

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SAN BERNARDINO

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4 CHINO BASIN MUNICIPAL WATER DISTRICT,))
5 Plaintiff,))
6 vs.)) Case No. RCVRS51010
7 CITY OF CHINO, et al.,))
8 Defendants.))

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10 REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS

11 BEFORE HON. STANFORD E. REICHERT, JUDGE

12 DEPARTMENT C-1
13 CHINO, CALIFORNIA
14 Friday, June 18, 2010

15 APPEARANCES:

16 For the Chino Basin Watermaster:	BROWNSTEIN, HYATT, FARBER & SCHRECK BY: SCOTT S. SLATER Attorney at Law and MICHAEL FIFE Attorney at Law
18 For the Non-agricultural Pool:	HOGAN LOVELLS BY: ALLEN W. HUBSCH Attorney at Law
20 For California Steel Industries:	SHEPPARD MULLIN BY: GEOFFREY WILLIS Attorney at Law
22 For the City of Pomona:	LAGERLOF, SENEAL, GOSNEY & KRUSE THOMAS S. BUNN III Attorney at Law

24 **COPY**

25 (Appearances continued on following page.)

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27 Reported by: VICTORIA E. VILLEGAS, CSR NO. 9843
28 Official Reporter

1 (Appearances continued:)

2 For the Monte Vista MCCORMICK, KIDMAN, & BEHRENS
3 Water District: BY: TRAM T. TRAN
4 Attorney at Law
5 and
6 ARTHUR G. KIDMAN
7 Attorney at Law

8 For Cucamonga Valley BEST, BEST & KRIEGER
9 Water District: BY: JILL N. WILLIS
10 Attorney at Law

11 For Chino Basin JOHN J. SCHATZ
12 Appropriative Pool: Attorney at Law

13 For the City of JAMES E. ERICKSON
14 Chino: Attorney at Law

15 For the Chino Basin REID & HELLYER
16 Agricultural Pool: BY: STEVEN G. LEE
17 Attorney at Law

18 For Three Valleys BRUNICK, MCELHANEY & BECKETT
19 Municipal Water BY: STEVEN M. KENNEDY
20 District: Attorney at Law

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1 CHINO, CALIFORNIA; FRIDAY, JUNE 18, 2010

2 A.M. SESSION

3 DEPARTMENT C-1 HON. STANFORD E. REICHERT, JUDGE

4 (Appearances as heretofore noted on title page.)

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6 THE COURT: We are on the record in the Watermaster
7 case. Let me get the appearances of the attorneys who are
8 here starting with Mr. Hubsch, please.

9 MR. HUBSCH: Allen Hubsch of Hogan Lovells
10 representing the Non-agricultural Pool.

11 THE COURT: Okay. Thank you.

12 MR. WILLIS: Geoffrey Willis of Sheppard Mullin on
13 behalf of joinder California Steel Industries.

14 THE COURT: Did we get your card, sir?

15 MR. WILLIS: Yes, we did.

16 THE COURT: Oh, thanks. Give me just a half sec.

17 MR. WILLIS: Sure.

18 THE COURT: Okay. Thank you very much, Mr. Willis.
19 Next.

20 MR. SLATER: Yes. Good morning. Scott Slater from
21 the law office of Brownstein Hyatt Farber and Schreck on
22 behalf of the Watermaster.

23 THE COURT: Thank you..

24 MR. FIFE: Morning, your Honor. Michael Fife,
25 Brownstein Hyatt Farber Schreck for Watermaster.

26 THE COURT: All right. Thank you.

27 And then the row back starting on my right here.

28 MR. BUNN: Good morning. Thomas Bunn on behalf of

1 the City of Pomona, a member of the Appropriative Pool.

2 THE COURT: Okay. Thank you. Got it.

3 MS. TRAN: Good morning, your Honor. Tram Tran on
4 behalf of Monte Vista Water District.

5 THE COURT: Okay. Thank you.

6 MS. TRAN: That is also on the Appropriative Pool.

7 THE COURT: Okay. Thank you.

8 MS. WILLIS: Good morning. Jill Willis with Best
9 Best and Krieger on behalf of Cucamonga Valley Water District,
10 a member of the Appropriative Pool.

11 THE COURT: Got it. Thank you. Okay.

12 MR. SCHATZ: Morning, your Honor. John Schatz for
13 the Appropriative Pool.

14 THE COURT: All right. Thank you.

15 MR. KIDMAN: Good morning, your Honor. Art Kidman
16 for Monte Vista Water District, a member of the Appropriative
17 Pool.

18 THE COURT: All right. Thank you.

19 The Court has prepared --

20 MR. ERICKSON: Your Honor?

21 THE COURT: -- a tentative ruling. Sorry about the
22 length but it covered a lot of issues.

23 Is there someone -- oh, sorry. Someone else in the
24 back. Sorry.

25 MR. ERICKSON: Yes.

26 THE COURT: Thank you.

27 MR. ERICKSON: Jim Erickson for the City of Chino.

28 THE COURT: Okay. Thank you. Did I get your card?

1 Yes, I did. Thank you.

2 MR. LEE: Steven Lee of Reid and Hellyer on behalf
3 of the Agricultural Pool.

4 THE COURT: Yes, I see you, Mr. Lee, your card here.
5 Thank you.

6 Anyone else?

7 MR. KENNEDY: Good morning, your Honor. Steve
8 Kennedy on behalf of Three Valleys Municipal Water District.

9 THE COURT: Yes. Okay. Thank you. I've got that.
10 All right. Anybody else? Any other counsel? All
11 right. Thank you.

12 The Court did prepare a lengthy tentative ruling.
13 So I saw that many of you were here early which I greatly
14 appreciate. So before I proceed I want to make sure everyone
15 had a chance to read and digest it because I can certainly
16 give you some more time because it was 30 pages long which is
17 long. So let me ask, inquire if there's anyone who needs some
18 additional time to review the tentative ruling before we
19 begin?

20 MR. HUBSCH: Your Honor, I would like to review the
21 tentative ruling. I was not aware that there was a tentative
22 ruling in the court and so I was outside the courtroom. And
23 so I've --

24 THE COURT: Haven't read it?

25 MR. HUBSCH: I've had a chance to skim portions of
26 it.

27 THE COURT: Why don't we take 15 minutes. If you
28 need more time let me know. I tried to break it out so it

1 would be easily understandable. Whether that's true is up to
2 you, I confess. But the bailiff has extra copies on his desk.
3 Any counsel who has not had a chance to review it and read it,
4 please do so and I'll recall the case in about 15 minutes.

5 MR. HUBSCH: Okay. Thank you, your Honor.

6 MR. SLATER: Thank you, your Honor.

7 (Recess).

8 THE COURT: Okay. We're back on the record.

9 Mr. Hubsch, do you need some more time?

10 MR. HUBSCH: Yes, your Honor, I would like more
11 time. I was on the phone with the chair of the pool trying to
12 get --

13 THE COURT: With who?

14 MR. HUBSCH: The chair of the pool trying to get
15 some direction.

16 THE COURT: Okay. Mr. Bowcock?

17 MR. HUBSCH: Yes.

18 THE COURT: Well, we need to -- how far along are
19 you?

20 MR. HUBSCH: Well, I'm -- I've got about eight pages
21 left.

22 THE COURT: Oh, okay. Another 15 minutes?

23 MR. HUBSCH: Yes, that would be -- I think that
24 would be adequate.

25 THE COURT: Okay.

26 MR. HUBSCH: Thank you.

27 THE COURT: You're welcome. We'll be in recess till
28 ten after.

1 MR. HUBSCH: Thank you.

2 MR. SLATER: Thank you, your Honor.

3 (Recess.)

4 THE COURT: Okay. We're back on the record in the
5 Watermaster case.

6 Mr. Hubsch, you had enough time to go over the
7 tentative ruling?

8 MR. HUBSCH: I did. Thank you.

9 THE COURT: All right. The tentative ruling is
10 against you, Mr. Hubsch, and so I'll turn to you for argument.
11 Let me request that you not repeat the arguments that were
12 made in the moving papers and the reply papers, the
13 declarations and the exhibits. I've been over them and over
14 them and over them and over them, and if they were not
15 persuasive in writing when I had many hours -- and I've spent
16 many hours on this -- it's unlikely that they're going to be
17 persuasive for you to repeat them to me this morning. So if
18 you -- I -- I want to give you every opportunity to argue that
19 you need but I have spent, given the length of the tentative,
20 many hours on this and looked very carefully at every argument
21 and every exhibit. So go ahead, please, Mr. Hubsch.

22 MR. HUBSCH: Thank you, your Honor. I will spare
23 you and submit on the tentative. Thank you.

24 THE COURT: Oh. Thank you very much.

25 Okay. Anything further, Mr. Slater?

26 MR. SLATER: No, your Honor. Thank you for the time
27 and the diligence and the thorough order. We appreciate it
28 and we are prepared to submit.

1 THE COURT: The tentative then will be the orders of
2 the Court. I'll go ahead and sign it at this time.

3 MR. HUBSCH: Thank you, your Honor.

4 THE COURT: You're welcome.

5 Then I'll order Watermaster to publish the order
6 pursuant to the usual publication court orders.

7 MR. SLATER: Very good, your Honor.

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

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2 FOR THE COUNTY OF SAN BERNARDINO

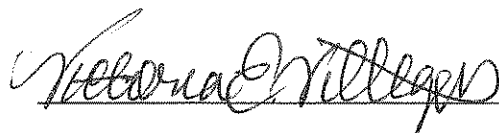
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4	CHINO BASIN MUNICIPAL WATER DISTRICT,)	
)	
5	Plaintiff,)	
)	
6	vs.)	Case No. RCV51010
)	
7	CITY OF CHINO, et al.,)	REPORTER'S
)	CERTIFICATE
8	Defendants.)	
)	

9
10 I, VICTORIA E. VILLEGAS, CSR, Official Reporter of
11 the above-entitled court, do hereby certify:

12 That I am a Certified Shorthand Reporter of the
13 State of California, duly licensed to practice; that I did
14 report in Stenotype oral proceedings had upon hearing of the
15 aforementioned cause at the time and place hereinbefore set
16 forth; that the foregoing pages numbered 1 through 6,
17 inclusive, constitute to the best of my knowledge and belief a
18 full, true, and correct computer-aided transcription from my
19 said shorthand notes so taken for the date of Friday, June 18,
20 2010.

21 Dated at Chino, California, this 29th day of June,
22 2010.

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25
26  CSR
27 Official Reporter, CSR No. 9843
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