

FEE EXEMPT

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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.

Case No. RCVRS 51010

Assigned for All Purposes to the
Honorable Stanford E. Reichert

[PROPOSED] ORDER DENYING
THE MOTION OF APPROPRIATIVE
POOL MEMBER AGENCIES RE:
AGRICULTURAL POOL LEGAL
AND OTHER EXPENSES

19 Having read, reviewed, and considered all pleadings filed in response the Court's April 5,
20 2021 tentative ruling, including the argument of counsel presented at the March 26, 2021 and
21 April 30, 2021 hearings, the Court declares the following:

22 IT IS ORDERED THAT:

- 23 a. The Court finds that the Agricultural Pool expenses are consistent with the
24 Peace Agreement and legitimate Agricultural Pool functions pursuant to Peace
25 Agreement Section 5.4 and Section 38 of the Restated Judgment. The Court
26 further finds that the Advisory Committee is not vested with the authority to
27 veto nondiscretionary Watermaster actions or budgets.
- 28 b. The Court finds that the Agricultural Pool expenses are reasonable.

[PROPOSED] ORDER DENYING THE MOTION OF APPROPRIATIVE POOL MEMBER AGENCIES RE:
AGRICULTURAL POOL LEGAL AND OTHER EXPENSES

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- The Court further finds the following:
2. The doctrines of res judicata and collateral estoppel preclude the Court from relitigating the issues decided in the February 19, 1998 Ruling. As confirmed in the February 19, 1998 Ruling, requiring approval by the Advisory Committee is contrary to the functions and separations of power of the three Pools, Advisory Committee and Watermaster established by the Judgment as essential to the governance of the Basin.
 3. All Agricultural Pool expenses invoiced are consistent with the February 19, 1998 Ruling, the Judgment, the Peace Agreement, and this order. No reimbursement to Appropriative Pool is ordered.
 4. There is no evidence of Agricultural Pool expenses that are not pursuant to “actions, programs, or projects initiated by Watermaster” and therefore there is no appropriate relief for the Appropriative Pool.
 5. The Agricultural Pool’s Objection to Evidence dated October 9, 2020 is granted.
 6. The Appropriative Pool Member Agencies’ Request for Judicial Notice dated September 17, 2020 is denied.
 7. Within 90 days, the Agricultural Pool shall be reimbursed by the Appropriative Pool for outstanding invoices in the amount of \$308,488.75 as of March 31, 2021, and all subsequent invoices submitted by the Agricultural Pool for legal and other expenses subsequent to March 31, 2021.

Dated: _____

Hon. Stanford E. Reichert
Judge of the Superior Court

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 May 14, 2021 I served the following:

1. [PROPOSED] ORDER DENYING THE 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

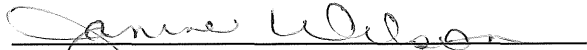
/ BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

/ 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 May 14, 2021 in Rancho Cucamonga, California.


By: Janine Wilson
Chino Basin Watermaster

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