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

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14 CHINO BASIN MUNICIPAL WATER
15 DISTRICT,

15 Plaintiff,

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16 vs.

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17 CITY OF CHINO, ET AL.,

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18 Defendants.

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Case No: RCVRS 51010

*Assigned for All Purposes to:
Honorable Stanford E. Reichert*

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

Date: May 28, 2021

Time: 1:30 p.m.

Department: S35

Motion Filed: October 23, 2020

Motion Heard: November 13, 2020

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

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[PROPOSED] ORDER

The Motion of Appropriative Pool Member Agencies Regarding Agricultural Pool Legal and Other Expenses came on regularly for hearing in Department S35 of the above entitled court on November 13, 2020 at 1:30 p.m., on April 30, 2021 at 1:30 p.m., and on May 28, 2021 at 1:30 p.m.

Having fully reviewed and considered all papers filed on this matter, the oral arguments of counsel, and good cause appearing,

IT IS HEREBY ORDERED:

1. The Motion of Appropriative Pool Member Agencies Regarding Agricultural Pool Legal and Other Expenses is **GRANTED**.

2. This Court hereby declares that, to be payable by the Appropriative Pool (“AP”) under Section 5.4(a) of the Peace Agreement, expenses incurred by the Agricultural Pool (“Ag Pool”), including for Fiscal Year (“FY”) 2020-2021, must be (1) for actions, programs, or projects initiated by Watermaster; (2) within a budget pre-approved following review through the Pool process including submission to and approval 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 Judgement; and (4) reasonable.

3. This Court further declares that the AP and its members are entitled promptly to receive complete copies from the Ag Pool of all invoices showing expenses charged to them under Section 5.4(a) of the Peace Agreement from the beginning of FY 2016-2017 through the present, including FY 2020-2021, and on a going forward basis. The Ag Pool may redact such invoices to the minimum extent necessary to protect privileged information; provided, however, that regardless of any redaction the invoices shall show sufficient detail to determine whether each item and/or sub-item of expense meets the above-stated requirements.

4. This Court further declares that the AP and its members are entitled to reimbursement of assessments paid to Watermaster to cover Ag Pool legal expenses for FY

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1 2019-2020 in excess of the amount of the pre-approved budget. Watermaster is hereby
2 authorized and directed to facilitate such reimbursement by doing all of the following:

- 3 a. Cancel invoices issued to AP members in August 2020 for Ag Pool expenses in
4 the total amount of \$165,694.75;
- 5 b. Reimburse any payments made by the members of the Appropriative Pool in
6 response to such invoices;
- 7 c. Reverse Watermaster internal budget transfers made to cover FY 2019-2020 Ag
8 Pool budget overruns of legal expenses in the total amount of \$63,314.00;
- 9 d. Invoice the Ag Pool for these expenses, all pursuant to appropriate Watermaster
10 processes.

11 5. The April 11, 2009 Memorandum Re: Special Joint Pool Committee Pool Dispute
12 Resolution (2009 Memo) is properly admitted, and objections to its admissibility are overruled.

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14 **IT IS SO ORDERED.**

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17 Dated: _____

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HON. STANFORD E. REICHERT
JUDGE OF THE SUPERIOR COURT

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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 May 21, 2021 I served the following:

1. [PROPOSED] ORDER GRANTING MOTION OF APPROPRIATIVE POOL MEMBER AGENCIES RE: AGRICULTURAL POOL LEGAL AND OTHER EXPENSES

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 May 21, 2021 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

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