

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
27
28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

DEPARTMENT R6

HON. STANFORD E. REICHERT, JUDGE

CHINO BASIN MUNICIPAL WATER)
DISTRICT,)

Plaintiff,)

vs.)

CASE NO. RCVRS51010

CITY OF CHINO,)

Defendant.)

REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS

TUESDAY, OCTOBER 2, 2013

APPEARANCES:

FOR CHINO BASIN WATERMASTER: BROWNSTEIN HYATT FARBER SCHRECK
BRADLEY J. HERREMA
Attorney at Law

FOR MONTE VISTA WATER KIDMAN LAW, LLP
DISTRICT: ARTHUR KIDMAN
Attorney at Law

FOR CITY OF FONTANA: NICHOLAS JACOBS
Attorney at Law

Reported by: LAURA SANDERS
Official Reporter
CSR No. 12273

1 RANCHO CUCAMONGA, CALIFORNIA; TUESDAY, OCTOBER 2, 2013

2 A.M. SESSION

3 DEPARTMENT R6

HON. STANFORD E. REICHERT, JUDGE

4
5 APPEARANCES:

6 Appearing for Chino Basin Watermaster,

7 BRADLEY J. HERREMA, Attorney at Law;

8 appearing for Monte Vista Water, ARTHUR

9 KIDMAN, Attorney at Law; appearing

10 telephonically for City of Fontana,

11 NICHOLAS JACOBS, Attorney at Law.

12 (Laura Sanders, CSR, Official Reporter C-12273.)

13 -oOo-

14 THE COURT: Let me go on the record in case RCVRS51010,
15 the Chino Basin Watermaster case. Can I get counsel to come on
16 up, please.

17 THE JUDICIAL ASSISTANT: Mr. Jacobs.

18 MR. JACOBS: Yes.

19 THE JUDICIAL ASSISTANT: You're live in open court.

20 THE COURT: Good morning, everybody. I'm calling this
21 matter on the Watermaster case. Let me identify for the record
22 who we have present in court this morning. We have Mr. -- is it
23 Herrema?

24 MR. HERREMA: Herrema, your Honor.

25 THE COURT: Thank you. Mr. Herrema, H-e-r-r-e-m-a, first
26 name Bradley, B-r-a-d-l-e-y, on behalf of the Watermaster.

27 Mr. Kidman.

28 MR. KIDMAN: Yes, sir.

1 THE COURT: Arthur Kidman. A-r-t-h-u-r, Kidman,
2 K-i-d-m-a-n, on behalf of Monte Vista Water District.

3 And on the phone we have Mr. Nicholas Jacobs.

4 MR. JACOBS: Yes, your Honor. Good morning.

5 THE COURT: N-i-c-h-o-l-a-s, J-a-c-o-b-s, on behalf of
6 the City of Fontana.

7 The purpose of the hearing today is with respect to an ex
8 parte application to continue the City of Fontana's motion to
9 revive -- sorry -- motion to revise Section 5 of the 2013
10 Recharge Master Plan Update and Restated Judgment from October 25
11 to December 13.

12 And I should advise counsel that I read all the
13 paperwork. And let me summarize, if I may, the positions of the
14 parties and take care of some housekeeping matters.
15 Watermaster basically argues that the City of Fontana's motion
16 is, on one hand, premature, and on another hand, parceled with
17 respect to only part of the Recharge Master Plan, which is set
18 for hearing with respect to the entire Recharge Master Plan on
19 December 13. It's premature in the sense that the Inland Empire
20 Utilities Agency has to approve the plan in any event, and
21 they're not meeting until October the 16th. And the -- and the
22 board meeting actually on September the 26th was the first time
23 that the plan was officially approved by the board. I'm
24 summarizing to a certain extent here, but that's how I saw the
25 date.

26 And finally, that there was no prejudice to Fontana by
27 having the matter continued. And the City of -- I'm sorry. The
28 Monte Vista Water District has joined on its own behalf as well

1 as on the City of Chino Hills, the Cucamonga Valley Water
2 District, the Fontana Union Water Company, the Fontana Water
3 Company and the San Antonio Water Company with Watermaster with
4 request to having the motion continued. They had an alternative
5 request that I just take the motion off calendar or they had an
6 alternative, essentially deny the filing without prejudice that
7 it could be -- that's it. Motion dismissed without prejudice to
8 re-filing.

9 And on the other hand, the City of Fontana has argued
10 that they need to get this going because of their -- give me one
11 more moment -- achieving prompt resolution of its concern,
12 referring to a process pursuant to which it is developing
13 stormwater recharge contingencies. On the other hand,
14 Watermaster argues that Fontana had not given any specifics to
15 what contingencies or deadlines are affected.

16 Coming back yet on the other hand for the City of
17 Fontana, there was a question the Court had. And let me see if I
18 can find that in the paperwork. Give me just one more moment.
19 There it is.

20 In a letter September 27, 2013, from you, Mr. Jacobs, to
21 Mr. Herrema. Herrema.

22 MR. HERREMA: Herrema.

23 THE COURT: Accent on the first syllable, Herrema.

24 MR. HERREMA: Yes, your Honor.

25 THE COURT: And it referred to a recharge associated with
26 MS4 projects. And the MS4 stands for -- I can tell you. Just a
27 second because it's on the first page of your actual motion.
28 Municipal Separate Stormwater System Projects.

1 So let me restart your sentence from your September 27
2 letter. "The recharge associated with MS4 projects is the focus
3 of Fontana's pending motion with the court set for hearing on
4 October 25. Pushing the hearing on Fontana's motion back two
5 months is not consistent with Fontana's goal of achieving a
6 prompt resolution of these recharge allocation issues."

7 So let me first start with Mr. Herrema and inquire if the
8 Court has correctly summarized your argument or if there is
9 something I've missed?

10 MR. HERREMA: I believe that's an accurate summary, your
11 Honor.

12 THE COURT: All right. Thank you. Mr. Kidman.

13 MR. KIDMAN: Yes, your Honor. Although the substance of
14 the supplement that was offered by Monte Vista Water District on
15 its own behalf and on behalf of the others is that the City of
16 Fontana has prematurely filed on another basis. And that is that
17 the action that they are complaining about, the June 27th, I
18 believe it was.

19 THE COURT: Yes.

20 MR. KIDMAN: Approval of Section 5 of the Recharge Master
21 Plan Update actually did not occur until September 26th. And
22 according to the -- actually, according to the judgment, this
23 action cannot be even initiated until the action is made final
24 and approved, which did not occur until September 26th.

25 THE COURT: I got that. Thank you very much, Mr. Kidman.
26 And Mr. Jacobs, did I correctly summarize your position?

27 MR. JACOBS: Well, you know, your Honor, thank you for
28 letting me appear by phone. I've been on vacation. I'm just

1 getting back and so, you know, I sent a two-paragraph letter to
2 Mr. Herrema. I would like to explain a little bit more about our
3 position.

4 THE COURT: Go ahead.

5 MR. JACOBS: Let me take a step back though. I want to
6 make clear that on June 27th, the Watermaster approved Section 5
7 of the Recharge Master Plan Update. Now, it took the Watermaster
8 over three months to approve the minutes from that meeting, and
9 that's what Mr. Kidman is referring to, okay. And in the
10 judgment it says that any action is deemed to have occurred when
11 the minutes are mailed out. Well, I was -- the minutes hadn't
12 been mailed out and I was worried that we were going to run up
13 against the 90-day statute of limitations to even file the
14 motion, right, because in the judgment it says you have 90 days
15 from the action. I hadn't seen the minutes, and so September
16 25th was 90 days from June 27th. That's why we filed on
17 September 25th.

18 THE COURT: Okay. Thank you. I did see that there were
19 some delays. There was like a missed meeting of Watermaster or
20 something. There were a series of problems that resulted in the
21 delay, so I appreciate your additional explanation with respect
22 to the timing and also my condolences with respect to
23 interrupting your vacation.

24 MR. JACOBS: Thank you. It wasn't interrupted, but I'm
25 back now. So I guess we filed one day early, two days early. No
26 party has alleged any prejudice to them from that fact, so that's
27 one thing.

28 The other thing, and this is the important part, your

1 Honor, is our motion. We are trying to resolve a key issue.
2 This basin needs recharge. It needs projects that are going to
3 recharge, in particular, stormwater because right now it's basin
4 to basin. And in order to have those projects go forward, these
5 are the MS4 projects we referred to, which are -- those are the
6 kind of projects that when you have a new development, a city can
7 require the developer to put in a retention basin which does two
8 things. It prevents runoff from what is, you know, what used to
9 be just dirt, now is covered in asphalt and buildings and
10 whatnot. It prevents that runoff from going into the stormwater
11 drains in the city, but it also recharges the Chino Basin, which
12 is, you know, a two for one benefit. And then there are other
13 stormwater recharge projects that the City of Fontana and others
14 want to do.

15 So right now we have a recharge application on file with
16 Watermaster for an MS4 project. That was sent to Watermaster on
17 July 31st, and we're working through some additional issues.
18 Watermaster needs some additional information, which we're
19 working with them on.

20 But here's the key, your Honor. In order for these
21 projects, these MS4 and stormwater recharge projects to go
22 forward financially, the project proponent, the City, has to know
23 that it's going to get recharge credit for those projects. And
24 if it knows that, we can do much more robust -- we can require
25 developers to do much more robust MS4 projects than the bare
26 minimum required under the Clean Water Act, which is where those
27 permitting issues come from. And we can also move forward with
28 other recharge projects. But if the City is not going to get any

1 credit, any allocation for those waters, those projects are just
2 going to linger and die. And that's what our motion is about,
3 the one that is to be heard on the 25th of October, and it's
4 important that it gets decided now.

5 We are coming up against some grant funding expiration
6 issues on our second project, the one that is not yet -- we don't
7 have an application in for it yet. We are resolving many
8 preliminary issues. But that's why it's important. There is
9 nothing in the Recharge Master Plan Update from my perspective.
10 I think the Section 5 motion is a stand alone.

11 The final issue is, it's true the Inland Empire Utilities
12 Agency has to approve the Recharge Master Plan Update, but it
13 makes sense efficiency-wise, why don't they have what is the
14 final version, you know, after this Court has made its decision
15 on Fontana's motion, not before. Otherwise, we're going to be
16 going back to IEUA, you know, if this Court orders Watermaster to
17 revise the Recharge Master Plan Update.

18 THE COURT: Okay. I understand your argument. What
19 deadlines are you facing? You mention deadlines. When are they?

20 MR. JACOBS: Well, there is a general deadline that, you
21 know, the City is not sure whether or not it should and can move
22 forward with MS4 projects if it's not going to get any credit for
23 that water.

24 THE COURT: That argument I understand, but you referred
25 to deadlines and the Court -- ordinarily to the Court, that means
26 a definite date as to when something is or is not going to
27 happen. Do you have any dates like that?

28 MR. JACOBS: What does happen, your Honor, is the

1 development goes forward. And once the development is built, you
2 cannot go back and do MS4 projects. That's the issue there,
3 right. The land is covered at that point. There is no open land
4 to do these recharge projects.

5 THE COURT: I understand. Again, I'm looking for a date
6 or something irreparable in that nature that's going to happen if
7 we don't -- if this motion is continued until the 13th of
8 December.

9 MR. JACOBS: We have -- so we have the big project that
10 Fontana wants to do is called the Vulcan Pit Project. And right
11 now through a lot of hard work and a lot of help from other
12 agencies, we have about \$11,000,000 in grants to do that project.
13 I don't have the specific date, but I believe it's approximately
14 a year and a half out when those grants expire. And these --
15 these projects take time, time, time. And the issue is is that
16 up front we can't wait to get a decision on whether or not we
17 will get credit for that recharged water. If there is no credit
18 for that recharged water, that project will not go forward. We
19 cannot expend, you know, the millions of dollars in construction
20 and environmental review and all that stuff to find out later
21 that we didn't get credit for that water.

22 THE COURT: I understand the point. That's really the
23 thrust of your motion.

24 MR. JACOBS: Yes.

25 THE COURT: That's on the merits. I understand. I'm
26 looking procedurally for problems and -- go ahead.

27 MR. JACOBS: Timing is the issue for us.

28 THE COURT: I understand that. I've got that. Having

1 heard your argument, let me come back to Mr. Herrema and inquire
2 if there is any additional response?

3 MR. HERREMA: Your Honor.

4 THE COURT: First, Mr. Jacobs, can you hear Mr. Herrema?

5 MR. JACOBS: Yes. Thank you.

6 THE COURT: Go ahead, Mr. Herrema.

7 MR. HERREMA: Your Honor, as I think the discussion
8 you've had with Mr. Jacobs has pointed out, we aren't aware of
9 any specific deadlines that would prejudice the -- or that the
10 movement of this hearing from October 25th to seven weeks later
11 on December 13th would prejudice the City. We understand
12 everyone wants to move forward on projects they may have before
13 them, but because of the economy of having a single hearing on
14 the -- on the Recharge Master Plan Update, and because of the
15 prematurity issues that are described in both our papers and
16 those of Monte Vista Water District, we don't see how moving the
17 hearing back seven weeks will prejudice Fontana.

18 THE COURT: I got that. Mr. Kidman.

19 MR. KIDMAN: Thank you, your Honor. I will point out
20 that the tardiness of the approval of the minutes was the result
21 of Fontana's actions. Fontana asked to have those minutes
22 changed. The Watermaster investigated actually with an extensive
23 letter saying this is all the stuff that should go into the
24 minutes, it isn't in the minutes, and so the Watermaster
25 appointed a subcommittee to look into. It took them one month
26 from the time those objections were received, which is not an
27 unusual amount of time. So it was Fontana's own making that
28 their motion is premature.

1 Now, with respect to, you know, the timing issues and
2 what's going on here, if we move forward on September 25th,
3 opposition to this motion is going to be due in ten days, nine
4 days from now. This is actually a major, major issue. It's not
5 just -- and, in fact, I don't see how the relief that's being
6 sought will be delivered.

7 Let me start just very, very quickly and give you the
8 shape of the landscape here. Fontana is essentially an outlander
9 to this judgment. Fontana intervened in the middle 1990s, had no
10 water rights in the Chino Basin whatsoever. Only overlies a
11 small corner of the -- I mean, a small corner of the city
12 overlies, you know, just nicks the corner of the groundwater
13 basin. At that time, Fontana had some plans of taking over the
14 Fontana Water Company and, in fact, had moved forward with
15 eminent domain in order to do so. That eminent domain failed.

16 As a result, Fontana Water Company, and notwithstanding
17 the picture that's painted in the moving papers and not on City
18 of Fontana's side on this, they have -- the City of Fontana has
19 no real interest in this groundwater basin.

20 More to the point, in talking about this Vulcan Pit
21 Project, which would divert water into a gravel pit for the
22 purpose of trying to percolate it into the groundwater basin.
23 That sounds pretty cool, but the City of Fontana does not own the
24 water rights that would allow it to divert surface water into
25 that. Those water rights are held currently by the Chino Basin
26 Watermaster.

27 In addition to that, they have no rights in the basin in
28 order to recover any water that's put in in that fashion. So

1 this is not going to be just a, you know, quick and dirty in and
2 out motion by the City of Fontana that's going to clear the way
3 for them to be able to get their grant funding all straightened
4 out. So there needs to be some time put into this and, in fact,
5 you know, December 13th is probably pretty early to bring this
6 on.

7 THE COURT: Okay. I'll come back to you, Mr. Jacobs.
8 Any final remarks?

9 MR. JACOBS: Well, I didn't hear much there that was
10 relevant on the last point there except that there appears to be
11 a number of obstacles here and it makes sense to me that
12 resolving this sooner than later can only benefit, you know,
13 whether or not -- can only benefit decision making on the Vulcan
14 Pit Project.

15 THE COURT: Thank you. I've heard all the argument. I'm
16 going to grant the ex parte application. I'm going to continue
17 the hearing on the City of Fontana's motion to December 13 at
18 1:30 p.m., which is the usual time I hear matters in Watermaster.

19 However, the Court is concerned about the complexity of
20 this issue and the negotiations that are going on. And the Court
21 did read the extensive revisions to the minutes that Mr. Kidman
22 referred to. They were extensive. No question about that. So I
23 have some proposals for consideration of counsel. The first one
24 that occurs to me is if you -- if it would help if the Court got
25 involved in negotiating or having a settlement conference or
26 something with respect to resolving these issues sooner rather
27 than later.

28 MR. JACOBS: Yes. Yes, please.

1 THE COURT: What's the Watermaster's position on that?

2 MR. HERREMA: Your Honor, I don't want to dissuade the
3 Court from participating in the processes, but there is, as far
4 as I know, a separate process that's going on among the
5 appropriate pool members that's specifically intended to address
6 the City of Fontana's concerns. There was a meeting that
7 actually took place, from what I hear, on June 25th, and I
8 believe -- I'm sorry, September 25th, and I believe Mr. Jacobs
9 was at that meeting. I don't know whether Mr. Kidman was. And
10 so additionally, what you will hear on December 13th is that
11 there is also a process that's part of the Recharge Master Plan
12 Update Implementation Plan that addresses these issues as well.
13 And that's part of the reason why we thought that Section 5 could
14 not be considered in a vacuum apart from the remainder of the
15 update of the Recharge Master Plan because this specific issue
16 that is being raised by the City is -- there is a specific
17 provision within the remainder of the Update specifically in the
18 Implementation Plan that would provide a timeframe for addressing
19 this issue.

20 So, I don't want to dissuade you from participating but I
21 think there are processes that are underway that intended to
22 address it as well.

23 THE COURT: Okay. I just heard a beep.

24 THE JUDICIAL ASSISTANT: That's another call coming in
25 for me.

26 THE COURT: Okay. Mr. Kidman, any input on that?

27 MR. KIDMAN: Thank you, your Honor. Yes. The core issue
28 that's being brought up by this motion is the removal of a single

1 paragraph from what was Section 5 that had indicated that there
2 would be a credit for the water that was put into the groundwater
3 basin back to the MS4 parties. That became controversial before
4 it was adopted. And the Watermaster, through their very
5 elaborate process, merely said, you know, the question of how
6 water -- the water is credited, is something that's not a core
7 feature of the Recharge Master Plan Update. The things that are
8 important in the Recharge Master Plan Update have to do with how
9 much water is going to get in the basin, what recharge projects
10 make sense, how much are they going to cost and the kinds of
11 things that are involved with the actual physical recharge of the
12 groundwater basin.

13 How the water is allocated is covered by the judgment, is
14 covered by the Peace Agreement, Peace II Agreement, all of the
15 different things that are -- that are in play here. It's a very
16 complex subject.

17 I don't think that it's going to be solved in a
18 settlement conference that we hold sometime in the next two
19 months. And I also thank the Court for the offer, but it's --
20 we're not ready for that yet.

21 THE COURT: All right. I'm not going to do anything.

22 Mr. Jacobs, the indicated on this is I'm not going to do
23 anything further at this time. Did you want to add something?

24 MR. JACOBS: I just think it would be hugely beneficial,
25 your Honor. You would be able to see the dynamic of a few key
26 players doing everything they can to prevent Fontana and other
27 parties from developing recharge projects to the detriment of the
28 Chino Basin.

1 THE COURT: I understand your point. I understand
2 everyone's point, but I do actually agree with Mr. Herrema that I
3 should let the processes in place for resolution of these issues
4 proceed without getting involved at this time. I'm not -- if
5 something happens in the future, I'll reconsider that decision.
6 But at this time I'm not going to do anything further. I'm going
7 to let the processes in place run their course.

8 The next thing I'm concerned about is it looks like this
9 motion scheduled for the 13th of December is going to be
10 voluminous again. And with respect to the motion, oppositions,
11 replies, exhibits, I always go back to the first motion I did in
12 Watermaster where the motion itself was a hundred pages and the
13 exhibits were a thousand pages, and I have no -- and I do all the
14 work myself.

15 So what I would like to do then is set up a briefing
16 schedule if I could so I can get the motion on file in time for
17 me to start working on it and then I can work on the oppositions
18 when they come in and then the replies when they come in so I can
19 have the hearing on the 13th.

20 So Mr. Jacobs, you can get on track with whatever the
21 result is, deal with that without continuing the hearing, which I
22 confess and I'm sorry to say I've had to do occasionally because
23 I simply have not had enough time to work up a tentative with the
24 voluminous nature of the papers that are filed.

25 So, let me turn to Mr. Herrema and ask if it's possible
26 you could get the motion on file by the 4th of November, about a
27 month from now, or is that too early?

28 MR. HERREMA: I believe we can do that, your Honor.

1 THE COURT: Okay. Let me set that as a date for filing
2 the motion. Now, if you need a little more time, I'm flexible on
3 that, but we need to get things moving on this so I can get the
4 motion in here, start working on it in November. I'm gone a
5 little bit of that month and, of course, Thanksgiving intervenes.

6 And then what I would like to do, let me turn to you, Mr.
7 Jacobs, and set -- ask if you could get your opposition on file
8 -- oh, man. Hang on just a second. I can tell now what's going
9 to happen. Right now I'm already looking at continuing the
10 hearing one week to the 20th to get the briefing done.

11 Let me turn to you, Mr. Jacobs. Based on a filing of
12 November 4, how soon do you think you could get your opposition
13 in? Let me start with that question.

14 MR. JACOBS: Well, I mean, right now I don't contemplate
15 -- I'm a lawyer, right. So given extra time I might go back and
16 tweak a couple things in my brief, but I don't contemplate
17 addressing issues that haven't already been addressed, so I would
18 think two weeks.

19 THE COURT: Great. That would be excellent. Let's make
20 it then the opposition due November the 18th. And this is going
21 to apply to everybody. So the motion is going to be due to be
22 served and filed the 4th of November. Any opposition to the
23 motion is due to be served and filed November the 18th. And then
24 any reply to the motion, I'm going to have due to be filed on or
25 before December the 4th, allowing a little extra time for
26 Thanksgiving. And then if I have -- since I can be working on
27 the paperwork as it comes in, I should be ready to proceed on the
28 13th. If for some reason I'm not, I'll let everybody know on the

1 9th. But I will not, unless there is something unforeseen,
2 continue the hearing any farther than one work, the 20th
3 depending upon how voluminous the paperwork is.

4 Mr. Kidman.

5 MR. KIDMAN: Thank you, your Honor. The question I have
6 is that the parties that I'm working with have opposition to
7 Fontana's position, but not to the Watermaster's position.

8 THE COURT: Right. How about -- since that motion is on
9 file, how about if we make your opposition -- any opposition to
10 Fontana's motion, so I can already get started working on that,
11 November 4th too? Would that be -- Mr. Kidman, do you think that
12 will work for you and the parties that you're specially appearing
13 for today?

14 MR. KIDMAN: As long as we're not limited by the normal
15 idea that the reply has to respond to new information that's in
16 the --

17 THE COURT: No.

18 MR. KIDMAN: -- opposition.

19 THE COURT: No, you don't. And as usual, the paper
20 limits, any page limits are off for these motions because I need
21 to do it on the paperwork and I'm not going to have parties
22 restricted by an artificial limitation on moving papers or
23 exhibits or anything. Again, it's full briefing is what the
24 Court is looking for, not full briefing within a specified number
25 of pages.

26 MR. HERREMA: Sorry, your Honor. If I may.

27 THE COURT: Go ahead.

28 MR. HERREMA: From a procedural standpoint, Watermaster

1 may also -- certainly will oppose Fontana's motion.

2 THE COURT: Yes.

3 MR. HERREMA: So we will have our own motion due that day
4 as well as an opposition to the Fontana motion. Should we do
5 those separately or --

6 THE COURT: Yes.

7 MR. HERREMA: -- how would you like that done?

8 THE COURT: Mr. Kidman, do you have a suggestion?

9 MR. KIDMAN: No. I was wondering if I misunderstand. I
10 thought we were talking about 12/4 for when the opposition to
11 Fontana's position is due.

12 THE COURT: That's the way I started to say it but
13 Mr. Herrema brought up something that I needed to go back and
14 look at again. So let me sort this out --

15 MR. KIDMAN: Okay.

16 THE COURT: -- so everybody is clear on what everybody
17 needs to do and the Court has a clear schedule as well. So let
18 me review this again. November 4 will be the filing date for
19 Watermaster's motion, and that's the Recharge Master Plan Update
20 Motion for the Court adoption of that.

21 MR. HERREMA: It will likely be a joint motion of the
22 IEUA and Watermaster, your Honor.

23 THE COURT: Okay. And then I'm going to do the
24 Watermaster motion, then I'm going to come back and look at the
25 Fontana motion and correlate the dates. So let me finish that
26 out then. November 18 then 2013 will be the due date for filing
27 of any opposition to the Watermaster motion and then December 4,
28 2013 will be the date for service and filing of any reply to the

1 Watermaster motion.

2 Now, let me come back and address the City of Fontana's
3 motion. And, Mr. Jacobs, what I would propose to do on your
4 motion is set a date of October 21. No, since you're on vacation
5 let me make it three weeks from today, October 23, for any
6 supplemental motion or anything you're going to file with respect
7 to your motion. Will that work for you?

8 MR. JACOBS: Yes, your Honor. Thank you.

9 THE COURT: Okay. October 23 then for any supplemental
10 motion for the City of Fontana. And then what I would do is make
11 -- actually, what I would do then is make November 18 the same
12 date for any opposition to that motion. Does that work for
13 counsel?

14 MR. KIDMAN: That's fine. Thanks, your Honor.

15 MR. HERREMA: Yes, your Honor.

16 THE COURT: Any opposition to the City of Fontana motion
17 or the Watermaster motion is due to be served and filed October
18 [sic] the 18th, and any reply to the opposition for the City of
19 Fontana motion is also due December 4. So we have a slightly
20 different beginning date for the City of Fontana, but the other
21 dates match up for oppositions and replies.

22 Does that work for you, Mr. Nichols -- Jacobs? I'm
23 sorry. Mr. Jacobs?

24 MR. JACOBS: Yes, your Honor.

25 THE COURT: Okay. Mr. Kidman?

26 MR. KIDMAN: Yes, your Honor. Thank you.

27 THE COURT: Mr. Herrema?

28 MR. HERREMA: Yes, your Honor.

1 THE COURT: All right. Anything that I've overlooked,
2 missed or something that we need to clarify to keep this case on
3 track to have the hearing on the 13th of December? Let me start
4 with you, Mr. Herrema.

5 MR. HERREMA: No, your Honor. Just a housekeeping item.
6 How would you like -- do you have a written order for today or
7 would you like us to prepare a new written order?

8 THE COURT: If you would prepare a new written order
9 because you did submit one but I've added things to it and I'd
10 rather have everything consolidated into one order. So if you
11 would prepare one I will review it and sign it.

12 Anything further, Mr. Herrema?

13 MR. HERREMA: No, your Honor. Thank you.

14 THE COURT: Mr. Kidman?

15 MR. KIDMAN: No. No, your Honor. Thank you.

16 THE COURT: Mr. Jacobs?

17 MR. JACOBS: No, your Honor. Thank you.

18 THE COURT: Thank you, everyone. That will complete the
19 hearing for today.

20 MR. KIDMAN: Thank you, your Honor.

21 **(Proceedings concluded.)**

22 --oOo--

23

24

25

26

27

28

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
27
28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

DEPARTMENT R6 HON. STANFORD E. REICHERT, JUDGE

CHINO BASIN MUNICIPAL WATER)
DISTRICT,)
)
Plaintiff,)
)
vs.)
)
CITY OF CHINO,)
)
)
Defendant.)
_____)

CASE NO. RCVRS51010

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO)

ss

I, Laura Sanders, Official Reporter for the Superior Court
of San Bernardino, do hereby certify that to the best of my
ability, the foregoing pages, 1 through 19, comprise a full,
true, and correct transcript of the proceedings held in the
above-entitled matter on Tuesday, October 2, 2013.

Dated this 25th day of October, 2013.

LAURA SANDERS, C-12273