1 TRACY J. EGOSCUE (SBN 190842) TARREN A. TORRES (SBN 275991) 2 EGOSCUE LAW GROUP, INC. 3834 Pine Ave. 3 Long Beach, CA 90807 Tel/Facsimile: (562) 988-5978 4 tracy@egoscuelaw.com tarren@egoscuelaw.com 5 Attorneys for OVERLYING 6 (AGRICULTURAL) POOL 7 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 FOR THE COUNTY OF SAN BERNARDINO 10 CHINO BASIN MUNICIPAL WATER 11 Case No. RCVRS 51010 DISTRICT, 12 Assigned for All Purposes to the Plaintiff, Honorable Stanford E. Reichert 13 NOTICE OF MOTION AND MOTION v. 14 REGARDING AMENDMENT OF CITY OF CHINO et al., POOLING PLAN FOR THE OVERLYING 15 (AGRICULTURAL) POOL, EXHIBIT "F" Defendants. OF THE JUDGMENT: [PROPOSED] 16 **ORDER** 17 Date: December 13, 2019 Time: 1:30 p.m. 18 Dept. S-35 19 [Filed concurrently herewith: Declaration of Tracy J. Egoscue in support of Motion Regarding 20 Amendment of Pooling Plan for the Overlying (Agricultural) Pool, Exhibit "F" of the Judgment] 21 TO EACH PARTY TO THIS ACTION AND TO THE COUNSEL OF RECORD 22 FOR EACH PARTY: 23

YOU ARE HEREBY NOTIFIED THAT on December 13, 2019 at 1:00 p.m., in Department S35 of this Court, located at 247 West 3rd Street, San Bernardino, California 92415, the Overlying (Agricultural) Pool will and hereby does move, pursuant to Paragraphs 15 and 46 of the Judgment previously entered in this action, for approval of an amendment to the Pooling

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1	Plan of the Overlying (Agricultural) Pool. The Pooling Plan is attached as Exhibit "F" to the
2	Judgment.
3	The Motion will be based upon this notice, the attached memorandum in support, the
4	pleadings, records and files herein, and on such oral argument as may be presented at the hearing
5	on the motion.
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7	Dated: October 31, 2019 EGOSCUE LAW GROUP, INC.
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9	By: Tracy J. Goscus
10	TRACY G. EGOSCUE Attorneys for
11	OVERĽYING (AGRICULTURAL) POOL
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¹ All citations and references to the "Judgment" are to the 2012 Restated Judgment.

² The limited exceptions enumerated in the Judgment do not apply in this matter.

The Overlying (Agricultural) Pool (Ag Pool) is one of three groundwater production "Pools" established by the Chino Basin Judgment (Judgment). (Judgment, ¶ 43(a).) The Judgment also established "Pooling Plans" for each of the three Pools to control operation of the subject Pool. (Judgment, ¶ 46.) The Judgment reserves continuing jurisdiction to the Court as to all matters contained in the Judgment.² (Judgment, ¶ 15.)

The Pooling Plan for the Ag Pool is retained as Exhibit "F" to the Judgment and describes the manner in which the Ag Pool is organized and administers its affairs. The Pooling Plan can be modified by amendment of the Judgment pursuant to the Court's continuing jurisdiction. (Judgment, \P 46.)

On October 10, 2019, during an Ag Pool Committee regularly scheduled meeting, members of the Ag Pool Committee adopted an amendment to the Ag Pool Pooling Plan and directed counsel to prepare the necessary filings for the Court. (Declaration of Tracy J. Egoscue (Egoscue Decl.), ¶ 6.) The amendment to the Ag Pool Pooling Plan was provided in advance, in the meeting packages and agendas, of the October 10, 2019 meetings of the two other Pool Committees as well. (Egoscue Decl., ¶ 7.) The Overlying (Non-Agricultural) Pool supported the amendment at its October 10, 2019 meeting. (Egoscue Decl., ¶ 8.) At its October 10, 2019 meeting, the Appropriative Pool reported that it did not take a position on the amendment and reserved its right to comment. (Egoscue Decl., ¶ 9.) During the October 10, 2019 Appropriative Pool meeting, the Ag Pool Committee Chairperson, Robert Feenstra, questioned when Appropriative Pool comments would be made, to which the Appropriative Pool Chairperson, Van Jew, responded, "So that was something that was discussed in closed session, so I can't disclose." (Egoscue Decl., ¶ 10.) Also, during the October 10, 2019 Appropriative Pool meeting, counsel for the Ag Pool Committee requested clarification from the Appropriative Pool on whether there was support or opposition to the amendment to the Ag Pool Pooling Plan so that the position of the

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1	of the Peace Agreement establishes that, for the term of Peace Agreement, all assessments and
2	expenses of the Ag Pool shall be paid by the Appropriative Pool. The revisions to Section 5 also
3	align the Pooling Plan with current practice to calculate assessments in the Ag Pool made
4	pursuant to Paragraph 45 of the Judgment in an amount uniformly applicable to all production in
5	the Pool during the preceding year or calendar quarter.
6	III. CONCLUSION
7	Paragraph 46 of the Judgment states that each Pooling Plan shall control operation of the
8	subject Pool and allows for a Pool's Pooling Plan to be modified by amendment of the Judgment
9	pursuant to the Court's continuing jurisdiction. Good cause exists for the Court to grant this
10	motion in order to ensure that the operation of the Ag Pool is in conformity with current practices
11	and that there is clarity for the members of the Ag Pool, all stakeholders, and the Court.
12	Accordingly, the Ag Pool respectfully requests that the Court approve the amendment to the
13	Pooling Plan of the Overlying (Agricultural) Pool.
14	D. J. O. J. 21 2010
15	Dated: October 31, 2019 EGOSCUE LAW GROUP, INC.
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17	By: Tracy). Goscus TRACV J. GOSCUE
18	Attorneys for OVERLYING (AGRICULTURAL) POOL
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1 TRACY J. EGOSCUE (SBN 190842) TARREN A. TORRES (SBN 275991) 2 EGOSCUE LAW GROUP, INC. 3834 Pine Ave. 3 Long Beach, CA 90807 Tel/Fax: (562) 988-5978 tracy@egoscuelaw.com 4 tarren@egoscuelaw.com 5 Attorneys for OVERLYING 6 (AGRIČULTURAL) POOL 7 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 FOR THE COUNTY OF SAN BERNARDINO 10 11 CHINO BASIN MUNICIPAL WATER Case No. RCV 51010 DISTRICT, 12 Assigned for All Purposes to the Plaintiff. Honorable Stanford E. Reichert 13 **DECLARATION OF TRACY J. EGOSCUE** v. 14 IN SUPPORT OF AG POOL'S MOTION CITY OF CHINO et al., REGARDING AMENDMENT OF 15 POOLING PLAN FOR THE OVERLYING Defendants. (AGRICULTURAL) POOL, EXHIBIT "F" 16 **OF THE JUDGMENT** 17 18 19 1. I, Tracy J. Egoscue, am an attorney licensed to practice in the State of California. Based 20 21 upon my own knowledge and experience, I can competently attest to the following facts. 2. I am counsel for the Overlying (Agricultural) Pool (hereafter Ag Pool) and this 22 Declaration is made in support of the Ag Pool's Motion Regarding Amendment of Pooling Plan 23 for the Ag Pool, Exhibit "F" of the Judgment. 24 3. The current Ag Pool Pooling Plan is attached as Exhibit A. 25 4. The amended Ag Pool Pooling Plan is attached as **Exhibit B**. 26 5. A redline showing the changes from the current version to the amended version is 27 attached as Exhibit C. 28

6. On October 10, 2019, during an Ag Pool regularly scheduled meeting, members of the
Ag Pool approved an amendment to the Ag Pool Pooling Plan and directed counsel to prepare the
necessary filings for the Court.

- 7. The amendment to the Ag Pool Pooling Plan was provided in advance, in the meeting packages and agendas, for the October 10, 2019 meetings of the two other Pools.
- 8. The Overlying (Non-Agricultural) Pool supported the amendment at its October 10, 2019 meeting.
- 9. At its October 10, 2019 meeting, the Appropriative Pool reported that it did not take a position on the amendment and reserved its right to comment.
- 10. At the Appropriative Pool meeting, the Ag Pool Committee Chairperson, Robert Feenstra, asked the Appropriative Pool Chairperson, Van Jew, when Appropriative Pool comments would be made, to which Chairperson Jew responded, "So that was something that was discussed in closed session, so I can't disclose."
- 11. At the Appropriative Pool meeting, I, at the direction of the Ag Pool Committee

 Chairperson, requested clarification from the Appropriative Pool on whether there was support or
 opposition to the amendment to the Ag Pool Pooling Plan so that the position of the

 Appropriative Pool could be reflected in the Ag Pool Pooling Plan Amendment motion. In doing
 so the following exchange occurred between myself and Appropriative Pool Chairperson Jew:
 - **T. Egoscue:** Thank you to the chair and members of the pool for considering the pooling plan amendment. Clarification, because I have been directed to ask whether or not there is agreement or approval from your Pool. The Non-Ag has supported it and I will have to file it with the court. So, to the extent that you can inform us clearly whether or not you oppose it so that I would then reflect that in the filing, is what. And I can work with your counsel, um, for that. I would just like to make that request.

Chairperson Jew: So, per the reportable action, the Pool didn't take a position on that Pooling Plan amendment.

T. Egoscue: There is no position on it?

Chairperson Jew: Except that we reserve the right to make comments on it.

12. The amendment to the Ag Pool Pooling Plan and the related responses of the Appropriative Pool and the Overlying (Non-Agricultural) Pool was then reported by the

1	Watermaster General Manager to the Advisory Committee on October 17, 2019, and the
2	Watermaster Board on October 24, 2019.
3	I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st
4	day of October 2019 in the City of Long Beach and County of Los Angeles, State of California.
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6	By: Tracy J. Goscus TRACY J. GOSCUE
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EXHIBIT A CURRENT OVERLYING (AGRICULTURAL) POOL POOLING PLAN

EXHIBIT "F"

OVERLYING (AGRICULTURAL) POOL

POOLING PLAN

- 1. <u>Membership in Pool</u>. The State of California and all producers listed in Exhibit "C" shall be the initial members of this pool, which shall include all producers of water for overlying uses other than industrial or commercial purposes.
- 2. <u>Pool Meetings</u>. The members of the pool shall meet annually, in person or by proxy, at a place and time to be designated by Watermaster for purposes of electing members of the Pool Committee and conducting any other business of the pool. Special meetings of the membership of the pool may be called and held as provided in the rules of the pool.
- 3. <u>Voting</u>. All voting at meetings of pool members shall be on the basis of one vote for each 100 acre feet or any portion thereof of production from Chino Basin during the preceding year, as shown by the records of Watermaster.
- 4. <u>Pool Committee.</u> The Pool Committee for this pool shall consist of not less than nine (9) representatives selected at large by members of the pool. The exact number of members of the Pool Committee in any year shall be as determined by majority vote of the voting power of members of the pool in attendance at the annual pool meeting. Each member of the Pool Committee shall have one vote and shall serve for a two-year term. The members first elected shall classify themselves by lot so that approximately one-half serve an initial one-year term. Vacancies during any term shall be filled by a majority of the remaining members of the Pool Committee.
- 5. Advisory Committee Representatives. The number of representatives of the Pool Committee on the Advisory Committee shall be as provided in the rules of the pool from time to time but not exceeding ten (10). The voting power of the pool on the Advisory Committee shall be apportioned and exercised as determined from time to time by the Pool Committee.
- 6. Replenishment Obligation. The pool shall provide funds for replenishment of any production by persons other than members of the Overlying Non-Agricultural Pool or Appropriator Pool,

in excess of the pool's share of Safe Yield. During the first five (5) years of operations of the Physical Solution, reasonable efforts shall be made by the Pool Committee to equalize annual assessments.

- 7. Assessments. All assessments in this pool (whether for replenishment water cost or for pool administration or the allocated share of Watermaster administration) shall be in an amount uniformly applicable to all production in the pool during the preceding year or calendar quarter. Provided, however, that the Agricultural Pool Committee, may recommend to the Court modification of the method of assessing pool members, inter se, if the same is necessary to attain legitimate basin management objectives, including water conservation and avoidance of undesirable socio-economic consequences.

 Any such modification shall be initiated and ratified by one of the following methods:
 - (a) Excess Production. In the event total pool production exceeds 100,000 acre feet in any year, the Pool Committee shall call and hold a meeting, after notice to all pool members, to consider remedial modification of the assessment formula.
 - (b) Producer Petition. At any time after the fifth full year of operation under the Physical Solution, a petition by ten percent (10%) of the voting power or membership of the Pool shall compel the holding of a noticed meeting to consider revision of said formula of assessment for replenishment water.

In either event, a majority action of the voting power in attendance at such pool members' meeting shall be binding on the Pool Committee.

8. Rules. - The Pool Committee shall adopt rules for conducting meetings and affairs of the committee and for administering its program and in amplification of the provisions, but not inconsistent with, this pooling plan.

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EXHIBIT B AMENDED OVERLYING (AGRICULTURAL) POOL POOLING PLAN

EXHIBIT "F"

OVERLYING (AGRICULTURAL) POOL

POOLING PLAN

- 1. <u>Membership in Pool</u>. The State of California and all producers listed in Exhibit "C" shall be the initial members of this pool, which shall include all producers of water for overlying uses other than industrial or commercial purposes.
- 2. <u>Pool Meetings</u>. The members of the pool shall meet annually, in person or by proxy, at a place and time to be designated by Watermaster for purposes of electing members of the Pool Committee and conducting any other business of the pool. Special meetings of the membership of the pool may be called and held as provided in the rules of the pool.
- 3. <u>Pool Committee.</u> The Pool Committee for this pool shall consist of not less than nine (9) representatives selected at large by members of the pool. Each member of the Pool Committee shall have one vote and shall serve for a one-year term. Vacancies during any term shall be filled by a majority vote of the remaining members of the Pool Committee.
- 4. Advisory Committee Representatives. The number of representatives of the Pool Committee on the Advisory Committee shall be as provided in the rules of the pool from time to time but not exceeding ten (10). The voting power of the pool on the Advisory Committee shall be apportioned and exercised as determined from time to time by the Pool Committee.
- 5. Assessments. Pursuant to page 36, Section 5.4(a) of the Peace Agreement, and for the term of same, all assessments and expenses of the Pool including those of the Agricultural Pool Committee shall be paid by the Appropriative Pool. This includes but is not limited to replenishment obligations. However, in the event the total Agricultural Pool Production exceeds 414,000 acre-feet in any five consecutive year period as defined in the Judgment, the Pool shall be responsible for its replenishment obligation pursuant to Paragraph 45 of the Judgment. Assessments in this pool pursuant to Paragraph 45 shall be in an amount uniformly applicable to all production in the pool during the preceding year or calendar quarter. Provided, however, that the Agricultural Pool Committee, may recommend to the Court modification of the method of assessing pool members, inter se, if the same is necessary to attain legitimate basin management objectives, including water conservation and

avoidance of undesirable socio-economic consequences. Any such modification shall be initiated and ratified by one of the following methods:

- (a) Excess Production. In the event total pool production exceeds 100,000 acre feet in any year, the Pool Committee shall call and hold a meeting, after notice to all pool members, to consider remedial modification of the assessment formula.
- (b) <u>Producer Petition</u>. At any time after the fifth full year of operation under the Physical Solution, a petition by ten percent (10%) of the voting power or membership of the Pool shall compel the holding of a noticed meeting to consider revision of said formula of assessment for replenishment water.

In either event, a majority action of the voting power in attendance at such pool members' meeting shall be binding on the Pool Committee.

6. Rules. - The Pool Committee shall adopt rules for conducting meetings and affairs of the committee and for administering its program and in amplification of the provisions, but not inconsistent with, this pooling plan.

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EXHIBIT C REDLINE OVERLYING (AGRICULTURAL) POOL POOLING PLAN

EXHIBIT "F"

OVERLYING (AGRICULTURAL) POOL

POOLING PLAN

- 1. <u>Membership in Pool.</u> The State of California and all producers listed in Exhibit "C" shall be the initial members of this pool, which shall include all producers of water for overlying uses other than industrial or commercial purposes.
- 2. <u>Pool Meetings.</u> The members of the pool shall meet annually, in person or by proxy, at a place and time to be designated by Watermaster for purposes of electing members of the Pool Committee and conducting any other business of the pool. Special meetings of the membership of the pool may be called and held as provided in the rules of the pool.
- 3. <u>Voting.</u> All voting at meetings of pool members shall be on the basis of one vote for each 100 acre feet or any portion thereof of production from Chino sin during the preceding year, as shown by the records of Watermaster.
- 4.3. Pool Committee. The Pool Committee for this pool shall consist of not less than nine (9) representatives selected at large by members of the pool. The exact number of members of the Pool. Committee in any year shall be as determined by majority vote of the voting power of members of the pool in attendance at the annual pool meeting. Each member of the Pool Committee shall have one vote and shall serve for a onetwo-year term. The members first elected shall classify themselves by lot so that approximately one half serve an initial one year term. Vacancies during any term shall be filled by a majority vote of the remaining members of the Pool Committee.
- <u>5.4.</u> Advisory Committee Representatives. The number of representatives of the Pool Committee on the Advisory Committee shall be as provided in the rules of the pool from time to timebut not exceeding ten (10). The voting power of the pool on the Advisory Committee shall be apportioned and exercised as determined from time to time by the Pool Committee.
- 6. <u>Replenishment Obligation</u>. The pool shall provide funds for replenishment of any production by persons other than members of the Overlying Non Acticultural Pool or Appropriator Pool,

in excess of the pool's share of Safe Yield. During the first five (5) years of operations of the Physical Solution, reasonable efforts shall be made by the Pool Committee to equalize annual assessments.

T.5. Assessments. Pursuant to page 36, Section 5.4(a) of the Peace Agreement, and for the term of same, aAll assessments and expenses of the Pool including those of the Agricultural Pool. Committee shall be paid by the Appropriative Pool. This includes but is not limited to replenishment obligations. However, iExcept, however, in the event the total Agricultural Pool Production exceeds 414.000 acre-feet in any five consecutive year period as defined in the Judgment, the Pool shall be responsible for its replenishment obligation pursuant to Paragraph 45 of the Judgment, All-assessments in this pool pursuant to Paragraph 45 (whether for replenishment water cost or for pool administration or the allocated share of Watermaster administration) shall be in an amount uniformly applicable to all production in the pool during the preceding year or calendar quarter. Provided, however, that the Agricultural Pool Committee, may recommend to the Court modification of the method of assessing pool members, inter se, if the same is necessary to attain legitimate basin management objectives, including water conservation and avoidance of undesirable socio-economic consequences. Any such modification shall be initiated and ratified by one of the following methods:

- (a) Excess Production. In the event total pool production exceeds 100,000 acre feet in any year, the Pool Committee shall call and hold a meeting, after notice to all pool members, to consider remedial modification of the assessment formula.
- (b) <u>Producer Petition.</u> At any time after the fifth full year of operation under the Physical Solution, a petition by ten percent (10%) of the voting power or membership of the Pool shall compel the holding of a noticed meeting to consider revision of said formula of assessment for replenishment water.

In either event, a majority action of the voting power in attendance at such pool members' meeting shall be binding on the Pool Committee.

8.6. Rules. - The Pool Committee shall adopt rules for conducting meetings and affairs of the committee and for administering its program and in amplification of the provisions, but not inconsistent with, this pooling plan.

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EXHIBIT "F"

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1 TRACY J. EGOSCUE (SBN 190842) TARREN A. TORRES (SBN 275991) 2 EGOSCUE LAW GROUP, INC. 3834 Pine Ave. 3 Long Beach, CA 90807 Tel/Fax: (562) 988-5978 4 tracy@egoscuelaw.com tarren@egoscuelaw.com 5 Attorneys for OVERLYING (AGRIČULTURAL) POOL 6 7 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 FOR THE COUNTY OF SAN BERNARDINO 10 CHINO BASIN MUNICIPAL WATER 11 Case No. RCVRS 51010 DISTRICT, 12 Assigned for All Purposes to the Plaintiff, Honorable Stanford E. Reichert 13 [PROPOSED] ORDER REGARDING ν. 14 AMENDMENT OF POOLING PLAN FOR CITY OF CHINO et al., THE OVERLYING (AGRICULTURAL) 15 POOL, EXHIBIT "F" OF THE JUDGMENT Defendants. 16 17 18 Having read, reviewed and considered all pleadings filed in support and in response, if 19 any, to the Overlying (Agricultural) Pool's Motion Regarding Amendment of Pooling Plan for the 20 Agricultural Pool, Exhibit "F" of the Judgment, including the argument of counsel presented at 21 the December 13, 2019 hearing, and good cause appearing therefore: 22 I. AG POOL POOLING PLAN 23 The Overlying (Agricultural) Pool Committee (Ag Pool) is one of three groundwater 24 production "Pools" established by the Chino Basin Judgment (Judgment). The Judgment also 25 established "Pooling Plans" for each of the three Pools to control operation of the subject Pool. 26 The Judgment reserved continuing jurisdiction to the Court as to all matters contained in the 27 Judgment. The Pooling Plan for the Ag Pool is retained as Exhibit "F" to the Judgment and

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describes the manner in which the Ag Pool is organized and administers its affairs. The Pooling Plan can be modified by amendment of the Judgment pursuant to the Court's continuing jurisdiction.

On October 10, 2019, during an Ag Pool Committee regularly scheduled meeting, members of the Ag Pool Committee discussed and adopted an amendment to the Ag Pool Pooling Plan. The amendment was also presented to the two other Pool Committees, the Advisory Committee, and Watermaster Board.

II. PURPOSE OF AMENDMENT

The amendment updates the Pooling Plan to reflect the terms of the Peace Agreement approved by this Court in 2000 and to reflect the policy and practice of the Pool for the last ten years.

The revisions to Section 3 of the Ag Pool Pooling Plan reflect the practice of the Pool to allow for each member of the Ag Pool Committee to have one vote and serve for a one-year term. This practice has occurred over the last ten years and no party to the Judgment has objected to this practice.

The revisions to Section 5 of the Ag Pool Pooling Plan acknowledge and reflect the terms of the 2000 Peace Agreement. Section 5.4(a) of the Peace Agreement establishes that, for the term of Peace Agreement, all assessments and expenses of the Ag Pool shall be paid by the Appropriative Pool. The revisions to Section 5 also align the Pooling Plan with current practice to calculate assessments in the Ag Pool made pursuant to Paragraph 45 of the Judgment in an amount uniformly applicable to all production in the Pool during the preceding year or calendar quarter. The Peace Agreement was an agreement between the Parties to the Judgment and was approved by this Court in 2000.

III. ORDER

IT IS ORDERED THAT:

1. The Pooling Plan of the Overlying (Agricultural) Pool be modified by amendment of Exhibit "F" of the Judgment as presented in Attachment A to this Order.

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2	Dated: Hon. Stanford E. Reichert
3	Judge of the Superior Court
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	[PROPOSED] ORDER REGARDING AMENDMENT OF POOLING PLAN FOR THE OVERLYING

ATTACHMENT A OVERLYING (AGRICULTURAL) POOL POOLING PLAN

EXHIBIT "F"

OVERLYING (AGRICULTURAL) POOL

POOLING PLAN

- 1. Membership in Pool. The State of California and all producers listed in Exhibit "C" shall be the initial members of this pool, which shall include all producers of water for overlying uses other than industrial or commercial purposes.
- 2. <u>Pool Meetings</u>. The members of the pool shall meet annually, in person or by proxy, at a place and time to be designated by Watermaster for purposes of electing members of the Pool Committee and conducting any other business of the pool. Special meetings of the membership of the pool may be called and held as provided in the rules of the pool.
- 3. Pool Committee. The Pool Committee for this pool shall consist of not less than nine (9) representatives selected at large by members of the pool. Each member of the Pool Committee shall have one vote and shall serve for a one-year term. Vacancies during any term shall be filled by a majority vote of the remaining members of the Pool Committee.
- 4. Advisory Committee Representatives. The number of representatives of the Pool
 Committee on the Advisory Committee shall be as provided in the rules of the pool from time to time but
 not exceeding ten (10). The voting power of the pool on the Advisory Committee shall be apportioned
 and exercised as determined from time to time by the Pool Committee.
- 5. Assessments. Pursuant to page 36, Section 5.4(a) of the Peace Agreement, and for the term of same, all assessments and expenses of the Pool including those of the Agricultural Pool Committee shall be paid by the Appropriative Pool. This includes but is not limited to replenishment obligations. However, in the event the total Agricultural Pool Production exceeds 414,000 acre-feet in any five consecutive year period as defined in the Judgment, the Pool shall be responsible for its replenishment obligation pursuant to Paragraph 45 of the Judgment. Assessments in this pool pursuant to Paragraph 45 shall be in an amount uniformly applicable to all production in the pool during the preceding year or calendar quarter. Provided, however, that the Agricultural Pool Committee, may recommend to the Court modification of the method of assessing pool members, inter se, if the same is necessary to attain legitimate basin management objectives, including water conservation and

avoidance of undesirable socio-economic consequences. Any such modification shall be initiated and ratified by one of the following methods:

- (a) Excess Production. In the event total pool production exceeds 100,000 acre feet in any year, the Pool Committee shall call and hold a meeting, after notice to all pool members, to consider remedial modification of the assessment formula.
- (b) <u>Producer Petition</u>. At any time after the fifth full year of operation under the Physical Solution, a petition by ten percent (10%) of the voting power or membership of the Pool shall compel the holding of a noticed meeting to consider revision of said formula of assessment for replenishment water.

In either event, a majority action of the voting power in attendance at such pool members' meeting shall be binding on the Pool Committee.

6. Rules. - The Pool Committee shall adopt rules for conducting meetings and affairs of the committee and for administering its program and in amplification of the provisions, but not inconsistent with, this pooling plan.

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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 October 31, 2019 served the following:

- NOTICE OF MOTION AND MOTION REGARDING AMENDMENT OF POOLING PLAN FOR THE OVERLYING (AGRICULTURAL) POOL, EXHIBIT "F" OF THE JUDGMENT; [PROPOSED] ORDER
- 2. DECLARATION OF TRACY J. EGOSCUE IN SUPPORT OF AG POOL'S MOTION REGARDING AMENDMENT FO POOLING PLAN FOR THE OVERLYING (AGRICULTURAL) POOL, EXHIBIT "F" OF THE JUDGMENT
- 3. [PROPOSED] ORDER REGARDING AMENDMENT OF POOLING PLAN FOR THE OVERLYING (AGRICULTURAL) POOL, EXHIBIT "F" OF THE JUDGMENT

/ <u>X</u> /	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.
<u>/ X _</u> /	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 October 31, 2019 in Rancho Cucamonga, California.

By: Janine Wilson

Chino Basin Watermaster

BRIAN GEYE CA SPEEDWAY CORPORATION 9300 CHERRY AVE FONTANA, CA 92335

STEVE ELIE IEUA 17017 ESTORIL STREET CHINO HILLS, CA 91709

DON GALLEANO WMWD 4220 WINEVILLE ROAD MIRA LOMA, CA 91752 BOB KUHN THREE VALLEYS MWD 669 HUNTERS TRAIL GLENDORA, CA 91740

JEFF PIERSON UNITEX MANAGEMENT CORP. PO BOX 1440 LONG BEACH, CA 90801-1440

ALLEN HUBSCH LOEB & LOEB LLP 10100 SANTA MONICA BLVD. SUITE 2200 LOS ANGELES, CA 90067 ROBERT BOWCOCK INTEGRATED RESOURCES MGMNT 405 N. INDIAN HILL BLVD CLAREMONT, CA 91711

PAUL HOFER CBWM BOARD MEMBER 11248 S TURNER AVE ONTARIO, CA 91761

BOB FEENSTRA 2720 SPRINGFIELD ST, ORANGE, CA 92867

Members:

Allen W. Hubsch Andrew Gagen Arthur Kidman Catharine Irvine

Christopher M. Sanders

Dan McKinney
David Aladjem
Elizabeth P. Ewens
Eric Papathakis
Fred Fudacz
Fred Galante
Gene Tanaka
Irene Islas

Jean Cihigoyenetche

Jim Markman

Jimmy Gutierrez - Law Offices of Jimmy Gutierrez (jimmylaredo@gmail.com)

jimmy@city-attorney.com

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