FEE EXEMPT SCOTT S. SLATER (State Bar No. 117317) 1 sslater@bhfs.com BRADLEY J. HERREMA (State Bar No. 228976) 2 bherrema@bhfs.com KIMBERLY E. LEEFATT (State Bar No. 325332) 3 kleefatt@bhfs.com BROWNSTEIN HYATT FARBER SCHRECK, LLP 4 1021 Anacapa Street, 2nd Floor Santa Barbara, CA 93101-2102 5 Telephone: 805.963.7000 Facsimile: 805.965.4333 6 Attorneys for 7 CHINO BASIN WATERMASTER 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 FOR THE COUNTY OF SAN BERNARDINO 10 11 Case No. RCV RS 51010 CHINO BASIN MUNICIPAL WATER DISTRICT, 12 [Assigned for All Purposes to the Plaintiff, Honorable Stanford E. Reichert] 13 **DECLARATION OF BRADLEY J.** 14 v. HERREMA IN SUPPORT OF CHINO BASIN WATERMASTER RESPONSE TO CITY OF CHINO, ET AL., 15 CITY OF CHINO EX PARTE Defendants. APPLICATION FOR AN ORDER TO 16 EXTEND TIME UNDER JUDGMENT, PARAGRAPH 31(C) TO CHALLENGE 17 WATERMASTER ÁCTION/DECISION ON **AUGUST 25, 2020 TO ISSUE INVOICES** 18 TO PAY AG POOL LEGAL EXPENSES TO APPROPRIATORS INCLUDING THE 19 **CITY OF CHINO** 20 Date: October 16, 2020 Time: 1:30 p.m. 21 Dept: S35 22 [Filed concurrently herewith: Chino Basin Watermaster Response to City of Chino Ex-Parte 23 Application; Declaration of Peter Kavounas 24 25 26 27 28 1

DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF CHINO BASIN WATERMASTER RESPONSE
TO CITY OF CHINO EX-PARTE APPLICATION

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DECLARATION OF BRADLEY J. HERREMA

I, Bradley J. Herrema, declare as follows:

- I am an attorney duly admitted to practice before all of the courts of this State, and 1. am a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for Chino Basin Watermaster ("Watermaster"). I have personal knowledge of the facts stated in this declaration, except where stated on information and belief, and, if called as a witness, I could and would competently testify to them under oath. I make this declaration in support of Watermaster's Response to City of Chino Ex Parte Application for an Order to Extend Time Under Judgment, Paragraph 31(C) to Challenge Watermaster Action/Decision on August 25, 2020 to Issue Invoices to Pay Ag Pool Legal Expenses to Appropriators Including the City of Chino.
- As legal counsel for Watermaster, I am familiar with Watermaster's practices and 2. procedures, as well as actions taken by the Pool Committees, Advisory Committee and Watermaster Board.
- I am aware of the Watermaster Board's issuance of invoices to the Appropriative 3. Pool members for the \$165,694.75 unreimbursed increase in the Overlying (Agricultural) Pool's Fiscal Year 2019-2020 legal budget, allocated on the basis of the "Ag Pool Reallocation."
- On October 14, 2020 at 4:33 p.m., Mr. Scott Slater and I received an e-mail from 4. the City of Chino's ("the City") legal counsel, Mr. Jimmy Gutierrez, informing Watermaster's legal counsel that he had set an Ex Parte Hearing on Friday October 16, 2020 at 1:30 p.m. with this Court. Mr. Gutierrez explained that the City of Chino seeks an order to extend the period of time, from 60 days to 120 days, for Chino to file a motion to challenge Watermaster's August 25, 2020 order to issue invoices to the Members of the Appropriative Pool to pay the Agricultural Pool's legal fees in the sum of \$165,694.75, including Invoice No. 2020-02-SPE to the City of Chino in the sum of \$29,835.46. A true and correct copy of this email notice can be found attached at Exhibit A.

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5. At 5:59 p.m. on October 14, 2020, Mr. Scott Slater responded to Mr. Gutierrez's
October 14, 2020 email, with an email on which I was copied. Mr. Slater indicated that the City's
October 9, 2020 request had not been denied, but was referred to the Watermaster Board for
consideration, and that its next regularly scheduled meeting is prior to the next Court date on
October 23, 2020, at which point the City's Application could be addressed in the event the Board
did not grant its request the day before. Mr. Slater further explained that Watermaster legal
counsel took no position on the merits of the City's Application, but that not allowing the Board
to consider the City's October 9, 2020 request before seeking ex parte relief seemed
unnecessary. A true and correct copy of this email response can be found attached at Exhibit B.

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

Dated this 15th day of October, 2020, at Redondo Beach, California.

Bradley J. Herrema

EXHIBIT "A"

Herrema, Brad

From: Jimmy Gutierrez <jimmy@city-attorney.com>

Sent: Wednesday, October 14, 2020 4:33 PM

To: Slater, Scott; Herrema, Brad
Cc: Lisa Ruggio; Crosley, Dave
Subject: City of Chino Ex Parte Application

FilingDate: 10/14/2020 11:54:00 AM

FilingFolder: \Chino Basin Watermaster - (Administration 6078) Miscellaneous

(038350-0001)_Communications (038350-0001)

Filing DocumentID: !nrtdms:0:!session:DMS:!database:Active:!document:21741042,1:

Scott. Brad.

Good afternoon. I called you 15 minutes ago but your office was closed. Then, I left a voice message.

I also decided to send this email so that you have adequate time to prepare and call me if you like.

I am giving you notice that I have set an Ex Parte Hearing on Friday October 16, 2020 at 1:30 p.m. in Judge Reichert's Courtroom, Dept 35S.

The Ex Parte Application seeks an order to extend the period of time under Paragraph 31(c) of the Judgment, from 60 days to 120 days, for Chino to file a motion to challenge Watermaster's August 25, 2020 order to issue invoices to the Members of the Appropriative Pool to pay the Ag Pool initiated legal fees in the sum of \$165,694.75 including Invoice No. 2020-02-SPE to the City of Chino in the sum of \$29,835.46.

I will provide you with the pleadings tomorrow as soon as I can.

You may call me if you like.

Thank you.

Jimmy L. Gutierrez Jimmy L. Gutierrez Law Corporation 12616 Central Avenue Chino, CA 91710

909 591 6336 Office 909 717 1100 Mobile

Jimmy@City-Attorney.com

EXHIBIT "B"

Herrema, Brad

From:

Slater, Scott

Sent:

Wednesday, October 14, 2020 5:59 PM

To:

Jimmy Gutierrez

Cc:

Herrema, Brad; Lisa Ruggio; Crosley, Dave; Peter Kavounas

Subject:

Re: City of Chino Ex Parte Application

FilingDate:

10/14/2020 11:54:00 AM

FilingFolder:

\Chino Basin Watermaster - (Administration 6078) Miscellaneous

(038350-0001)_Communications (038350-0001)

FilingDocumentID:

!nrtdms:0:!session:DMS:!database:Active:!document:21741043,1:

Jimmy:

Thanks for the heads up. We do note that the prior written request was tendered to Peter by Dav Crosley. It was not denied. It was referred to the Board for consideration. There is a regular Board meeting scheduled prior to the next Court date on October 23, at which point your request can be addressed in the event the Board does grant your request the day before.

Watermaster legal counsel takes no position on the merits of your request. However, not allowing the Board to consider your request before seeking ex parte relief seems unnecessary.

Nevertheless, one of us will be in touch tomorrrow so that we may better understand your position. And, in the end you will so what you have to do.

Regards,

Scott

Sent from my iPhone

On Oct 14, 2020, at 4:33 PM, Jimmy Gutierrez < immy@city-attorney.com > wrote:

Scott. Brad.

Good afternoon. I called you 15 minutes ago but your office was closed. Then, I left a voice message.

I also decided to send this email so that you have adequate time to prepare and call me if you like.

I am giving you notice that I have set an Ex Parte Hearing on Friday October 16, 2020 at 1:30 p.m. in Judge Reichert's Courtroom, Dept 35S.

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I will provide you with the pleadings tomorrow as soon as I can.

You may call me if you like.

Thank you.

Jimmy L. Gutierrez Jimmy L. Gutierrez Law Corporation 12616 Central Avenue Chino, CA 91710

909 591 6336 Office 909 717 1100 Mobile

Jimmy@City-Attorney.com

CHINO BASIN WATERMASTER

Case No. RCVRS 51010

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

PROOF OF SERVICE

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correct.

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.

WATERMASTER RESPONSE TO CITY OF CHINO EX PARTE APPLICATION FOR AN

DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF CHINO BASIN

On October 15, 2020 I served the following:

	ORDER TO EXTEND TIME UNDER JUDGMENT, PARAGRAPH 31(C) TO CHALLENGE WATERMASTER ACTION/DECISION ON AUGUST 25, 2020 TO ISSUE INVOICES TO PAY AG POOL LEGAL EXPENSES TO APPROPRIATORS INCLUDING THE CITY OF CHINO
/ <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

Executed on October 15, 2020 in Rancho Cucamonga, Çalifornia.

By: Vanessa Aldaz Chino Basin Watermaster PAUL HOFER CBWM BOARD MEMBER 11248 S TURNER AVE ONTARIO, CA 91761

JEFF PIERSON 2 HEXAM IRVINE, CA 92603

ALLEN HUBSCH LOEB & LOEB LLP 10100 SANTA MONICA BLVD. SUITE 2200 LOS ANGELES, CA 90067

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

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Kyle Brochard Kyle Snay Larry Cain

Laura Mantilla

Kurt Berchtold

Lauren Harold Linda Jadeski Lisa Lemoine Liz Hurst

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