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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN BERNARDINO  
10

11 CHINO BASIN MUNICIPAL WATER  
12 DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO et al,

16 Defendants,  
17

Case No. RCVRS 51010

Assigned for All Purposes to the  
Honorable Stanford E. Reichert

**DECLARATION OF JOHN J. SCHATZ IN  
SUPPORT OF APPROPRIATIVE POOL  
MEMBER AGENCIES' RESPONSE TO  
AGRICULTURAL POOL'S BRIEFING RE:  
1998 RULING AND SEPARATION OF  
POWERS, ETC.**

Date: May 28, 2021  
Time: 1:30 p.m.  
Dept. S-35

Motion Filed: October 23, 2020  
Motion Heard: November 13, 2020

- 22 1. I, John J. Schatz, am an attorney licensed to practice in the State of California. Based upon  
23 my knowledge and experience, I can competently attest to the following facts.  
24 2. I am counsel for the Appropriative Pool and this Declaration is made in support of the  
25 Appropriative Pool Member Agencies' Response To Agricultural Pool's Briefing Re: 1998  
26 Ruling And Separation Of Powers, Etc.  
27 3. On August 26, 2020, I received via email a copy of the "Appropriative Pool Special  
28 Assessment of \$165,694.75" that accompanied Watermaster invoices to Appropriative

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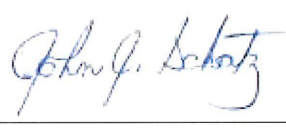
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Pool members for Overlying (Agricultural) Pool legal expense increase. A true and correct copy of the "Appropriative Pool Special Assessment of \$165,694.75" is attached hereto as Exhibit A.

4. I have reviewed the Declaration of Joseph S. Joswiak In Support Of Chino Basin Watermaster Limited Opposition To Motion Of Appropriative Pool Member Agencies Re: Agricultural Pool Legal And Other Expenses wherein he states Watermaster transferred a portion of the Ag Pool's budget for other expenses, which is funded by the Appropriative Pool, to cover \$63,314 of the increased expenses for the Ag Pool's legal expenses (Declaration, 4: 5-7). A true and correct copy of the relevant potion of the Declaration is attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20<sup>th</sup> day of May 2021, in the City of Laguna Niguel and County of Orange, State of California.

By:



\_\_\_\_\_  
JOHN J. SCHATZ

May 20, 2021

JOHN SCHATZ  
Attorney at Law  
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# **EXHIBIT A**

## Appropriative Pool Special Assessment of **\$165,694.75**

Production information based upon 2019-2020 Assessment Package dated November 21, 2019  
(Production Year 2018-2019)

PRODUCER	AF Total AG Pool Reallocation Page 16.1 Column 16E	% Share of AG Pool Reallocation	Based on % Share of AG Pool Reallocation	<b>\$165,694.75</b> Special Assessment Amount Due
Arrowhead Mountain Spring Water Co.	0.0	0.00%	\$ -	\$ -
Chino Hills, City Of	2,473.4	4.05%	\$ 6,717.04	\$ 6,717.04
Chino, City Of	10,986.4	18.01%	\$ 29,835.46	\$ 29,835.46
Cucamonga Valley Water District	2,647.4	4.34%	\$ 7,189.55	\$ 7,189.55
Desalter Authority	0.0	0.00%	\$ -	\$ -
Fontana Union Water Company	3,618.5	5.93%	\$ 9,826.76	\$ 9,826.76
Fontana Water Company	834.6	1.37%	\$ 2,266.56	\$ 2,266.56
Fontana, City Of	0.0	0.00%	\$ -	\$ -
Golden State Water Company	232.8	0.38%	\$ 632.25	\$ 632.25
Jurupa Community Services District	16,079.8	26.35%	\$ 43,667.70	\$ 43,667.70
Marygold Mutual Water Company	370.9	0.61%	\$ 1,007.38	\$ 1,007.38
Monte Vista Irrigation Company	383.1	0.63%	\$ 1,040.25	\$ 1,040.25
Monte Vista Water District	2,798.4	4.59%	\$ 7,599.42	\$ 7,599.42
NCL Co., LLC	0.0	0.00%	\$ -	\$ -
Niagara Bottling, LLC	0.0	0.00%	\$ -	\$ -
Nicholson Trust	2.2	0.00%	\$ 5.90	\$ 5.90
Norco, City Of	114.2	0.19%	\$ 310.22	\$ 310.22
Ontario, City Of	10,017.5	16.42%	\$ 27,204.29	\$ 27,204.29
Pomona, City Of	6,349.3	10.41%	\$ 17,242.56	\$ 17,242.56
San Antonio Water Company	853.0	1.40%	\$ 2,316.54	\$ 2,316.54
San Bernardino County of (Shooting Park)	0.0	0.00%	\$ -	\$ -
Santa Ana River Water Company	736.6	1.21%	\$ 2,000.42	\$ 2,000.42
Upland, City Of	1,614.8	2.65%	\$ 4,385.24	\$ 4,385.24
West End Consolidated Water Co.	536.4	0.88%	\$ 1,456.69	\$ 1,456.69
West Valley Water District	364.7	0.60%	\$ 990.52	\$ 990.52
<b>GRAND TOTALS</b>	<b>61,014.1</b>	<b>100.00%</b>	<b>\$ 165,694.75</b>	<b>\$ 165,694.75</b>

On Tuesday, August 25, 2020, a Watermaster Board meeting was called to order by Chair Pierson at 11:00 a.m. via GoToMeeting (conference call and web meeting). Business Item II.A. OAP LEGAL EXPENSE INCREASE was presented with the following action taken: Motion by Mr. Bob Bowcock, seconded by Mr. Don Galleano and by majority vote (8 yes and 1 no), Direct staff to issue invoices to the Appropriative Pool Parties for the amount of \$165,694.75 for the unreimbursed increase, allocated on the basis of the Assessment Year 2019-2020 "Ag Pool Reallocation".

# **EXHIBIT B**

ORIGINAL

RECEIVED  
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Santa Barbara, CA 93101-3711

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Attorneys for  
**CHINO BASIN WATERMASTER**

**FEE EXEMPT**

**FILED**  
SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

OCT 28 2020

BY *Sandra Portillo*  
SANDRA PORTILLO, DEPUTY

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

CHINO BASIN MUNICIPAL WATER  
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, ET AL.,

Defendants.

Case No. RCV RS 51010

[Assigned for All Purposes to the  
Honorable Stanford E. Reichert]

**DECLARATION OF JOSEPH S. JOSWIAK  
IN SUPPORT OF CHINO BASIN  
WATERMASTER LIMITED OPPOSITION  
TO MOTION OF APPROPRIATIVE POOL  
MEMBER AGENCIES RE:  
AGRICULTURAL POOL LEGAL AND  
OTHER EXPENSES**

Date: November 13, 2020  
Time: 1:30 pm  
Dept: S35

[Filed concurrently herewith: Limited Opposition  
to Motion of Appropriative Pool Member  
Agencies re Agricultural Pool and Other  
Expenses; Declaration of Traci Stewart]

1 the fiscal year, June 2020, the Ag Pool legal expenses had exceeded the budgeted amount by  
2 \$229,008.75.

3 11. Attached hereto as **Exhibit A** is a true and correct copy of the minutes from the Ag  
4 Pool Committee's special meeting on June 30, 2020.

5 12. After the Ag Pool Committee's special meeting on June 30, 2020, Watermaster  
6 transferred a portion of the Ag Pool's budget for other expenses to cover \$63,314.00 of the  
7 increased expenses for the Ag Pool's legal services.

8 13. Attached hereto as **Exhibit B** is a true and correct copy of the minutes from the  
9 Watermaster Board's special meeting on August 4, 2020.

10 14. At their regular August meetings, the Ag Pool and the Overlying (Non-Agricultural)  
11 Pool Committees considered the proposed assessment of Ag Pool legal expenses on the members  
12 of the Appropriative Pool, but neither Pool Committee offered any advice or assistance.

13 15. Attached hereto as **Exhibit C** is a true and correct copy of the minutes from the  
14 Appropriative Pool Committee's regular meeting on August 13, 2020.

15 16. At its regular August meeting, the Advisory Committee considered the proposed  
16 assessment of Ag Pool legal expenses on members of the Appropriative Pool, but did not offer any  
17 advice or assistance.

18 17. Attached hereto as **Exhibit D** is a true and correct copy of the August 25, 2020 Staff  
19 Report to the Board entitled "Overlying (Agricultural) Pool Committee Legal Expense Increase  
20 (Business Item II.A.)."

21 18. Attached hereto as **Exhibit E** is a true and correct copy of the minutes from the  
22 Watermaster Board's regular meeting on August 25, 2020.

23 19. During my tenure at Watermaster, it has been Watermaster's practice to treat the  
24 Pool Committee legal expenses and invoices for each Pool in the same manner. The Pool  
25 Committees direct their counsel; not Watermaster. Each of the Pool Committees provide their  
26 respective legal budgets to be included in the overall fiscal year budget, and that budget proceeds  
27 through the Watermaster process. After the budget is approved and funds have been collected, the  
28 Pool Committee chairs direct Watermaster to make payment in the amount of the outstanding



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. DECLARATION OF JOHN J.SCHATZ IN SUPPORT OF APPROPRIATIVE POOL MEMBER AGENCIES' RESPONSE TO AGRICULTURAL POOL'S BRIEFING RE: 1998 RULING AND SEPARATION OF POWERS, ETC.

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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CBWM BOARD MEMBER  
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ALLEN HUBSCH  
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