNARDINO - RANCHO CUCAMONGA DIVISION
3 DEPARTMENT R-8 HON. J. MICHAEL GUNN, JUDGE
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5 CHINO BASIN MUNICIPAL WATER)
6 DISTRICT,)
7 Plaintiff,)
8 vs.) CASE NO. RCV 51010
9 THE CITY OF CHINO,)
Defendant.)
_____)
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12 REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS
13 re: Approve Post Order Memorandum
14 THURSDAY, APRIL 19, 2001
15

16 APPEARANCES:
17 For Watermaster: HATCH AND PARENT
By: MR. SCOTT SLATER
and
18 MR. MICHAEL T. FIFE
Attorneys at Law
19
20 For the Inland CIHIGOYENETCHE, GROSSBERG & CLOUSE
Empire Utilities By: MR. JEAN CIHIGOYENETCHE
Agency: Attorney at Law
21
22 For Three Valleys BRUNICK, ALVAREZ & BATTERSBY
Municipal Water By: MR. STEVEN M. KENNEDY
District: Attorney at Law
23
24 For the City of MR. JAMES E. ERICKSON
Chino: Attorney at Law
25
26

27 Reported by:

LAURA SANDERS
Pro Tempore Reporter
C.S.R. No. 12273

28

1 For Western Municipal MR. JAMES P. MORRIS
Water District: Attorney at Law

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3 For San Gabriel Water MORRISON & FOERSTER
Company: By: MR. BURTON J. GINDLER
Attorney at Law

4

5 For the City of BURKE, WILLIAMS & SORENSEN
Chino Hills: By: MS. TANYA D. SIZEMORE
Attorney at Law

6

7 For the City of COVINGTON & CROWE
Ontario: By: MR. ROBERT E. DOUGHERTY
Attorney at Law

8

9 For the State of Office of the Attorney General
California: By: MS. MARILYN H. LEVIN
Deputy Attorney General

10

11 For the Agricultural REID & HELLYER
Pool: By: MR. DAN G. MCKINNEY
Attorney at Law

12

13 For Santa Ana JACKSON, DEMARCO & PECKENPAUGH
River Water By: MS. MICHELE A. STAPLES
Company: Attorney at Law

14

15 For Monte Vista McCORMICK, KIDMAN & BEHRENS
Water District By: MR. BOYD L. HILL
Service: Attorney at Law

16

17 For the City of LAGERLOF, SENEAL, BRADLEY,
Pomona: GOSNEY & KRUSE
By: MR. THOMAS S. BUNN

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1 RANCHO CUCAMONGA, CALIFORNIA; THURSDAY, APRIL 19, 2001

2 DEPARTMENT R-8

HON. J. MICHAEL GUNN, JUDGE

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4 APPEARANCES:

5 (Appearances as heretofore noted.)

6 (Laura Sanders, C.S.R., Pro Tempore

7 Reporter C-12273.)

8 -oOo-

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10 THE COURT: Let's go in the matter of Chino Basin

11 Municipal Water District versus the City of Chino,

12 RCV-51010.

13 Mr. Cihigoyeneteche, come on up. You can give

14 your name first and we'll get everything

15 MR. CIHIGOYENETECHE: Mine's the common spelling,

16 your Honor.

17 THE COURT: Excuse me?

18 MR. CIHIGOYENETECHE: Mine's the common spelling.

19 Jean Cihigoyentche, C-i-h-i-g-o-y-e-n-e-t-c-h-e, on behalf

20 of Inland Empire Utilities Agency.

21 MR. KENNEDY: Steven Kennedy on behalf of the

22 three valleys, K-e-n-n-e-d-y.

23 MR. ERICKSON: James Erickson, E-r-i-c-k-s-o-n, on

24 behalf of Chino.

25 MR. MORRIS: Jim Morris, M-o-r-r-i-s, on behalf of

26 Western Municipal Water District.

27 MR. GINDLER: Good morning. Burton Gindler,
28 G-i-n-d-l-e-r, for San Gabriel Water Company.

1 MS. SIZEMORE: Tanya Sizemore, S-i-z-e-m-o-r-e, on
2 behalf of Chino Hills.

3 MR. DOUGHERTY: Robert Dougherty,
4 D-o-u-g-h-a-r-t-y, on behalf of Ontario.

5 MS. LEVIN: Marilyn Levin, L-e-v-i-n, Attorney
6 General on behalf of the State of California.

7 MR. MCKINNEY: Dan McKinney, Reid and Hellyer,
8 Agriculture Pool, Chino Basin.

9 MS. STAPLES: Michelle Staples, S-t-a-p-l-e-s,
10 Jackson, Demarco and Peckenpugh on behalf of Santa Ana
11 River Water Company.

12 MR. HILL: Good afternoon, your Honor. Boyd Hill,
13 McCormick, Kidman, and Behrens on behalf of Monte Vista
14 Water District Service, B-o-y-d.

15 MR. BUNN: Good afternoon, your Honor. Thomas
16 Bunn, B-u-n-n, for the City of Pomona.

17 MR. SLATER: Good afternoon, your Honor. Scott
18 Slater again, counsel to Watermaster.

19 MR. FIFE: Good afternoon, your Honor. Michael
20 Fife, F-i-f-e, for Watermaster.

21 THE COURT: Okay. And what I've been doing, there
22 are not attorneys, I've been getting everybody's name from
23 the audience to preserve a record in the case.

24 Tracy, you are the first one.

25 MS. STEWART: Traci Stewart, S-t-e-w-a-r-t, with
26 Watermaster.

27 MS. JOHNSON: Josephine Johnson, J-o-h-n-s-o-n,
28 Chino Basin Watermaster Water District.

1 THE COURT: Who else is present?

2 MR. ARBELBIDE: Stephen Arbelbide, Chino Basin
3 Watermaster and California Steel Industries,
4 A-r-b-e-l-b-i-d-e.

5 MR. DeLOACH: Robert DeLoach, D-e-l-o-a-c-h,
6 Cucamonga County Water.

7 MR. JESKE: Ken Jeske, J-e-s-k-e, with the City of
8 Ontario.

9 MR. BLACK: Gerald Black, Fontana Union Water
10 Company.

11 MR. PEPPER: Henry Pepper, P-e-p-p-e-r, City of
12 Pomona.

13 MR. BRYSON: James Bryson, B-r-y-s-o-n, with
14 Fontana Water Company.

15 MR. RODRIGUEZ: Arnold Rodriguez,
16 R-o-d-r-i-g-u-e-z, Santa Ana River Water Company.

17 MR. MOORREES: Charles Moorrees, M-o-o-r-r-e-e-s,
18 for San Antonio Water Company.

19 MR. HOFER: Paul Hofer, H-o-f-e-r, Watermaster
20 Board of Directors.

21 MR. DEBERARD: Robert Deberard, D-e-b-e-r-a-r-d.

22 MR. CROSLEY: David Crosley, C-r-o-s-l-e-y, City
23 of Chino.

24 MR. MAESTAS: Mike Maestas for Chino Hills,
25 M-a-e-s-t-a-s.

26 MR. KINSEY: Mark Kinsey, K-i-n-s-e-y, Monte Vista

27 Water District.

28 THE COURT: Okay. There is an intended decision

1 that reeks after the effect, but seeing no opposition --
2 although, Mr. Hill, I did note that Mr. Kidman who was --
3 Mr. Kidman signed it, not you.

4 But I was joking with somebody. I don't know who
5 it was and I think it was Judy saw the movie All the
6 President's Men, and then Dustin Hoffman looks at Robert
7 Redford and says that's a dial to dial. That's a
8 non-opposition to non-opposition, right.

9 But you don't object to the Court making the
10 orders but that you wanted to make sure that there was a
11 basin rights, I believe it was termed in there.

12 UNIDENTIFIED SPEAKER: That's correct, your Honor.

13 THE COURT: Has everybody seen the tentative
14 order?

15 MR. SLATER: Yes, your Honor.

16 THE COURT: Any comments or questions? Anybody
17 wish to be heard?

18 MR. SLATER: If I may, your Honor, I think all the
19 parties have had an opportunity to review the tentative and
20 support it and are committed to carry those measures out. I
21 do want to point out, yesterday afternoon the negotiator for
22 all the key stakeholders on the case, they reached a
23 contracting binding term sheet that will allow Western
24 Municipal to rescind it's conditional resolution and fully
25 subscribe to the term sheet.

26 Mr. Morris is here today if the Court has any

27 questions. We're ready to move forward.

28 THE COURT: Counsel for Watermaster, actually, I

1 mentioned to and that -- well, I think I got through reading
2 page 11 of that one transcript about -- well, it was after
3 midnight. I woke up this morning and I really felt
4 enthusiastic and eager to come to work because I think you
5 guys are accomplishing something, I hope. But I was
6 actually enthusiastic about coming down here today and
7 pushing this forward. My other comment I keep on making,
8 too, and I don't really know how it effects you guys. I'll
9 say it anyway because we have time, is that -- that what we
10 are doing at this time, 50 years from now, in fact -- well,
11 somebody mentioned that the eight-year agreement, you got 30
12 years and another 30 year extension, there's 60 years. But
13 50 years from now when we'll probably be long gone by then,
14 but people are going to realize what you're doing. You're
15 not going to realize you were responsible but they'll
16 benefit from what you're doing. So congratulations.

17 MR. SLATER: Thank you, your Honor.

18 THE COURT: Okay. There are some -- there is some
19 filing times. For example, I think it was June the 15th
20 then goes to July 19th for a hearing then over to September
21 the 20th for a filing, October 4th for a hearing. They're
22 in the Court's ruling and order.

23 So I'll be in Europe starting June the 15th and
24 I'll be back July the 9th and looking forward to seeing you
25 guys on July the 19th then.

26 MR. SLATER: Thank you, your Honor. We hope to

27 make your job easy.

28 THE COURT: Yeah. Be very little time to prepare

1 next time. Okay. Have a nice day everybody.

2 ALL COUNSEL: Thank you, your Honor.

3 THE COURT: Mr. Slater, you going to, as usual,
4 give notice? Mr. Slater, you're going to give notice?

5 MR. SLATER: Yes, sir.

6 THE COURT: The tentative is the order of the
7 Court.

8 (Proceedings in the above-entitled matter
9 were concluded.)

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1 STATE OF CALIFORNIA)
) SS.
2 COUNTY OF SAN BERNARDINO)

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4 I, Laura L. Sanders, Pro Tempore Reporter for the
5 Superior Court of San Bernardino, do hereby certify that to
6 the best of my ability, the foregoing pages, 1 through 6
7 comprise a full, true, and correct transcript of the
8 proceedings held in the above-entitled matter on
9 Thursday, April 19, 2001.

10 Dated this 13th day of July, 2001.

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LAURA L. SANDERS
CSR NO. 12273

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INVOICE

JULY 23, 2001

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TO: MARY STAULA
RE: CASE NO. RCV 51010

* WATERMASTER

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TRANSCRIPT OF THE ORAL PROCEEDINGS FOR THE DATE OF
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THANK YOU!