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EXEMPT FROM FILING FEE PER GOV. CODE, § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER DISTRICT, Plaintiff, vs. CITY OF CHINO, ET AL., Defendants.	Case No: RCVRS 51010 *Assigned for All Purposes to:* *Honorable Stanford E. Reichert* **NOTICE OF MOTION AND MOTION OF APPROPRIATIVE POOL MEMBER AGENCIES RE: AGRICULTURAL POOL LEGAL AND OTHER EXPENSES** [Concurrently Filed with Memorandum of Points & Authorities; Decl. of Scott Burton; Decl. of Justin Scott-Coe; Request for Judicial Notice; Proposed Order] Date: October 23, 2020 Time: 1:30 p.m. Department: S35

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NOTICE OF MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 23, 2020 at 1:30 p.m. in Department S35 of the above-entitled court, the following members of the Appropriative Pool ("AP"): City of Ontario; City of Pomona; San Antonio Water Company; Fontana Union Water Company; Monte Vista Water District; Monte Vista Irrigation District; Cucamonga Valley Water District; Jurupa Community Services District; and City of Chino Hills (collectively, "AP Members"),[1] will and hereby do move this Court for an order interpreting the obligation of the AP to pay for the legal and other expenses of the Agricultural (Overlying) Pool ("Ag Pool").

Specifically, the AP Members seek a judicial determination appropriately limiting the expenses that the AP can be required to pay on behalf of the Ag Pool under the Peace Agreement. The AP Members respectfully request that this Court enter an order declaring that, to be payable under Section 5.4(a) of the Peace Agreement, Ag Pool expenses must be (1) for actions, programs, or projects initiated by Watermaster; (2) within a budget pre-approved by Watermaster following review through the Pool process including approval and submission by the Advisory Committee to the Watermaster; (3) consistent with the Peace Agreement and legitimate Ag Pool functions pursuant to Section 38 of the Restated Judgment; and (4) reasonable.

The AP Members seek a further determination, consistent with the above, that the AP and its members are not obligated to pay any Ag Pool legal and expert expenses related to Storage Contests initiated by the Ag Pool. The AP is entitled to a refund of any such expenses already paid.

This Motion is based upon Section 31 of the Judgment; the continuing jurisdiction of the Court under Section 15 of the Judgment; and documents approved by the Court under the Judgment including the Chino Basin Watermaster Rules and Regulations and the Peace

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1 Each of the AP Members is a party to the Restated Judgment ("Judgment") in the above-captioned case.

Agreement. Also this Motion is based upon attached Memorandum of Points and Authorities; the Declarations of Mr. Burton and Mr. Scott-Coe and the Request for Judicial Notice submitted herewith; the records and files in this adjudication; and upon other such evidence as may be presented to the Court.

Dated: September 17, 2020

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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 September 21, 2020 I served the following:

1. NOTICE OF MOTION AND MOTION OF APPROPRIATIVE POOL MEMBER AGENCIES RE: AGRICULTURAL POOL LEGAL AND OTHER EXPENSES

/ 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 21, 2020 in Rancho Cucamonga, California.

Vanessa Aldaz

By: Vanessa Aldaz
Chino Basin Watermaster

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