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6 Attorneys for CITY OF ONTARIO
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN BERNARDINO

11 CHINO BASIN MUNICIPAL WATER
12 DISTRICT,

13 Plaintiff,

14 vs.

15 CITY OF CHINO, ET AL.,

16 Defendants.
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Case No: RCVRS 51010

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

**[PROPOSED] ORDER OF
REIMBURSEMENT REQUESTED BY
THE CITY OF ONTARIO**

[Concurrently Filed with Ontario's Joinder in
Chino's Motion for Reimbursement;
Declaration of C. Jones]

Date: February 4, 2022
Time: 1:30 p.m.
Department: S35

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[PROPOSED] ORDER

The City of Chino’s Motion for Reimbursement of Attorneys Fees and Expenses Paid to the Agricultural Pool (“Motion”) and the City of Ontario’s Joinder in the Motion (“Joinder”) came on regularly for hearing in Department S35 of the above entitled court on February 4, 2022 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 City of Ontario’s Joinder is **GRANTED**.

2. By order of this Court entered on May 28, 2021, the Court provided the Agricultural Pool with an opportunity to bring a motion for its attorney fees and expenses, and directed the Agricultural Pool to include “[a]ll supporting documents . . . including the fee bills themselves.” The Court further instructed that “[i]f the Ag Pool does not file its motion on or before July 26, 2021, as ordered, then the court will consider the Ag Pool to have waived its current claims for attorney fees and expenses,” The Agricultural Pool filed its motion for attorney’s fees on or about July 26, 2021. The motion sought attorneys’ fees and expenses incurred by the Agricultural Pool in fiscal years 2019-2020 and 2020-2021. By Order of this Court entered December 3, 2021, the Court denied the Agricultural Pool’s motion in its entirety

“on the basis that all fees sought by the Overlying (Agricultural) Pool are either for activities that were adversarial to the Appropriative Pool or, in the alternative, the Court could not determine whether the claimed fees were fair reasonable, appropriate, and consistent with the Court’s May 28, 2021 Order, due to the level of redaction of the invoices supporting such claimed fees.”

Accordingly, the Agricultural Pool waived its claims for attorney fees and expenses incurred in fiscal years 2019-2020 and/or 2020-2021.

3. Any and all amounts paid by the City of Ontario to Watermaster for attorney fees and expenses incurred by the Agricultural Pool shall be reimbursed, refunded or otherwise repaid by the Agricultural Pool, as follows:

(a) The City of Ontario shall be granted credits against its future obligations for the payment of Agricultural Pool pumping assessments, in the following amounts:

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(1) The City of Ontario’s portion of the \$300,000 assessed and paid for Agricultural Pool attorney fees and expenses for fiscal year 2019-20, consisting of \$61,132;

(2) The City of Ontario’s portion of \$63,314 assessed and paid for Agricultural Pool Special Projects for fiscal year 2019-20 that was transferred by Watermaster to the Agricultural Pool’s legal budget to pay for Agricultural Pool attorney fees and expenses for fiscal year 2019-20, as calculated by Watermaster;

(b) Watermaster shall apply such credits in favor of the City of Ontario. Watermaster shall allow the City of Ontario to use such credits to offset any future obligation for the payment of Agricultural Pool pumping assessments. Watermaster shall not require the City of Ontario to use such credits to offset any expenses that are contested by the City of Ontario such as Agricultural Pool legal expenses, which are sought by the Agricultural Pool pursuant to Section 5.4(a) of the Peace Agreement and are not part of Watermaster-approved budgets.

(c) The Agricultural Pool shall pay Watermaster the sum of \$102,557.12 to reimburse the Watermaster administrative reserve fund for Agricultural Pool legal fees and/or expenses paid in fiscal year 2020-21. Watermaster shall not seek reimbursement of this sum from any Appropriative Pool member including the City of Ontario.

IT IS SO ORDERED.

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 January 11, 2022 I served the following:

1. [PROPOSED] ORDER OF REIMBURSEMENT REQUESTED BY THE CITY OF ONTARIO

/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 January 11, 2022 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

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