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CHINO BASIN WATERMASTER

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SAN BERNARDINO**

11
12 CHINO BASIN MUNICIPAL WATER
DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendants.
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Case No. RCV RS 51010

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

**DECLARATION OF PETER
KAVOUNAS IN SUPPORT OF
WATERMASTER RESPONSE TO
REBUTTAL BRIEF AND OBJECTIONS
RE JOINT STATEMENT REGARDING
SETTLEMENT BETWEEN
APPROPRIATIVE POOL AND
AGRICULTURAL POOL RE: PEACE
AGREEMENT 5.4(A), WHICH DOES
NOT SETTLE THE REIMBURSEMENT
MOTION**

Date: April 8, 2022
Time: 1:30 p.m.
Dept.: S35

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
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1 DECLARATION OF PETER KAVOUNAS

2 I, Peter Kavounas, declare as follows:

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4 1. I currently serve as the General Manager of the Chino Basin Watermaster
5 (“Watermaster”). I have served in this capacity since September 4, 2012. I have personal
6 knowledge of the facts stated in this declaration, except where stated on information and belief,
7 and if called as a witness, I could and would competently testify to them under oath. I make this
8 declaration in support of Watermaster’s Response to Rebuttal Brief and Objections Re Joint
9 Statement Regarding Settlement Between Appropriative Pool and Agricultural Pool Re: Peace
10 Agreement 5.4(A), Which Does Not Settle the Reimbursement Motion.

11 2. As the General Manager of Watermaster, I am intimately familiar with the actions
12 taken by the Pool Committees, Advisory Committee, and the Watermaster Board, and the
13 directives to staff from the Board. My role as General Manager includes attending all Pool
14 Committee, Advisory Committee, and Watermaster Board meetings.

15 3. In regard to the Appropriative Pool’s obligation under Peace Agreement section
16 5.4(a) to pay all assessments and expenses of the Agricultural Pool, up until the recent motions
17 regarding that obligation, Watermaster would receive invoices from the Overlying (Agricultural)
18 Pool and collect funds to process payment in the manner directed by the Appropriative Pool.

19 4. A true and accurate copy of Appropriative Pool Resolution No. 2000-03, as it
20 exists in Watermaster’s records, is attached hereto as **Exhibit “A.”**

21 5. During my time at Watermaster, each of the Pools has acted in a representative
22 capacity in accordance with its respective Pooling plan, where it has been necessary or
23 convenient. Examples of these types of activities include:

- 24 • Pools retain legal counsel and direct Watermaster in the proper way to invoice
25 Pool members for and make payments to counsel;
- 26 • Pools hire consultants;
- 27 • The Appropriative Pool directs the refinancing of Watermaster debt (for which
28 Appropriative Pool members are responsible);
- Pool Committees vote for and Pools determine the manner in which their members

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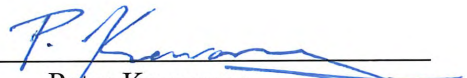
fund recharge improvement projects;

- Pools enter into agreements with other Pools and Parties to the Restated Judgment;
- Pools determine their representatives on the Advisory Committee and Watermaster Board; additionally, Pools designate an individual to act as their representative officer of the Advisory Committee;
- Pools have filed motions pursuant to Restated Judgment Paragraphs 15 and 31;
- Pools have appealed Court orders and participated in appellate proceedings; and
- Pool Committees may initiate a storage contest

6. The Pools’ ability to act in a representative manner also benefits Watermaster as it allows Watermaster the certainty of a single voice from which it takes instructions.

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

Dated this 7th day of April, 2022, at Rancho Cucamonga, California.


Peter Kavounas

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EXHIBIT A

RESOLUTION NO. 2000-03

RESOLUTION OF THE APPROPRIATIVE POOL OF THE CHINO
BASIN WATERMASTER TO APPROVE THE PEACE
AGREEMENT-CHINO BASIN (PEACE AGREEMENT)

WHEREAS, the Judgment in the Chino Basin Adjudication, Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino Superior Court No. RCV 51010 (formerly No. 164327), created the Watermaster and directed it to perform the duties as provided in the Judgment or as ordered or authorized by the Court in the exercise of the Court's continuing jurisdiction; and

WHEREAS, the Judgment directs Watermaster to develop an Optimum Basin Management Program (OBMP), subject to the limitations contained in the Judgment; and

WHEREAS, the Court ordered the Inland Empire Utilities Agency (IEUA) to act as "lead agency" for the purposes of preparing any applicable environmental review for the OBMP in the form of a Program Environmental Impact Report (PEIR), with the Court exercising continuing jurisdiction over the matter; and

WHEREAS, the parties to the Judgment have developed a Memorandum of Principles which articulated the framework of an agreement which the Watermaster Board of Directors approved unanimously on May 25, 2000; and

WHEREAS, the parties to the Judgment have rendered the Memorandum of Principles into a more definitive agreement known as the Peace Agreement and into an OBMP Implementation Plan; and

WHEREAS, the IEUA, in its capacity as court-appointed lead agency, prepared the PEIR and, on July 12, 2000, certified said PEIR and approved the OBMP; and

WHEREAS, approval of the Peace Agreement by affected parties is consistent with the Judgment and in furtherance of the OBMP.

NOW, THEREFORE, the Appropriative Pool of the Chino Basin Watermaster does hereby RESOLVE, DETERMINE AND ORDER as follows:

Section 1: The OBMP is in furtherance of the physical solution set forth in the Judgment and consistent with Article X, Section 2 of the California Constitution.

Section 2: Subject to the satisfaction of all conditions precedent set forth in the Peace Agreement by the Parties thereto, the Appropriative Pool supports and approves the Peace Agreement negotiated by the parties thereto, including, but not limited to, Article VII thereof.

Section 3: The Appropriative Pool authorizes the Chairman to execute the Peace Agreement on behalf of the Appropriative Pool.

Section 4: The Appropriative Pool supports Watermaster's proceeding in accordance with the OBMP Implementation Plan and the Peace Agreement.

Section 5: The Appropriative Pool supports Watermaster's compliance with the conditions described in Article V of the Peace Agreement labeled, "Watermaster Performance" in order to implement the provisions of the OBMP Implementation Plan and the Peace Agreement.

Section 6: In approving this Resolution, the Appropriative Pool is not committing to carry out, consistent with the OBMP, any project within the meaning of CEQA unless and until environmental review and assessment, as required by CEQA for that defined "project," has been completed utilizing the OBMP PEIR as appropriate.

Section 7: The Appropriative Pool does not approve any amendments to the Judgment other than those identified in Section 4.4 of the Peace Agreement.

ADOPTED, this 20th day of July, 2000

Robert DeLoach, Chairman

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 April 7, 2022 I served the following:

1. DECLARATION OF PETER KAVOUNAS IN SUPPORT OF WATERMASTER RESPONSE TO REBUTTAL BRIEF AND OBJECTIONS RE JOINT STATEMENT REGARDING SETTLEMENT BETWEEN APPROPRIATIVE POOL AND AGRICULTURAL POOL RE: PEACE AGREEMENT 5.4(A), WHICH DOES NOT SETTLE THE REIMBURSEMENT MOTION

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.

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 April 7, 2022 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

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