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CHINO BASIN WATERMASTER

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.

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'S RESPONSE TO CITY
OF CHINO CORRECTED MOTION FOR
REIMBURSEMENT OF ATTORNEYS
FEES AND EXPENSES PAID TO THE
AGRICULTURAL POOL AND NOTICE
OF JOINDER AND JOINDER BY THE
CITY OF ONTARIO IN CHINO'S
MOTION FOR REIMBURSEMENT OF
ATTORNEYS' FEES AND EXPENSES
PAID TO THE AGRICULTURAL POOL**

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

*[Filed concurrently herewith: Chino Basin
Watermaster's Response to City of Chino Corrected
Motion for Reimbursement of Attorneys Fees and
Expenses Paid to the Agricultural Pool and Notice
of Joinder and Joinder by the City of Ontario in
Chino's Motion for Reimbursement of Attorneys'
Fees and Expenses Paid to the Agricultural Pool]*

28 DECL. OF JOSEPH S. JOSWIAK ISO CBWM'S RSP TO CITY OF CHINO'S CORRECTED MTN FOR
REIMBURSEMENT OF ATTYS' FEES AND EXPENSES PAID TO THE AG POOL; NTC OF JOINDER AND
JOINDER BY ONTARIO IN CITY OF CHINO'S MOTION FOR REIMBURSEMENT OF ATTYS' FEES AND
EXPENSES PAID TO THE AG POOL

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1 I, Joseph S. Joswiak, declare as follows:

2 1. I am the Chief Financial Officer for Chino Basin Watermaster (“Watermaster”). I
3 have personal knowledge of the facts stated in this declaration, except where stated on
4 information and belief, and, if called as a witness, I could and would competently testify to them
5 under oath. I make this declaration in support of the above-referenced request.

6 2. As Chief Financial Officer for Watermaster, I am familiar with Watermaster’s
7 practices and procedures, as well as actions taken by the Pool Committees, Advisory Committee,
8 and Watermaster Board.

9 3. When Watermaster pays expenses incurred by a Pool Committee, Watermaster
10 receives invoices from the Pool Committee’s counsel and approval from the Pool Committee’s
11 chair. Watermaster will not pay any expenses without invoices.

12 4. Watermaster never reviews invoices for Pool Committee legal expenses to
13 determine if they benefit one pool or are adverse to another pool.

14 5. Watermaster paid \$102,557.12 to the Overlying (Agricultural) Pool (“Ag Pool”)
15 for legal expenses during July 2020 to December 2020 after receiving receipts and direction from
16 the Chair of the Ag Pool. The amount of \$102,557.12 is the difference between the \$217,821 paid
17 to the Ag Pool legal counsel and the amount of \$115,263.88 collected from the November 19,
18 2020 Assessment invoices paid by the Appropriative Pool. Normally, the Watermaster
19 Administrative Reserve would not be used to fund any of the Pool’s legal services invoices.
20 However, for the Agricultural Pool, the amount of \$102,557.12 was used from the Watermaster
21 Administrative Reserve to fund the shortfall created when the November 19, 2020 Assessment
22 invoices totaling \$500,000 were not paid in full. In fact, \$115,263.88 was paid, leaving a balance
23 due of \$384,736.12 which still remains unpaid. Through November 2020, invoices totaling
24 \$217,821.00 had been paid for the Agricultural Pool. Assessment invoices issued on November
25 19, 2020 were due on December 21, 2020. The available cash of \$115,263.88 and payments
26 issued of \$217,821.00 left a Fund balance shortfall of \$102,557.12.

1 which was temporarily funded through Watermaster Administrative Reserves (\$217,821.00 -
2 \$115,263.88 = \$102,557.12).

3 6. Watermaster expects the Watermaster Administrative reserve funds to be re-
4 funded for the \$102,557.12 paid to the Ag Pool for legal expenses during fiscal year 2020-21
5 from either the Ag Pool or the Appropriative Pool. Watermaster will seek re-funding according to
6 final court order dispensing of the matter.

7 7. The Ag Pool controls both the Agricultural Pool Special Projects Fund (8471) and
8 the Agricultural Pool Legal Fund (8467). In Fiscal Year 2019-20, the Ag Pool directed a transfer
9 of \$63,314 from Agricultural Pool Special Projects Fund (8471) to the Agricultural Pool Legal
10 Fund (8467), with those funds being spent on legal expenses during that year.

11 8. September 2020 through November 2020, fifteen Appropriative Pool members
12 paid a total of \$161,070.09 to Watermaster and instructed Watermaster to place these monies into
13 an escrow account. Four Appropriative Pool members paid a total of \$4,624.66 to Watermaster
14 without instructions to place monies into an escrow account.

15 9. Watermaster issued fifteen refund checks totaling \$161,070.09 on December 7,
16 2021 pursuant to the Court's December 3, 2021 Order.

17 10. On information and belief, Appropriative Pool legal counsel provided clear
18 instructions to members to indicate if they wanted funds deposited to escrow, otherwise, funds
19 would be deposited directly into Ag Pool funds.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct.

22 Dated this 24th day of January, 2022, at Rancho Cucamonga, California.

23
24 
25 Joseph S. Joswiak
26

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 24, 2022 served the following:

1. DECLARATION OF JOSEPH S. JOSWIAK IN SUPPORT OF CHINO BASIN WATERMASTER RESPONSE TO CITY OF CHINO CORRECTED MOTION FOR REIMBURSEMENT OF ATTORNEYS FEES AND EXPENSES PAID TO THE AGRICULTURAL POOL AND NOTICE OF JOINDER AND JOINDER BY THE CITY OF ONTARIO IN CHINO'S MOTION FOR REIMBURSEMENT OF ATTORNEYS' FEES AND EXPENSES PAID TO THE AGRICULTURAL POOL

/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: Master Email Distribution List

/ 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 24, 2022 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

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