NOSSAMAN LLP **EXEMPT FROM FILING FEE** FREDERIC A. FUDACZ (SBN 50546) PER GOV. CODE, § 6103 ffudacz@nossaman.com GINA R. NICHOLLS (SBN 270174) 3 gnicholls@nossaman.com 777 S. Figueroa Street, 34th Floor Los Angeles, CA 90017 Telephone: 213.612.7800 5 Facsimile: 213.612.7801 6 Attorneys for CITY OF ONTARIO 7 [Additional Parties on Following Pages] 8 9 10 SUPERIOR COURT OF THE STATE OF CALIFORNIA 11 FOR THE COUNTY OF SAN BERNARDINO 12 13 CHINO BASIN MUNICIPAL WATER Case No: **RCVRS 51010** 14 DISTRICT. Assigned for All Purposes to: 15 Honorable Stanford E. Reichert Plaintiff, 16 REOUEST FOR JUDICIAL NOTICE IN VS. SUPPORT OF APPROPRIATIVE POOL 17 **MEMBER AGENCIES RE:** CITY OF CHINO, ET AL., AGRICULTURAL POOL LEGAL AND 18 Defendants. OTHER EXPENSES 19 [Concurrently Filed with Notice of Motion; Memorandum of Points & Authorities; Decl. 20 of S. Burton; Decl. of J. Scott-Coe; Proposed Order] 21 Date: October 23, 2020 22 Time: 1:30 p.m. Department: S35 23 24 25 26 27 28

REQUEST FOR JUDICIAL NOTICE ISO MOTION OF APPROPRIATIVE POOL MEMBER AGENCIES RE: AGRICULTURAL POOL LEGAL AND OTHER EXPENSES

1	Thomas S. Bunn III (CSB #89502)
2	Lagerlof, LLP 301 N. Lake Ave., 10th Floor
ŀ	Pasadena, CA 91101-5123 (626) 793-9400
3	
4	Attorneys for CITY OF POMONA
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6	Thomas H. McPeters, Esq. (SBN 034300)
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10	Attorney for SAN ANTONIO WATER COMPANY and FONTANA UNION WATER
11	COMPÁNY
12	
13	ARTHUR G. KIDMAN, CAL. BAR NO. 61719 ANDREW B. GAGEN, CAL. BAR NO. 212257
14	KIDMAN GAGEN LAW LLP 2030 Main Street, Suite 1300
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17	Attorneys for MONTE VISTA WATER DISTRICT and MONTE VISTA IRRIGATION
18	COMPANY
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20	BEST BEST & KRIEGER LLP GENE TANAKA, Bar No. 101423
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22	Steve.Anderson@bbklaw.com
23	2001 North Main St., Ste. 390 Walnut Creek, CA 94596
23 24	Telephone: (925) 977-3301
	Attorneys for CUCAMONGA VALLEY WATER DISTRICT
25	
26	[Additional Parties on Following Page(s)]
27	
28	- 2 - REQUEST FOR JUDICIAL NOTICE ISO MOTION OF APPROPRIATIVE POOL MEMBER AGENCIES
	RE: AGRICULTURAL POOL LEGAL AND OTHER EXPENSES

1	ELLISON SCHNEIDER HARRIS & DONLAN LLP ROBERT E. DONLAN (SNB 18618)
2	red@eslawfirm.com
3	SHAWNDA M. GRADY (SBN 289060) sgrady@eslawfirm.com
4	2600 Capitol Avenue, Suite 400 Sacramento, CA 95816
5	Telephone: (916) 447-2166
6 7	Attorneys for JURUPA COMMUNITY SERVICES DISTRICT
8	
9	MARK D. HENSLEY, State Bar No. 142653 CITY ATTORNEY, CITY OF CHINO HILLS
10	mhensley@hensleylawgroup.com ELIZABETH M. CALCIANO, State Bar No. 161080
11	ecalciano@hensleylawgroup.com
12	HENSLEY LAW GROUP 2600 W. Olive Avenue, Suite 500
13	Burbank, CA 91505 Tel: (818) 333-5120; Fax: (818) 333-5121
14	
15	Attorneys for CITY OF CHINO HILLS
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28	-3-

REQUEST FOR JUDICIAL NOTICE

In support of the concurrently filed Motion Regarding Agricultural Pool Legal and Other Expenses, Appropriative Pool ("AP") member agencies ("AP Members") hereby request that the Court take judicial notice pursuant to Evidence Code, sections 450 et seq. of the following items:

- 1. **Exhibit "1"** is a true and correct copy of the Special Joint Pool Committee, Pool Dispute Resolution, addressed from the Chairmen of the three Pool Committees to the Chairman of the Chino Basin Watermaster, dated August 11, 2009.
- 2. **Exhibit "2"** is a true and correct copy of the minutes of a special meeting of the Agricultural Pool Committee held on June 30, 2020, *available at*http://www.cbwm.org/docs/agpoolagendmin/minutes/pdf/20200630%20Minutes%20

 Agricultural%20Pool%20-%20Special%20Meeting.pdf.
- 3. **Exhibit "3"** is a true and correct copy of the minutes of a special meeting of the Watermaster Board of Directors held on August 4, 2020, *available at*http://www.cbwm.org/docs/brdagendmin/minutes/pdf/20200804%20Minutes%20Watermaster%20Board%20Special%20Meeting.pdf.
- 4. **Exhibit "4"** is a true and correct copy of the minutes of a special meeting of the Agricultural Pool Committee held on August 6, 2020, *available at*http://www.cbwm.org/docs/agpoolagendmin/minutes/pdf/20200806%20Minutes%20
 Agricultural%20Pool%20-%20Special%20Meeting.pdf.

Under Evidence Code, section 453, the Court may take judicial notice of any matter specified under section 452. Section 452, subdivision (c) provides that judicial notice may be taken of official acts of the legislative, executive, and judicial departments of a state. Subdivision (h) provides that judicial notice may be taken of facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort

For purposes of authentication, the same document attached hereto as Exhibit "1" also is attached as Exhibit "A" to the concurrently filed Declaration of Justin Scott-Coe.

1	to sources of reasonably indisputable accuracy. Therefore, taking judicial notice of Exhibits "1"					
2	through "4" is proper.					
3	Pursuant to the authority sta	ted above, the AP Member Agencies respectfully request that				
4	the Court take judicial notice of Exh	nibits "1" through "4" attached hereto.				
5						
6 7	Dated: September 17, 2020	NOSSAMAN LLP FREDERIC A. FUDACZ GINA R. NICHOLLS				
8						
9		Fat				
10		By: Frederic A. Fudacz				
11		Attorneys for CITY OF ONTARIO				
12						
13	Dated: September 17, 2020	Lagerlof, LLP				
14						
15		By Floras S. Bum III				
16		Thomas S. Bunn III				
17		Attorneys for CITY OF POMONA				
18						
19	Dated: September 17, 2020	Thomas H. McPeters, Esq.				
20	2 4.04. 2 4.04. 11, 2020	Thomas 11. Wer eters, Esq.				
21		By: Thom O Most				
22						
23 24		Thomas H. McPeters Attorney for SAN ANTONIO WATER COMPANY and FONTANA UNION WATER				
25		COMPANY				
26						
27	[SIGNATURES CONTINUE ON FOLLOWING PAGE]					
20						

1	Dated: September 17, 2020	KIDMAN GAGEN LAW LLP
2		
3		
4		By: Andrew (mgn / hy GAN) Arthur G. Kidman
5		Andrew B. Gagen Attorneys for MONTE VISTA WATER DISTRICT
6		and MONTE VISTA IRRIGATION COMPANY
7		
8	Dated: September 17, 2020	BEST BEST & KRIEGER LLP
9		
10		
11		By: _Gene Janaha / by GEN
12 13		STEVE ANDERSON Attorneys for CUCAMONGA VALLEY WATER DISTRICT
14		WATER DISTRICT
15	Dated: September 17, 2020	
16	Buttu. September 17, 2020	ELLISON SCHNEIDER HARRIS & DONLAN LLP
17		
18		
19		By: Shawnda Graff / by Garl SHAWNDA M. GRADY
20		Attorneys for JURUPA COMMUNITY SERVICES DISTRICT
21		
22		
23	Dated: September 17, 2020	HENSLEY LAW GROUP
24		O(-1) M $O(1)$
25		By: Coloiano
26		Elizabeth M. Calciano Attorneys for CITY OF CHINO HILLS
27		radineys for CITT Of CITIE Of IIII
28		
		- 6 -

memorandum

April 11, 2009

TO: Ken Willis, Chairman

Chino Basin Watermaster

FROM: Bob Feenstra, Agricultural Pool Chairman

Ken Jeske, Appropriative Pool Chairman

Bob Bowcock, Overlying-Non Agricultural Pool Chairman

RE: Special Joint Pool Committee

Pool Dispute Resolution

A budget transfer request of \$21,000.00 has been made by staff to pay for the Regional Water Quality Control Board Basin Plan Amendment for Pathogen Total Maximum Daily Loads (TMDL) for the Middle Santa Ana River Watershed Pathogen TMDL for the Agricultural Pool. The Chino Basin Watermaster Agricultural Pool participates collectively in a task force administered by the Santa Ana Watershed Project Authority (SAWPA).

The Special Joint Pool Committee has resolved the budget transfer should be approved by the Watermaster and requests that Watermaster pay the invoice presented by the SAWPA Task Force.

As part of the resolution process, the Special Joint Pool Committee would like Watermaster to include in its motion to approve the above referenced budget transfer that the Agricultural Pool agrees to participate in the regular Watermaster Budget Process and present an annual budget in the same form and fashion as the other Pools. This will include: legal fees, consultant fees, meeting fees and projects. All of the budgets will be reviewed through the Pool process, approved and submitted by the Advisory Committee to the Watermaster.

Only Watermaster is authorized to undertake Special Project expense under Judgment Section 54 and Section 27. Such expense can only be allocated to a specific Pool if the Pool agrees or the court so orders, but this is not an authorization for the Pool to undertake such expense on its own initiative. (See e.g. Judgment section 54 and Peace Agreement section 5.4(a).) Under Section 38 (a) Pool Committees are limited to "developing policy recommendations for administration of its particular Pool." Special Project expense necessarily must be part of the Physical Solution which is under the control of the Court and its Court appointed Watermaster. While the Pool Committees are there to provide advice and assistance to Watermaster they may not supplant Watermaster's Physical Solution authority under Section 41.

Further, the Special Joint Pool Committee would like to notify Watermaster that additional legal fees have been expended which will require a budget transfer before the end of this fiscal year. Staff will be preparing a legal fee Budget Transfer in May for both the Watermaster and the Agricultural Pool, as recommended by the Special Joint Pool Committee. Presently, the estimate for the Agricultural Pool Budget Transfer for legal fees is approximately \$30,000.00.

MINUTES CHINO BASIN WATERMASTER AGRICULTURAL POOL – SPECIAL MEETING

June 30, 2020

The Agricultural Pool special meeting was held via GoToMeeting (conference call and web meeting) on June 30, 2020.

AGRICULTURAL POOL MEMBERS PRESENT

Bob Feenstra, Chair Dairy Henry De Haan Dairy

Pete Hall State of California – CIM State of California – CIM State of California – CIM

John HuitsingDairyRon PietersmaDairyNathan deBoomDairyGeoffrey Vanden HeuvelDairy

Jimmy Medrano State of California – CIM

Gino Filippi for Ron LaBrucherie Jr. Crops

OTHERS PRESENT

Tracy Egoscue Egoscue Law Group, Inc.
Marilyn Levin State of California - DOJ
Richard Rees Wood plc
Paul Hofer Crops

CALL TO ORDER

Chair Feenstra called the Agricultural Pool special meeting to order at 10:00 a.m.

AGENDA - ADDITIONS/REORDER

None

I. CONFIDENTIAL SESSION

Chair Feenstra called for a confidential session at 10:00 a.m. to discuss the following:

- 1. Ag Pool Budget
- 2. Safe Yield Reset
- 3. Pooling Plan
- 4. Contest

Confidential session concluded at 11:38 a.m. with the following reportable action:

Motion by Mr. Nathan deBoom, seconded by Ms. Carol Boyd, and passed as shown in the attachment provided by Pool Counsel and attached to these minutes

Pursuant to the terms of the Peace Agreement (Paragraph 5.4(a)), all assessments and expenses of the Ag Pool shall be paid by the Appropriative Pool.

The Ag Pool has exceeded the budget for FY (2019/20). Currently the May 2020 Ag Pool legal services invoice has not been paid, and the Watermaster is hereby asked to pay all pending invoices including, and without limitation, the TMDL costs for SAWPA.

Among other tasks, funds from the Ag Pool Special Projects budget (account 8471) should be moved to the Ag Pool Legal Services Budget (account 8467).

The Watermaster has refused to promptly pay the pending invoices without justification and should amend the budget as appropriate and necessary to cover all pending invoices.

ADJOURNMENT

Chair Feenstra adjourned the Agricultural Pool special meeting at 11:38 a.m.

		Secretary:
Approved:	July 9, 2020	_

Attachments:

1. 20200630 Special Agricultural Pool Meeting Motion.

063020 Special Ag Pool Meeting

Motion—Nathan De Boom Second—DAG Carol Boyd

Pursuant to the terms of the Peace Agreement (Paragraph 5.4(a)), all assessments and expenses of the Ag Pool shall be paid by the Appropriative Pool.

The Ag Pool has exceeded the budget for FY (2019/20). Currently the May 2020 Ag Pool legal services invoice has not been paid, and the Watermaster is hereby asked to pay all pending invoices including, and without limitation, the TMDL costs for SAWPA.

Among other tasks, funds from the Ag Pool Special Projects budget (account 8471) should be moved to the Ag Pool Legal Services Budget (account 8467).

The Watermaster has refused to promptly pay the pending invoices without justification and should amend the budget as appropriate and necessary to cover all pending invoices.

Motion Passed

MINUTES CHINO BASIN WATERMASTER AGRICULTURAL POOL – SPECIAL MEETING

June 30, 2020

The Agricultural Pool special meeting was held via GoToMeeting (conference call and web meeting) on June 30, 2020.

AGRICULTURAL POOL MEMBERS PRESENT

Bob Feenstra, Chair Dairy Henry De Haan Dairy

Pete Hall State of California – CIM Carol Boyd State of California – CIM

John HuitsingDairyRon PietersmaDairyNathan deBoomDairyGeoffrey Vanden HeuvelDairy

Jimmy Medrano State of California – CIM

Gino Filippi for Ron LaBrucherie Jr. Crops

OTHERS PRESENT

Tracy Egoscue Law Group, Inc.
Marilyn Levin State of California - DOJ

Richard Rees Wood plc
Paul Hofer Crops

CALL TO ORDER

Chair Feenstra called the Agricultural Pool special meeting to order at 10:00 a.m.

AGENDA – ADDITIONS/REORDER

None

I. CONFIDENTIAL SESSION

Chair Feenstra called for a confidential session at 10:00 a.m. to discuss the following:

- 1. Ag Pool Budget
- 2. Safe Yield Reset
- 3. Pooling Plan
- 4. Contest

Confidential session concluded at 11:38 a.m. with the following reportable action:

Motion by Mr. Nathan deBoom, seconded by Ms. Carol Boyd, and passed as shown in the attachment provided by Pool Counsel and attached to these minutes

Pursuant to the terms of the Peace Agreement (Paragraph 5.4(a)), all assessments and expenses of the Ag Pool shall be paid by the Appropriative Pool.

The Ag Pool has exceeded the budget for FY (2019/20). Currently the May 2020 Ag Pool legal services invoice has not been paid, and the Watermaster is hereby asked to pay all pending invoices including, and without limitation, the TMDL costs for SAWPA.

Among other tasks, funds from the Ag Pool Special Projects budget (account 8471) should be moved to the Ag Pool Legal Services Budget (account 8467).

The Watermaster has refused to promptly pay the pending invoices without justification and should amend the budget as appropriate and necessary to cover all pending invoices.

ADJOURNMENT

Chair Feenstra adjourned the Agricultural Pool special meeting at 11:38 a.m.

		Secretary:
Approved:	July 9, 2020	_

Attachments:

1. 20200630 Special Agricultural Pool Meeting Motion.

063020 Special Ag Pool Meeting

Motion—Nathan De Boom Second—DAG Carol Boyd

Pursuant to the terms of the Peace Agreement (Paragraph 5.4(a)), all assessments and expenses of the Ag Pool shall be paid by the Appropriative Pool.

The Ag Pool has exceeded the budget for FY (2019/20). Currently the May 2020 Ag Pool legal services invoice has not been paid, and the Watermaster is hereby asked to pay all pending invoices including, and without limitation, the TMDL costs for SAWPA.

Among other tasks, funds from the Ag Pool Special Projects budget (account 8471) should be moved to the Ag Pool Legal Services Budget (account 8467).

The Watermaster has refused to promptly pay the pending invoices without justification and should amend the budget as appropriate and necessary to cover all pending invoices.

Motion Passed

MINUTES CHINO BASIN WATERMASTER WATERMASTER BOARD – SPECIAL MEETING

August 4, 2020

The Watermaster Board special meeting was held via GoToMeeting (conference call and web meeting) only on August 4, 2020.

WATERMASTER BOARD MEMBERS PRESENT ON CALL

Jeff Pierson, Chair Agricultural Pool – Crops

James Curatalo, Vice-Chair Fontana Union Water Company

Bob Kuhn, Secretary/Treasurer Three Valleys Municipal Water District

Bob Bowcock CalMat Co.

Steve Elie Inland Empire Utilities Agency
Don Galleano Western Municipal Water District

Paul Hofer Agricultural Pool – Crops

Victor Preciado City of Pomona
Peter Rogers City of Chino Hills

WATERMASTER STAFF PRESENT AT WATERMASTER

Peter Kavounas General Manager
Janine Wilson Senior Accountant
Vanessa Aldaz Administrative Assistant

WATERMASTER STAFF PRESENT ON CALL

Joseph Joswiak Chief Financial Officer

Anna Nelson Executive Services Director/Board Clerk
Justin Nakano Water Resources Technical Manager

WATERMASTER CONSULTANTS PRESENT ON CALL

Scott Slater Brownstein Hyatt Farber Schreck, LLP Wildermuth Environmental, Inc.

OTHERS PRESENT ON CALL

Ron Craig
Chris Berch
David Do Josus
Chris Berch
David Do Josus
Three Valleys Municipal Water District

David De Jesus

Gino Filippi

Shivaji Deshmukh

Three Valleys Municipal Water District

Agricultural Pool – Crops

Inland Empire Utilities Agency

Sylvie Lee Inland Empire Utilities Agency
Brian Geye California Speedway Corporation
Eduardo Espinoza Cucamonga Valley Water District

Bob Feenstra

Ben Lewis

Brian Lee

Agricultural Pool – Dairy

Golden State Water Company

San Antonio Water Company

John Bosler Cucamonga Valley Water District
Tracy Egoscue Egoscue Law Group, Inc.
Carol Boyd State of California – CIM

Courtney Jones City of Ontario

Randall Reed Cucamonga Valley Water District

Richard Rees Wood plc

Ryan Shaw Western Municipal Water District

Eunice Ulloa City of Chino
Amanda Coker City of Chino
Chris Diggs City of Pomona

Christiana Daisy Inland Empire Utilities Agency

Dave Crosley
Elizabeth Calciano
Gina Nicholls
Jimmy Gutierrez
John Huitsing
John Lopez
Kristina Robb
Sandra Rose
Steven Ledbetter
Thomas Bunn
Marilyn Levin
Matthew Litchfield
May Atencio
Nathan deBoom

City of Chino Hensley Law Group Nossaman LLP

Jimmy L. Gutierrez, A Law Corporation

Agricultural Pool - Dairy

Santa Ana River Water Company

County of San Bernardino Monte Vista Water District

West End Consolidated Water Co. Lagerlof Senecal Gosney & Kruse LLP

State of California - DOJ

Three Valleys Municipal Water District

City of Fontana

Agricultural Pool - Dairy

Cucamonga Valley Water District

CALL TO ORDER

Praseetha Krishnan

Chair Pierson called the Watermaster Board meeting to order at 11:33 a.m.

(0:02:01) Ms. Nelson conducted the roll call and announced that all Board members were present.

PUBLIC COMMENTS

None

AGENDA - ADDITIONS/REORDER

None

I. BUSINESS ITEMS

A. OVERLYING (AGRICULTURAL) POOL LEGAL BUDGET INCREASE (POSSIBLE ACTION)

Provide direction to Watermaster Staff.

(0:06:00) Messrs. Kavounas and Slater gave a report. A discussion ensued.

(0:26:11) Mr. Kavounas introduced a staff recommended motion. Additional discussion ensued.

(0:54:08) Mr. Elie moved to approve the staff recommended motion and Mr. Hofer seconded the motion.

(0:55:07) Vote taken

Motion by Mr. Steve Elie, seconded by Mr. Paul Hofer, and approved by majority vote:

The Board directs Watermaster to offer the proposed assessment of Agricultural expenses set forth in its revised budget, to be levied on the members of the Appropriative Pool pursuant to Paragraph 5.4 of the Peace Agreement, to the 3 Pools and the Advisory Committee for their advice and assistance, honoring the intent of the 2009 Joint Pool Committee recommendation. The Board will consider the matter at its special August Board meeting scheduled for August 25, 2020.

The roll call vote outcome is attached to these minutes.

ADJOURNMENT

Chair Pierson adjourned the Watermaster Board special meeting at 12:32 p.m.

		Secretary:
Approved:	August 25, 2020	

Attachments:

1. 20200804 Watermaster Board Roll Call Vote Outcome for Business Item II.A.

August 4, 2020 Watermaster Special Board Meeting Roll Call Vote for Business Item I.A. Overlying (Agricultural) Pool Legal Budget Increase

Member	Alternate	I.A.
Bowcock, Bob		yes
Curatalo, James, Vice-Chair		yes
Elie, Steve		yes
Galleano, Don		yes
Hofer, Paul		yes
Kuhn, Bob, Secretary/Treasurer		no
Preciado, Victor		yes
Rogers, Peter		yes
Pierson, Jeff, Chair		yes
	OUTCOME:	Passed by Majority

MINUTES CHINO BASIN WATERMASTER AGRICULTURAL POOL – SPECIAL MEETING

August 6, 2020

The Agricultural Pool special meeting was held via GoToMeeting (conference call and web meeting) on August 6, 2020.

AGRICULTURAL POOL MEMBERS PRESENT

Bob Feenstra, Chair Dairy
Jeff Pierson, Vice-Chair Crops
Henry De Haan Dairy

Pete Hall State of California – CIM

John HuitsingDairyRon PietersmaDairyNathan deBoomDairyGeoffrey Vanden HeuvelDairyRon LaBrucherie, Jr.Crops

Bob Page County of San Bernardino
Carol Boyd State of California – DOJ
Marilyn Levin for Jimmy Medrano State of California – DOJ

OTHERS PRESENT

Tracy Egoscue Law Group, Inc.

Paul Hofer Crops
Gino Filippi Crops
Richard Rees Wood plc

CALL TO ORDER

Chair Feenstra called the Agricultural Pool special meeting to order at 11:00 a.m.

AGENDA - ADDITIONS/REORDER

None

I. CONFIDENTIAL SESSION

Chair Feenstra called for a confidential session at 11:00 a.m. to discuss the following:

- 1. August 4th WM Board Meeting
- 2. Notice of Peace Agreement Default
- 3. 8/5 Hearing Officer Check-In
- 4. Strategic Planning

Confidential session concluded at 12:03 p.m. with the following reportable action:

Motion by Ms. Carol Boyd, seconded by Mr. Gino Filippi, and by unanimous vote

Moved to direct Agricultural Pool counsel to issue a notice of default of the Peace Agreement to the Appropriative Pool.

ADJOURNMENT

Chair Feenstra adjourned the Agricultural Pool special meeting at 12:03 p.m.

1. 20200806 Notice of Peace Agreement Default to AP.

		Secretary:	
Approved:	September 10, 2020		
Attachment:			

Attachment 1 20200806 Notice of Peace Agreement Default to AP



Egoscue Law Group, Inc.

NOTICE OF DEFAULT BY THE APPROPRIATIVE POOL AND DEMAND TO CURE DEFAULT WITHIN 90 DAYS

TO: MEMBERS OF THE CHINO BASIN APPROPRIATIVE POOL

Please take notice that your failure to agree to pay the Overlying (Agricultural) Pool Committee (Agricultural Pool) expenses of \$165,694.75 to cover the May and June 2020 legal invoices constitutes a breach of paragraph 5.4(a) of the Peace Agreement dated June 29, 2000. Paragraph 5.4(a) of the Peace Agreement reads in relevant part as follows:

During the term of this Agreement, all assessments and expenses of the Agricultural Pool including those of the Agricultural Pool Committee shall be paid by the Appropriative Pool. This includes but is not limited to OBMP Assessments, assessments pursuant to Paragraphs 20, 21, 22, 30, 42, 51, 53, 54 both General Administrative Expenses and Special Project Expenses, 55, and Exhibit F (Overlying Agricultural Pool Pooling Plan) of the Judgment...

Chino Basin Watermaster Rules and Regulations Section 4.6 incorporates the Peace Agreement provision providing that all assessments and expenses of the Agricultural Pool be paid for by the Appropriative Pool during the term of the Peace Agreement. Pursuant to Section 4.6, the Watermaster had and has the ability to pay the outstanding Agricultural Pool Legal Budget balance. The delay in payment is prejudicial to the Agricultural Pool, and Watermaster's failure to issue a timely payment has resulted in damages.

Accordingly, the Agricultural Pool formally demands that the Appropriaitve Pool immediately direct the Watermaster to make payment of the Agricultural Pool expenses of \$165,694.75 to cover May and June 2020 invoices with direction on the method by which to allocate and invoice the payment among the members of the Appropriative Pool.

As a result of the above breach, the Agricultural Pool will be required to fund the Legal Budget remaining balance to cover May and June 2020 invoices. If the Appropriative Pool does not direct Watermaster to make the above payment or reimburse the Agricultural Pool for this expense within 90 days from the date of service of this Notice of Default (as provided for in Paragraph 9.1(a) of the Peace Agreement), the Agricultural Pool intends to



Egoscue Law Group, Inc.

seek appropriate remedy upon default including but not limited to interest and penalties as contained in Paragraph 9.2 of the Peace Agreement.

Dated: August 6, 2020

racy J. Egoscue

Legal Counsel for the

Overlying (Agricultural) Pool

CHINO BASIN WATERMASTER Case No. RCVRS 51010

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

PROOF OF SERVICE

ec		

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.

	С	on September 18, 2020 I served the following:
	1.	REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF APPROPRIATIVE POOL MEMBER AGENCIES RE: AGRICULTURAL POOL LEGAL AND OTHER EXPENSES
/ <u>X</u> _/	p a	Y MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully repaid, for delivery by United States Postal Service mail at Rancho Cucamonga, California, ddresses as follows: ree attached service list: Mailing List 1
//	В	Y PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.
//	n	Y FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax umber(s) indicated. The transmission was reported as complete on the transmission report, thich was properly issued by the transmitting fax machine.
<u>/ X </u> /	tr	Y ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic ansmission to the email address indicated. The transmission was reported as complete on the ansmission report, which was properly issued by the transmitting electronic mail device.
l decla correc		under penalty of perjury under the laws of the State of California that the above is true and
	Ε	xecuted on September 18, 2020 in Rancho Cucamonga, California.

By: Vanessa Aldaz 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 2 HEXAM IRVINE, CA 92603

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:

Adrianna.Ortiz@airports.sbcountAdrianna.Ortiz@airports.sbcounty.gov

Agnes Cheng agnes.cheng@cc.sbcounty.gov

Al Lopez alopez@wmwd.com

Alan Frost Alan.Frost@dpw.sbcounty.gov Alberto.Mendoza@cmc.com Alberto Mendoza Alfonso Ruiz alfonso.ruiz@cmc.com Allen W. Hubsch ahubsch@loeb.com Alonso Jurado ajurado@cbwm.org Amanda Coker acoker@cityofchino.org Amer Jakher AJakher@cityofchino.org ABonczewski@ontarioca.gov Amy Bonczewski

Andrea Olivas aolivas@jcsd.us

Andrew Gagen agagen@kidmanlaw.com Andy Campbell acampbell@ieua.org Andy Malone amalone@weiwater.com Angelica Todd angelica.todd@ge.com Anna Nelson atruongnelson@cbwm.org arobitaille@bhfs.com April Robitaille Arnold Rodriguez jarodriguez@sarwc.com Art Bennett citycouncil@chinohills.org akidman@kidmanlaw.com Arthur Kidman Ashok Dhingra ash@akdconsulting.com Ben Lewis benjamin.lewis@gswater.com

Ben Peralta bperalta@tvmwd.com
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