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CHINO BASIN WATERMASTER

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 Gilbert Ochoa]

**DECLARATION OF JOSEPH S. JOSWIAK
IN SUPPORT OF CHINO BASIN
WATERMASTER'S OPPOSITION TO
MOTION CHALLENGING
WATERMASTER'S BUDGET ACTION TO
FUND UNAUTHORIZED CEQA REVIEW**

Date: October 14, 2022
Time: 9:00 a.m.
Dept: S24

[Filed concurrently herewith: Opposition to Motion Challenging Watermaster's Budget Action to Fund Unauthorized CEQA Review; Declaration of Peter Kavounas; Request for Judicial Notice; Objections to Declaration of Courtney Jones]

DECLARATION OF JOSEPH S. JOSWIAK

I, Joseph S. Joswiak, declare:

1. I am the Chief Financial Officer (“CFO”) for the Chino Basin Watermaster (“Watermaster”). I have been CFO since April 2010 and have personal knowledge of the facts stated in this declaration, except where stated on information and belief, and, if called as a witness, I could and would competently testify to them under oath. I make this declaration in support of the above-referenced filing.

2. As Watermaster CFO, I am responsible for the administration of Watermaster’s financial affairs, including but not limited to preparing the Watermaster annual budget, and processing and accounting for assessments to members of the Pool Committees. I am familiar with Watermaster’s practices and procedures, as well as actions taken by the Pool Committees, Advisory Committee, and Watermaster Board.

3. In accordance with the Restated Judgment, the Chino Basin Watermaster Rules and Regulations and Watermaster policies, Watermaster has undertaken the same budget process for roughly the past decade. In my role as CFO, I administer and oversee these Watermaster budget processes.

4. In February and March of each year, I meet with Watermaster staff and consultants to discuss projected expenses during the upcoming July-June Fiscal Year in order to compile a proposed budget. As the budget is developed, the related budgeted expenses are continually refined.

5. In March and April of each year, Watermaster holds workshops with stakeholders to review and receive comments on the proposed budget, which I attend. The draft budget is then presented to the Pool Committees for review and recommendation at their regular meetings in May. After consideration by the Pool Committees, the Advisory Committee reviews and approves a budget in May, with the Board adopting the budget in May. This approved budget is the basis of the Assessment Package which is usually presented and approved in November. Upon approval of the Assessment Package, Watermaster invoices the parties to collect the budgeted funds.

6. From all these various committees and groups, and other inputs from operations

1 staff, Watermaster developed the Proposed FY 2022/23 Budget in the amount of \$9,490,976 and
2 presented an overview on March 22, 2022. Watermaster requested attendees email questions or
3 comments to me, as has occurred the last several years. No questions were received after the March
4 22, 2022 Budget Release meeting.

5 7. Watermaster presented the FY 2022/23 Budget in detail at Budget Workshop #1 on
6 April 19, 2022.

7 8. On April 19, 2022, Watermaster received written questions from MVWD.
8 Watermaster provided responses and posted them to the Watermaster website. On April 27, 2022,
9 following Workshop #2, updated responses were provided and posted to the Watermaster website.

10 9. The Watermaster Budget Workshop #2 was held on Tuesday, April 26, 2022.
11 Watermaster staff reviewed responses to the MVWD questions submitted earlier and invited any
12 further questions.

13 10. Watermaster posted Moving Parties' May 2, 2022 letter along with Watermaster
14 comments to the Watermaster Website on May 4, 2022. The Watermaster Budget Workshop #3
15 was held on May 3, 2022 to discuss the responses to the April 19, 2022 email from MVWD, and
16 the Moving Parties' May 2, 2022 letter.

17 11. On May 12, 2022, I attended the regular meetings of and presented to each Pool
18 Committee the proposed FY 2022/23 Budget. Each of the three Pool Committees considered
19 whether to provide advice and assistance on the FY 2022/23 Budget. The Appropriate Pool
20 Committee took no action, but held a confidential session on May 19, 2022 where no reportable
21 action was taken. Overlying (Non-Agricultural) Pool Committee, by majority vote, recommended
22 to recommend to the Advisory Committee to approve the FY 2022/23 Budget as presented. The
23 Overlying (Agricultural) Pool Committee, by unanimous vote, recommended to recommend to the
24 Advisory Committee to approve the FY 2022/23 Budget as presented.

25 12. On May 19, 2022, I attended the regular meeting of and presented to the Advisory
26 Committee the proposed FY 2022/23 Budget. At that meeting, the Advisory Committee approved
27 the FY 2022/23 Budget by majority (72.141 votes out of 100).

28 13. On May 26, 2022, I attended₃ the regular meeting of and presented to the

1 Watermaster Board the proposed FY 2022/23 Budget. At that meeting, the Board approved the FY
2 2022/23 Budget by majority vote of 8-1.

3 14. Watermaster levies assessments based upon production during the prior year,
4 meaning that the parties will be assessed for FY 2022/23 Budget expenses based on their production
5 in production year 2021/22. Following the close of a production year on June 30 of each year,
6 Watermaster staff work with the producers to certify their water use and transactions during the
7 production year. After that process is completed, generally in September of each year, Watermaster
8 staff calculates the assessments to be levied on each party based on the current budget and
9 production in the prior year and the Pooling Plans' direction and agreements of the parties as to the
10 manner in which assessments be spread amongst them.

11 15. The assessments that collect funds for the FY 2022/23 Budget have not yet been
12 calculated or levied. Watermaster staff plans to bring these assessments to the Pool Committees,
13 Advisory Committee, and Watermaster Board in November 2022.

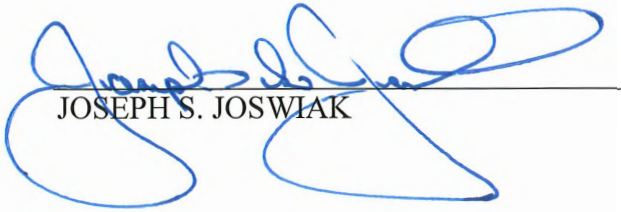
14 16. In my role as CFO, I am familiar with the budgets and Assessment Packages for
15 Fiscal Years prior to my employment with Watermaster. Beginning with the FY 1999/00
16 Assessment Package, the Watermaster Administrative Budget has been separated into two
17 categories labeled General Administration and OBMP for purposes of assessing the Appropriate
18 Pool, the Agricultural Pool, and the Non-Agricultural Pool.

19 17. OBMP expenses have been budgeted for and assessed since FY 1998/99, including
20 for the purposes of funding CEQA review of the 2000 OBMP.

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

23 Dated this 3rd day of October, 2022, at Rancho Cucamonga, California.

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JOSEPH S. JOSWIAK

24715134

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 October 3, 2022 I served the following:

1. DECLARATION OF JOSEPH S. JOSWIAK IN SUPPORT OF CHINO BASIN WATERMASTER'S OPPOSITION TO MOTION CHALLENGING WATERMASTER'S BUDGET ACTION TO FUND UNAUTHORIZED CEQA REVIEW

/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 October 3, 2022 in Rancho Cucamonga, California.



By: Ruby Favéia Quintero
Chino Basin Watermaster

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