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Attorneys for Non-Agricultural (Overlying) Pool Committee

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER DISTRICT,

Plaintiff,

v.

CITY OF CHINO, ET AL.,

Defendants.

Case No. RCVRS 51010

Judgment Entered On January 27, 1978, as Amended

DECLARATIONS OF KEVIN D. SAGE, DAVID L. PENRICE, CURTIS STUBBINGS, ROBERT W. LAWHN, STEVEN R. ARBELBIDE, BRIAN GEYE, DAVID STARNES AND MARK WARD

Filed Concurrently With Motion By Non-Agricultural (Overlying) Pool Committee For Court Review Of Watermaster Actions

Date: April 16, 2010
Time: 10:30 a.m.
Dept.: Dept. C-1
Chino, California

Assigned for All Purposes to the Honorable STANFORD E. REICHERT

DECLARATION OF KEVIN D. SAGE

I, Kevin D. Sage, declare as follows:

1. I am an employee of Integrated Resource Management, LLC. I know the following of my own personal knowledge and would so testify if called upon to do so.

2. Since approximately 2003, I have served as the alternate to Robert W. Bowcock as the designated representative of Vulcan Materials Company in matters relating to the Non-Agricultural (Overlying) Pool of the Chino Basin Watermaster (the "Non-Ag Pool").

3. Since 2007, I have served as Vice Chair of the Non-Ag Pool, and as the alternate to Mr. Bowcock on the Advisory Committee and the Watermaster Board.

4. I attended the August 13, 2009, September 3, 2009, October 1, 2009, November 5, 2009 and December 3, 2009 meetings of the Appropriative Pool, which were held jointly with the Non-Ag Pool. I attended the August 27, 2009, September 24, 2009, October 15, 2009 and November 19, 2009 meetings of the Advisory Committee. I attended the August 27, 2009, September 24, 2009 and November 19, 2009 meetings of the Watermaster Board. At one or more of these meetings, I heard several Appropriative Pool members ask Watermaster counsel, Michael Fife, about delivery of the written Notice of Intent to Purchase. I heard Watermaster counsel Michael Fife state that the written Notice of Intent to Purchase needed to be given by December 21, 2009, and Watermaster counsel Michael Fife stated that it would be given to the Non-Ag Pool on the last possible date.

5. At the September 3, 2009 and November 5 meetings of the Appropriative Pool, the members of the Appropriative Pool called for confidential sessions. The members of the Appropriative Pool asked me to leave the meetings for the duration of the confidential sessions. I left the meetings for the duration of the confidential sessions. Watermaster staff and Watermaster counsel were not asked to leave the confidential sessions, and, upon information and belief, remained in the meetings for the duration of the confidential sessions.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Claremont, California on March 15, 2010.

Kevin D. Sage

DECLARATION OF DAVID L. PENRICE

I, David L. Penrice, declare as follows:

1. I am the Chief Executive Officer of Aqua Capital Management LP ("Aqua"). I know the following of my own personal knowledge and would so testify if called upon to do so.

2. Aqua is a member of the Non-Agricultural (Overlying) Pool Committee of the Chino Basin Watermaster (the "Non-Ag Pool"). Since 2008, I have been the designated representative of Aqua in matters relating to the Non-Ag Pool.

3. I have reviewed that certain Purchase and Sale Agreement For the Purchase of Water by Watermaster from Overlying (Non-Agricultural) Pool dated September 27, 2007 (the "Peace II Option Agreement"). Aqua did not receive a written Notice of Intent to Purchase as described in the Peace II Option Agreement.

4. I have reviewed the attached service list, which I understand Watermaster staff was using for service of notices in August 2009. Aqua does not appear on the service list. I have reviewed my saved e-mails, and have not found a copy of an e-mail sent by Watermaster staff to me on August 21, 2009.

5. On January 7, 2010, during a public meeting of the Appropriative Pool, I asked Watermaster staff and counsel whether and when the written Notice of Intent to Purchase had been provided. Following the question, Watermaster CEO Ken Manning and Watermaster counsel Michael Fife looked at each other, then conferred privately with one another for an extended period of time, and then Watermaster CEO Ken Manning stated "We will have to get back to you".

6. After the meeting, Watermaster counsel Michael Fife gave me pages of the agenda package from the August 27 meeting of the Watermaster Board. Watermaster counsel Michael Fife stated that the agenda package constituted the notice I had asked about.

7. On January 18, 2010, I participated in a telephonic meeting of the Non-Ag Pool. During that meeting, the Watermaster CEO Ken Manning and Watermaster counsel Michael Fife again stated that the agenda package for the August 27 meeting of the Watermaster Board constituted the notice. Watermaster counsel Michael Fife also stated that a formal written Notice

of Intent to Purchase was unnecessary because there was "no indication at any time that this option was not to be exercised". In addition, Watermaster counsel Michael Fife stated that: "Watermaster's books have been changed. The 38,000 and change acre-feet of water have been moved out of the Non-Agricultural Pool's storage accounts."

8. On or about January 18, 2010, Watermaster staff tendered to me, by overnight delivery, a check made payable to Aqua, and purporting to be the first installment of the option price for the Non-Ag Storage Water. Aqua has declined to deposit or otherwise accept the check.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Omaha, Nebraska on March 15, 2010.

David L. Penrice

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 September 8, 2009 I served the following:

1) **NOTICE OF MOTION AND MOTION FOR APPROVAL OF CASE MANAGEMENT ORDER**

/_x_/ 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.

/_x_/ 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 September 8, 2009 in Rancho Cucamonga, California.

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DECLARATION OF CURTIS STUBBINGS

I, Curtis Stubbings, declare as follows:

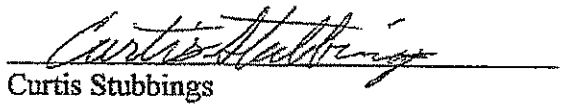
1. I am Business Director, NAIG West Region, for Praxair Inc. ("Praxair"). I know the following of my own personal knowledge and would so testify if called upon to do so.

2. Praxair is a member of the Non-Agricultural (Overlying) Pool Committee of the Chino Basin Watermaster (the "Non-Ag Pool"). Since 2010, I have been the designated representative of Praxair in matters relating to the Non-Ag Pool.

3. I have reviewed that certain Purchase and Sale Agreement For the Purchase of Water by Watermaster from Overlying (Non-Agricultural) Pool dated September 27, 2007 (the "Peace II Option Agreement"). Praxair did not receive the written Notice of Intent to Purchase described in the Peace II Option Agreement.

4. I have reviewed the attached service list, which I understand Watermaster staff was using for service of notices in August 2009. Praxair does not appear on the service list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Magna, Utah on March 11, 2010.



Curtis Stubbings

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.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 8, 2009 in Rancho Cucamonga, California.

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Chino Basin Watermaster

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DECLARATION OF ROBERT W. LAWHN

I, Robert W. Lawhn, declare as follows:

1. I am the Director, Compliance & Las Vegas Services, for RRI Energy Etiwanda, Inc. ("RRI"). I know the following of my own personal knowledge and would so testify if called upon to do so.

2. RRI is a member of the Non-Agricultural (Overlying) Pool Committee of the Chino Basin Watermaster (the "Non-Ag Pool").

3. I have reviewed that certain Purchase and Sale Agreement for the Purchase of Water by Watermaster from Overlying (Non-Agricultural) Pool dated September 27, 2007 (the "Peace II Option Agreement"). I have performed a reasonably diligent internal review relating to Peace II Option Agreement. RRI did not receive the written Notice of Intent to Purchase described in the Peace II Option Agreement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Las Vegas, Nevada on March 10, 2010.

Robert W. Lawhn

Received Mar-10-10 08:21 From-7024074852 To-Hogan & Hartson LLP Page 002

DECLARATION OF STEPHEN R. ARBELBIDE

I, Stephen R. Arbelbide, declare as follows:

1. I am a Senior Environmental Engineer with California Steel Industries, Inc. ("CSI"). I know the following of my own personal knowledge and would so testify if called upon to do so.

2. CSI is a member of the Non-Agricultural (Overlying) Pool Committee of the Chino Basin Watermaster (the "Non-Ag Pool"). Since 199_6_, I have been the designated representative of CSI in matters relating to the Non-Ag Pool.

3. I have reviewed that certain Purchase and Sale Agreement For the Purchase of Water by Watermaster from Overlying (Non-Agricultural) Pool dated September 27, 2007 (the "Peace II Option Agreement"). I have performed a reasonably diligent internal review relating to the Peace II Option Agreement. CSI Steel did not receive a written Notice of Intent to Purchase described in the Peace II Option Agreement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Fontana, California on March 11, 2010.

Stephen R. Arbelbide

Stephen R. Arbelbide

DECLARATION OF BRIAN GEYE

I, Brian Geye, declare as follows:

1. I am the Senior Director of Track Administration for Auto Club Speedway ("Speedway"). I know the following of my own personal knowledge and would so testify if called upon to do so.

2. Speedway is a member of the Non-Agricultural (Overlying) Pool Committee of the Chino Basin Watermaster (the "Non-Ag Pool"). Since 2009, I have been the designated representative of Speedway in matters relating to the Non-Ag Pool.

3. I have reviewed that certain Purchase and Sale Agreement For the Purchase of Water by Watermaster from Overlying (Non-Agricultural) Pool dated September 27, 2007 (the "Peace II Option Agreement"). I have performed a reasonably diligent internal review relating to the Peace II Option Agreement. Speedway did not receive the written Notice of Intent to Purchase described in the Peace II Option Agreement.

4. I have reviewed the attached service list, which I understand Watermaster staff was using for service of notices in August 2009. Speedway does not appear on the service list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Fontana, California on March 11, 2010.

Brian Geye

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 September 8, 2009 I served the following:

1) **NOTICE OF MOTION AND MOTION FOR APPROVAL OF CASE MANAGEMENT ORDER**

/_x_/ 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.

/_x_/ 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 September 8, 2009 in Rancho Cucamonga, California.

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Chino Basin Watermaster

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DECLARATION OF DAVID STARNES

I, David Starnes, declare as follows:

1. I am the State Facilities Manager for Mobile Community Management Co. ("MCMC"). I know the following of my own personal knowledge and would so testify if called upon to do so.

2. Swan Lake Mobile Home Park ("Swan Lake") is a member of the Non-Agricultural (Overlying) Pool Committee of the Chino Basin Watermaster (the "Non-Ag Pool"). Since 1991, I have been the designated representative of Swan Lake in matters relating to the Non-Ag Pool.

3. I have reviewed that certain Purchase and Sale Agreement For the Purchase of Water by Watermaster from Overlying (Non-Agricultural) Pool dated September 27, 2007 (the "Peace II Option Agreement"). I have performed a reasonably diligent internal review relating to the Peace II Option Agreement. Swan Lake did not receive the written Notice of Intent to Purchase described in the Peace II Option Agreement.

4. I have reviewed the attached service list, which I understand Watermaster staff was using for service of notices in August 2009. Swan Lake does not appear on the service list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Mira Loma, California on March 9, 2010.

David Starnes

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 September 8, 2009 I served the following:

1) **NOTICE OF MOTION AND MOTION FOR APPROVAL OF CASE MANAGEMENT ORDER**

/_x_/ 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.

/_x_/ 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 September 8, 2009 in Rancho Cucamonga, California.

Alex Perez
Chino Basin Watermaster

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DECLARATION OF MARK WARD

I, Mark Ward, declare as follows:

1. I am the Planning Supervisor of Ameron, Inc. ("Ameron"). I know the following of my own personal knowledge and would so testify if called upon to do so.

2. Ameron is a member of the Non-Agricultural (Overlying) Pool Committee of the Chino Basin Watermaster (the "Non-Ag Pool"). Since 1989, I have been the designated representative of Ameron in matters relating to the Non-Ag Pool.

3. I have reviewed that certain Purchase and Sale Agreement For the Purchase of Water by Watermaster from Overlying (Non-Agricultural) Pool dated September 27, 2007 (the "Peace II Option Agreement"). I have performed a reasonably diligent internal review relating to the Peace II Option Agreement. Ameron did not receive the written Notice of Intent to Purchase described in the Peace II Option Agreement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Mira Loma, California on March 11, 2010.

Mark Ward

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 March 16, 2010 I served the following:

1) **DECLARATIONS OF KEVIN D. SAGE, DAVID L. PENRICE, CURTIS STUBBINGS, ROBERT W. LAWN, STEVEN R. ARBELBIDE, BRIAN GEYE, DAVID STARNES AND MARK WARD**

/_x_/ 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.

/_x_/ 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 March 16, 2010 in Rancho Cucamonga, California.

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