

FEE EXEMPT

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO

10 CHINO BASIN MUNICIPAL WATER
11 DISTRICT,

12 Plaintiff,

13 v.

14 CITY OF CHINO, ET AL.,

15 Defendants.

Case No. RCVRS 51010

Judgment Entered On January 27, 1978, as Amended

SUPPLEMENTAL DECLARATION OF ALLEN W. HUBSCH IN SUPPORT OF MOTION REGARDING AMENDMENT OF POOLING PLAN FOR THE NON-AGRICULTURAL POOL, ATTACHED TO THE JUDGMENT AS EXHIBIT G

Date: December 28, 2018
Time: 1:30 p.m.
Dept.: Dept. S35

Assigned for All Purposes to the Honorable STANFORD E. REICHERT

16 I, Allen W. Hubsch, declare as follows:

17 1. The Non-Agricultural (Overlying) Pool (the "Non-Ag Pool") is one of three pools
18 established by the Judgment. I am counsel to the Non-Ag Pool Committee (the "NAP
19 Committee").

20 2. The Non-Ag Pool has its own "Pooling Plan", which is attached to the Judgment

1 as Exhibit G (the "NAP Pooling Plan").

2 3. On October 4, 2018, the NAP Committee filed a motion to amend the NAP
3 Pooling Plan (the "NAP Motion"), and filed a proposed order (the "NAP Motion Proposed
4 Order").

5 4. The hearing on the NAP Motion was originally set for December 28, 2018. On
6 December 5, the Court continued the hearing on the NAP Motion to March 15, 2019. The Court
7 also ordered that any opposition be filed by January 15, 2019.

8 5. On December 20, 2018, the Appropriative Pool Committee voted not to oppose
9 either the NAP Motion or the NAP Motion Proposed Order.

10 6. At a hearing on February 20, I reported to the Court that no opposition had been
11 filed, and requested entry of the NAP Motion Proposed Order. At the same hearing, one of the
12 counsel for Monte Vista Water District ("MVWD") claimed that he was not aware that the
13 deadline had expired. His colleague was present at the December 20 hearing, and written notice
14 of the Court's rulings at the December 20 hearing had been given by Watermaster to MVWD.
15 Nonetheless, at the hearing on February 20, at the request of MVWD, the Court extended the
16 deadline for oppositions to 4:00 pm on February 27.

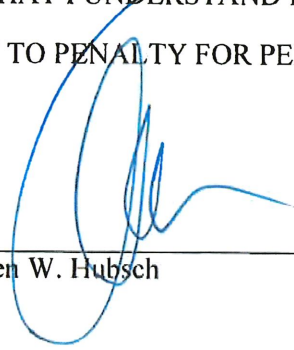
17 7. The only issue raised with respect to the NAP Motion at the February 20 hearing
18 was with respect to timing of the hearing on the NAP Motion in relation to timing of the hearing
19 on the so-called Six Parties' motion. After the hearing, the NAP Committee, through its counsel,
20 and members of the Appropriative Pool Committee, through counsel for some of its members,
21 had discussions about the timing of the hearing on the NAP Motion. The NAP Committee
22 believes there are no genuine issues with respect to timing of the NAP Motion, and, moreover,
23 that the members of the Appropriative Pool are precluded from opposing the NAP Motion, or the
24 NAP Motion Proposed Order. However, in an effort to minimize further discussion, the NAP
25 Committee has elected to submit the accompanying alternative proposed order with respect to
26 the NAP Motion. Under these circumstances, the NAP is willing to have the accompanying
27 alternative proposed order entered if the motion to approve amendments to the Appropriative
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Pool Pooling Plan and the Court-Approved Management Agreements is not heard and/or decided concurrently with the NAP Motion. The NAP Committee believes that the changes in the accompanying alternative proposed order address issues, if any, raised with respect to timing of the hearing on the NAP Motion.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

Dated February 25, 2018.



Allen W. Hubsch

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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

**[PROPOSED] ORDER REGARDING
AMENDMENT OF POOLING PLAN
FOR THE NON-AGRICULTURAL
POOL, ATTACHED TO THE
JUDGMENT AS EXHIBIT G**

Date: December 28, 2018
Time: 1:30 p.m.
Dept.: Dept. S35

Assigned for All Purposes to the
Honorable STANFORD E. REICHERT

The Court has considered the Motion, and the pleadings and papers on file in this
Action. All notices having been given as required by law; and good cause appearing
therefor, IT IS HEREBY ORDERED that Paragraphs 6, 9, 10 and 11 of the Pooling Plan
for the Non-Agricultural Pool, attached to the Judgment as Exhibit G, are amended to

1 reflect the contents of Exhibit A attached hereto. The amendments reflected in
2 paragraphs 6 and 9 of Exhibit A shall become effective upon entry of this order. The
3 motion with respect to the amendments reflected in paragraphs 10 and 11 of Exhibit A is
4 hereby continued to the same date and time as the hearing on the motion to approve
5 amendments to the Appropriative Pool Pooling Plan and the Court-Approved
6 Management Agreements, on _____, 2019 at ___ pm..

7 IT IS SO ORDERED.
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10 Dated: _____

11 JUDGE OF SUPERIOR COURT
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CHINO BASIN WATERMASTER

Case No. RCVRS 51010

Chino Basin Municipal Water District v. City of Chino, et al.

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 February 26, 2019 served the following:

1. SUPPLEMENTAL DECLARATION OF ALLEN W. HUBSCH IN SUPPORT OF MOTION REGARDING AMENDMENT OF POOLING PLAN FOR THE NON-AGRICULTURAL POOL, ATTACHED TO THE JUDGMENT AS EXHIBIT G
2. [PROPOSED] ORDER REGARDING AMENDMENT OF POOLING PLAN FOR THE NON-AGRICULTURAL POOL, ATTACHED TO THE JUDGMENT AS EXHIBIT G

/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 February 26, 2019 in Rancho Cucamonga, California.



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