

FEE EXEMPT

1 TRACY J. EGOSCUE (SBN 190842)
2 TARREN A. TORRES (SBN 275991)
3 EGOSCUE LAW GROUP, INC.
4 3834 Pine Ave.
5 Long Beach, CA 90807
6 Tel/Facsimile: (562) 988-5978
7 tracy@egoscuelaw.com
8 tarren@egoscuelaw.com

9 Attorneys for OVERLYING
10 (AGRICULTURAL) POOL

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF SAN BERNARDINO

13 CHINO BASIN MUNICIPAL WATER
14 DISTRICT,
15 Plaintiff,
16 v.
17 CITY OF CHINO et al.,
18 Defendants.

19 Case No. RCVRS 51010
20 Assigned for All Purposes to the
21 Honorable Stanford E. Reichert
22 **AGRICULTURAL POOL’S STATUS
23 REPORT REGARDING
24 MEDIATION; DECLARATION OF
25 TRACY J. EGOSCUE IN SUPPORT
26 THEREOF**

1 **AGRICULTURAL POOL’S STATUS REPORT REGARDING MEDIATION**

2 The Overlying (Agricultural) Pool (Agricultural Pool) respectfully submits this
3 Status Report regarding the scheduling of a date for the Court-ordered mediation.

4 On January 8, 2021, the Court held a hearing regarding, among other things, the
5 previously ordered mediation of the dispute that is the subject of the “Motion of
6 Appropriative Pool Member Agencies Re: Agricultural Pool Legal and Other Expenses.” At
7 the January 8, 2021 hearing, counsel for the Agricultural Pool and counsel for the City of
8 Ontario reported that the parties to the mediation had jointly selected the Honorable Peter D.
9 Lichtman (Ret.) as mediator. The Court directed the parties to complete the mediation no later
10 than the close of business on March 25, 2021, and ordered that each side shall bear its own
11 costs for the mediation, subject to further order of the Court.

12 The list of available dates provided for the mediation by Hon. Peter D. Lichtman
13 were January 13, January 18, February 15, March 15-16, March 19, March 22-23, and March
14 25, 2021. (Declaration of Tracy J. Egoscue (“Egoscue Decl.”), ¶ 3.) Given the complexity of
15 the issues that are the subject of the mediation, it is the preference of the Agricultural Pool
16 that mediation should be scheduled for two consecutive days to promote a robust and full
17 mediation of the issues. Therefore, the Agricultural Pool proposed the options provided by the
18 mediator that included two consecutive dates (March 15-16 and March 22-23). (*Id.* at ¶ 5.) In
19 response to the Agricultural Pool’s proposal, counsel for the City of Ontario chose one day
20 only and that date was March 22. Therefore, the parties to the mediation have agreed to a
21 mediation date of March 22, 2021, only. (*Id.* at ¶ 4.)

22 Despite the Court’s order requiring sharing of costs equally between the
23 Appropriative Pool Member Agencies and the Agricultural Pool, the Appropriative Pool
24 Member Agencies declined the Agricultural Pool’s proposal to reserve two days with the
25 mediator. Counsel for Ontario expressed a concern for the possibility that a refund for the
26 costs of the second day would not be made should one day not be productive enough for an
27 additional day of mediation. (Egoscue Decl., ¶ 6.) After telephone and e-mail

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

communications between counsel for the Agricultural Pool and counsel for the City of Ontario on January 13, 2021, where counsel for Ontario expressed the Appropriative Pool Member Agencies' concern regarding their cost of \$8,450 for the second day—the parties agreed to schedule mediation for March 22, 2021 and to request more time from the Court if necessary should it turn out that one day is not sufficient. (*Id.* at ¶ 7.)

Dated: January 20, 2021

EGOSCUE LAW GROUP, INC.

By: Tracy J. Egoscue
TRACY J. EGOSCUE
Attorneys for
OVERLYING (AGRICULTURAL) POOL

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 January 20, 2021 I served the following:

1. AGRICULTURAL POOL'S STATUS REPORT REGARDING MEDIATION; DECLARATION OF TRACY J. EGOSCUE IN SUPPORT THEREOF

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.

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 January 20, 2021 in Rancho Cucamonga, California.


By: Janine Wilson
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

Members:

| | |
|-------------------|----------------------------------|
| Agnes Cheng | agnes.cheng@cc.sbcounty.gov |
| Al Lopez | alopez@wmwd.com |
| Alan Frost | Alan.Frost@dpw.sbcounty.gov |
| Alberto Mendoza | Alberto.Mendoza@cmc.com |
| Alfonso Ruiz | alfonso.ruiz@cmc.com |
| Allen W. Hubsch | ahubsch@loeb.com |
| alma.heustis | alma.heustis@californiasteel.com |
| Alonso Jurado | ajurado@cbwm.org |
| Amanda Coker | acoker@cityofchino.org |
| Amanda Meere | Amanda.Meere@cao.sbcounty.gov |
| Amer Jakher | AJakher@cityofchino.org |
| Amy Bonczewski | ABonczewski@ontarioca.gov |
| Andrew Gagen | agagen@kidmanlaw.com |
| Andy Campbell | acampbell@ieua.org |
| Andy Malone | amalone@westyost.com |
| Angelica Todd | angelica.todd@ge.com |
| Angelo Simoes | Angelo.Simoes@linde.com |
| Anna Nelson | atruongnelson@cbwm.org |
| April Robitaille | arobitaille@bhfs.com |
| Arnold Rodriguez | jarodriguez@sarwc.com |
| Art Bennett | citycouncil@chinohills.org |
| Arthur Kidman | akidman@kidmanlaw.com |
| Ashok Dhingra | ash@akdconsulting.com |
| Ben Lewis | benjamin.lewis@gswater.com |
| Ben Peralta | bperalta@tvmwd.com |
| Benjamin M. Weink | ben.weink@tetrattech.com |
| Betty Anderson | banderson@jcsd.us |
| Bob Bowcock | bbowcock@irmwater.com |
| Bob DiPrimio | rjdiprimio@sgvwater.com |
| Bob Feenstra | bobfeenstra@gmail.com |
| Bob Kuhn | bkuhn@tvmwd.com |
| Bob Kuhn | bgkuhn@aol.com |
| Bob Page | Bob.Page@rov.sbcounty.gov |
| Brad Herrema | bherrema@bhfs.com |
| Braden Yu | bradeny@cvwdwater.com |
| Brandon Howard | brahoward@niagarawater.com |
| Brenda Fowler | balee@fontanawater.com |
| Brent Yamasaki | byamasaki@mwdh2o.com |
| Brian Dickinson | bdickinson65@gmail.com |
| Brian Geye | bgeye@autoclubspeedway.com |
| Brian Lee | blee@sawaterco.com |
| Cameron Andreasen | memphisbelle38@outlook.com |
| Carmen Sierra | carmens@cvwdwater.com |
| Carol Boyd | Carol.Boyd@doj.ca.gov |
| Carolina Sanchez | csanchez@westyost.com |
| Casey Costa | ccosta@chinodesalter.org |
| Cassandra Hooks | chooks@niagarawater.com |
| Catharine Irvine | cirvine@DowneyBrand.com |
| Chad Blais | cblais@ci.norco.ca.us |
| Chander Letulle | cletulle@jcsd.us |
| Charles Field | cdfield@att.net |

| | |
|--------------------------|---------------------------------|
| Charles Linder | Charles.Linder@nrgenergy.com |
| Charles Moorrees | cmoorrees@sawaterco.com |
| Chino Hills City Council | citycouncil@chinohills.org |
| Chris Berch | cberch@jcsd.us |
| Chris Diggs | Chris_Diggs@ci.pomona.ca.us |
| Christiana Daisy | cdaisy@ieua.org |
| Christofer Coppinger | ccoppinger@geoscience-water.com |
| Christopher M. Sanders | cms@eslawfirm.com |
| Christopher Quach | cquach@ontarioca.gov |
| Christopher R. Guillen | cguillen@bhfs.com |
| Chuck Hays | chays@fontana.org |
| Cindy Cisneros | cindyc@cvwdwater.com |
| Cindy Li | Cindy.li@waterboards.ca.gov |
| Cinthia Heredia | Cinthia.Heredia@cmc.com |
| Clarence Mansell | cmansell@wwd.org |
| Courtney Jones | cjjones@ontarioca.gov |
| Craig Miller | CMiller@wmwd.com |
| Craig Stewart | craig.stewart@woodplc.com |
| Cris Fealy | cifealy@fontanawater.com |
| Dan Arrighi | darrighi@sgvwater.com |
| Dan McKinney | dmckinney@douglascountylaw.com |
| Daniel Bobadilla | dbobadilla@chinohills.org |
| Danny Kim | dkim@linklogistics.com |
| Dave Argo | daveargo46@icloud.com |
| Dave Crosley | DCrosley@cityofchino.org |
| David Aladjem | daladjem@downeybrand.com |
| David De Jesus | ddejesus@tvmwd.com |
| David Doublet | ddoublet@dpw.sbcounty.gov |
| David Huynh | dhuynh@cbwm.org |
| David Penrice | dpenrice@acmwater.com |
| Dawn Martin | Dawn.Martin@cc.sbcounty.gov |
| Denise Garzaro | dgarzaro@ieua.org |
| Dennis Dooley | ddooley@angelica.com |
| Dennis Mejia | dmejia@ontarioca.gov |
| Dennis Williams | dwilliams@geoscience-water.com |
| Diana Frederick | diana.frederick@cdcr.ca.gov |
| Don Galleano | dongalleano@icloud.com |
| Ed Means | edmeans@roadrunner.com |
| Edgar Tellez Foster | etellezfoster@cbwm.org |
| Eduardo Espinoza | EduardoE@cvwdwater.com |
| Edward Kolodziej | edward.kolodziej@ge.com |
| Elizabeth M. Calciano | ecalciano@hensleylawgroup.com |
| Elizabeth Skrzat | ESkrzat@cbwcd.org |
| Eric Fordham | eric_fordham@geopentech.com |
| Eric Garner | eric.garner@bbklaw.com |
| Eric Grubb | ericg@cvwdwater.com |
| Eric Papathakis | Eric.Papathakis@cdcr.ca.gov |
| Eric Tarango | edtarango@fontanawater.com |
| Erika Clement | Erika.clement@sce.com |
| Eunice Ulloa | eulloa@cityofchino.org |
| Evette Ounanian | EvetteO@cvwdwater.com |
| Felix Hamilton | felixhamilton.chino@yahoo.com |
| Frank Brommenschenkel | frank.brommen@verizon.net |

Frank Yoo
Fred Fudacz
Fred Galante
Gabby Garcia
Garrett Rapp
Gene Tanaka
Geoffrey Kamansky
Geoffrey Vanden Heuvel
Gerald Yahr
Gina Nicholls
Gino L. Filippi
Greg Woodside
Gregor Larabee (Gregor.Larabee@cdcr.ca.gov)

FrankY@cbwm.org
ffudacz@nossaman.com
fgalante@awattorneys.com
ggarcia@mvwd.org
grapp@westyost.com
Gene.Tanaka@bbklaw.com
gkamansky@niagarawater.com
geoffreyvh60@gmail.com
yahrj@koll.com
gnicholls@nossaman.com
Ginoffvine@aol.com
gwoodside@ocwd.com

Henry DeHaan
Hope Smythe
Irene Islas
James Curatalo
James Jenkins
James McKenzie
Jane Anderson
Janelle Granger
Janine Wilson
Jasmin A. Hall
Jason Marseilles
Jason Pivovaroff
Jean Cihigoyenetche
Jeff Evers
Jeffrey L. Pierson
Jennifer Hy-Luk
Jessie Ruedas
Jim Markman
Jim W. Bowman
Jimmy Gutierrez - Law Offices of Jimmy Gutierrez

Gregor.Larabee@cdcr.ca.gov
Hdehaan1950@gmail.com
hsmythe@waterboards.ca.gov
irene.islas@bbklaw.com
jamesc@cvwdwater.com
cnomgr@airports.sbcounty.gov
jmckenzie@dpw.sbcounty.gov
janderson@jcsd.us
jgranger@niagarawater.com
JWilson@cbwm.org
jhall@ieua.org
jmarseilles@ieua.org
JPivovaroff@wmwd.com
Jean@thejclawfirm.com
jevers@niagarawater.com
jpierson@intexcorp.com
jhyluk@ieua.org
Jessie@thejclawfirm.com
jmarkman@rwglaw.com
jbowman@ontarioca.gov

Jimmy Medrano
jimmy@city-attorney.com
Joanne Chan
Joao Feitoza
Joe Graziano
Joe Joswiak
Joel Ignacio
John Abusham
John Bosler
John Harper
John Huitsing
John Lopez
John Lopez and Nathan Cole
John Mendoza
John Partridge
John Schatz
John Thornton
Jose A Galindo

jimmylaredo@gmail.com
Jaime.medrano2@cdcr.ca.gov
jimmy@city-attorney.com
jchan@wvwd.org
joao.feitoza@cmc.com
jgraz4077@aol.com
JJoswiak@cbwm.org
jignacio@ieua.org
john.abusham@nrg.com
johnb@cvwdwater.com
jrharper@harperburns.com
johnhuitsing@gmail.com
jlopez@sarwc.com
customerservice@sarwc.com
jmendoza@tvmwd.com
jpartridge@angelica.com
jschatz13@cox.net
JThorntonPE@H2OExpert.net
Jose.A.Galindo@linde.com

| | |
|-------------------------|---------------------------------------|
| Josh Swift | jmswift@fontanawater.com |
| Joshua Aguilar | jaguilar@ieua.org |
| Julie Saba | jsaba@jcsd.us |
| Justin Brokaw | jbrokaw@marygoldmutualwater.com |
| Justin Nakano | JNakano@cbwm.org |
| Justin Scott-Coe Ph. D. | jscottcoe@mvwd.org |
| Kathleen Brundage | kathleen.brundage@californiasteel.com |
| Keith Kramer | kkramer@fontana.org |
| Keith Person | keith.person@waterboards.ca.gov |
| Kelly Berry | KBerry@sawpa.org |
| Ken Waring | kwaring@jcsd.us |
| Kevin O'Toole | kotoole@ocwd.com |
| Kevin Sage | Ksage@IRMwater.com |
| Kimberly E. Leefatt | kleefatt@bhfs.com |
| Kristina Robb | KRobb@cc.sbcounty.gov |
| Kurt Berchtold | kberchtold@gmail.com |
| Kyle Brochard | KBrochard@rwglaw.com |
| Kyle Snay | kylesnay@gswater.com |
| Lakenn Rey | lrey@jcsd.us |
| Larry Cain | larry.cain@cdcr.ca.gov |
| Laura Mantilla | lmantilla@ieua.org |
| Lauren Harold | lharold@linklogistics.com |
| Linda Jadeski | ljadeski@wwwd.org |
| Lisa Lemoine | LLemoine@wmwd.com |
| Liz Hurst | ehurst@ieua.org |
| Marco Tule | marco.tule@nrg.com |
| Maria Mendoza | mmendoza@westyost.com |
| Maribel Sosa | msosa@ci.pomona.ca.us |
| Marilyn Levin | marilyn.levin@doj.ca.gov |
| Mark D. Hensley | mhensley@hensleylawgroup.com |
| Mark Wildermuth | mwildermuth@westyost.com |
| Mark Wiley | mwiley@chinohills.org |
| Martin Cihigoyenetché | marty@thejclawfirm.com |
| Martin Rauch | martin@rauchcc.com |
| Martin Zvirbulis | mezvirbulis@sgvwater.com |
| Mathew C. Ballantyne | mballantyne@cityofchino.org |
| Matthew H. Litchfield | mlitchfield@tvmwd.com |
| May Atencio | matencio@fontana.org |
| Melissa L. Walker | mwalker@dpw.sbcounty.gov |
| mgarcia@ieua.org | mgarcia@ieua.org |
| Michael A. Blazevic | mblazevic@westyost.com |
| Michael Adler | michael.adler@mcmcnet.net |
| Michael Camacho | MCamacho@pacificaservices.com |
| Michael Camacho | mcamacho@ieua.org |
| Michael P. Thornton | mthornton@tkeengineering.com |
| Michelle Licea | mlicea@mvwd.org |
| Michelle Staples | mstaples@jacksontidus.law |
| Mike Maestas | mikem@cvwdwater.com |
| Moore, Toby | TobyMoore@gswater.com |
| MWDProgram | MWDProgram@sdcw.org |
| Nadia Aguirre | naguirre@tvmwd.com |
| Natalie Costaglio | natalie.costaglio@mcmcnet.net |
| Nathan deBoom | n8deboom@gmail.com |

| | |
|------------------------------------|-----------------------------------|
| Neetu Gupta | ngupta@ieua.org |
| Nichole Horton | Nichole_Horton@ci.pomona.ca.us |
| Nick Jacobs | njacobs@somachlaw.com |
| Nicole Escalante | NEscalante@ontarioca.gov |
| Noah Golden-Krasner | Noah.goldenkrasner@doj.ca.gov |
| Pam Wilson | pwilson@bhfs.com |
| Parker Simon | psimon@bhfs.com |
| Paul Deutsch | Paul.deutsch@tetrattech.com |
| Paul Hofer | farmerhofer@aol.com |
| Paul Hofer | farmwatchtoo@aol.com |
| Paul S. Leon | pleon@ontarioca.gov |
| Penny Alexander-Kelley | Palexander-kelley@cc.sbcounty.gov |
| Pete Hall | rpetehall@gmail.com |
| Pete Hall | pete.hall@cdcr.ca.gov |
| Pete Vicario | PVicario@cityofchino.org |
| Peter Hettinga | peterhettinga@yahoo.com |
| Peter Kavounas | PKavounas@cbwm.org |
| Peter Rogers | progers@chinohills.org |
| Praseetha Krishnan | praseethak@cvwdwater.com |
| Rachel Avila | R.Avila@MPGLAW.com |
| Rachel Ortiz | rortiz@nossaman.com |
| Randy Visser | RVisser@sheppardmullin.com |
| Ray Wilkings | rwilkings@autoclubspeedway.com |
| Rick Darnell | Richard.Darnell@nrgenergy.com |
| Rick Rees | richard.rees@woodplc.com |
| Rickey S. Manbahal | smanbahal@wwwd.org |
| Rita Pro | rpro@cityofchino.org |
| Robert C. Hawkins | RHawkins@earthlink.net |
| Robert DeLoach | robertadeloach1@gmail.com |
| Robert E. Donlan | red@eslawfirm.com |
| Robert Neufeld | robneu1@yahoo.com |
| Robert Wagner | rwagner@wbecorp.com |
| Ron Craig | Rcraig21@icloud.com |
| Ron LaBrucherie, Jr. | ronLaBrucherie@gmail.com |
| Ronald C. Pietersma | rcpietersma@aol.com |
| Rosemary Hoerning | rhoerning@ci.upland.ca.us |
| Ruben Llamas (rllamas71@yahoo.com) | rllamas71@yahoo.com |
| Ryan Shaw | RShaw@wmwd.com |
| Sally H. Lee | shlee@ieua.org |
| Sam Nelson | snelson@ci.norco.ca.us |
| Sam Rubenstein | srubenstein@wpcarey.com |
| Sandra S. Rose | directorrose@mvwd.org |
| Sarah Foley | Sarah.Foley@bbklaw.com |
| Sarah Schneider | sarah.schneider@amec.com |
| Scott Burton | sburton@ontarioca.gov |
| Scott Slater | sslater@bhfs.com |
| Seth J. Zielke | sjzielke@fontanawater.com |
| Shawnda M. Grady | sgrady@eslawfirm.com |
| Shivaji Deshmukh | sdeshmukh@ieua.org |
| Skylar Stephens | SStephens@sdca.org |
| Sonya Barber | sbarber@ci.upland.ca.us |
| Sonya Zite | szite@wmwd.com |
| Stephanie Reimer | SReimer@mvwd.org |

| | |
|---------------------------------|-----------------------------------|
| Steve Kennedy | skennedy@bmklawplc.com |
| Steve M. Anderson | steve.anderson@bbklaw.com |
| Steve Nix | snix@ci.upland.ca.us |
| Steve Riboli | steve.riboli@sanantoniowinery.com |
| Steve Smith | ssmith@ieua.org |
| Steve W. Ledbetter, PE | sledbetter@tkeengineering.com |
| Steven Andrews Engineering | sandrews@sandrewsengineering.com |
| Steven J. Elie | selie@ieua.org |
| Steven J. Elie | s.elie@mpglaw.com |
| Steven Popelar | spopelar@jcsd.us |
| Steven Raughley | Steven.Raughley@cao.sbcounty.gov |
| Susan Palmer | spalmer@kidmanlaw.com |
| Sylvie Lee | slee@ieua.org |
| Tamer Ahmed | tamer.ahmed@cdcr.ca.gov |
| Tammi Ford | tford@wmwd.com |
| Taya Victorino | tayav@cvwdwater.com |
| Teri Layton | tlayton@sawaterco.com |
| Terry Bettencourt | miles.bettencourt@cdcr.ca.gov |
| Terry Catlin | tlcatlin@wfajpa.org |
| Tim Barr | tbarr@wmwd.com |
| Tim Kellett | tkellett@tvmwd.com |
| Timothy Ryan | tjryan@sgvwater.com |
| Toby Moore | TobyMoore@gswater.com |
| Todd Minten | tminten@sbcglobal.net |
| Tom Barnes | tbarnes@esassoc.com |
| Tom Bunn | TomBunn@Lagerlof.com |
| Tom Cruikshank | tcruikshank@linklogistics.com |
| Tom Harder | tharder@thomashardercompany.com |
| Tom Haughey | Thaughey@cityofchino.org |
| Tom McPeters | THMcP@aol.com |
| Tom O'Neill | toneill@chinodesalter.org |
| Toni Medell | mmedel@mbakerintl.com |
| Tony Long | tlong@angelica.com |
| Toyasha Sebbag | tsebbag@cbwcd.org |
| Tracy J. Egoscue | tracy@egoscuelaw.com |
| Trish Geren | tgeren@sheppardmullin.com |
| Van Jew | vjew@wwwd.org |
| Vanessa Aldaz | valdaz@cbwm.org |
| Vanessa Campos | VCampos@ontarioca.gov |
| Veva Weamer | vweamer@westyost.com |
| Victor Preciado | Victor_Preciado@ci.pomona.ca.us |
| Vivian Castro | vcastro@cityofchino.org |
| Wade Fultz (Wade.Fultz@cmc.com) | Wade.Fultz@cmc.com |
| WestWater Research, LLC | research@waterexchange.com |
| William J Brunick | bbrunick@bmblawoffice.com |
| William Urena | wurena@angelica.com |