

**NOTICE OF DEFAULT BY THE APPROPRIATIVE POOL
AND DEMAND TO CURE DEFAULT WITHIN 90 DAYS**

**TO: MEMBERS OF THE APPROPRIATIVE POOL
OF THE CHINO BASIN**

PLEASE TAKE NOTICE that your failure to agree to fund the farming portion of the Middle Santa Ana Watershed TMDL Study - Budget Transfer Request by the Agricultural Pool of the Chino Basin, in the amount of \$21,000 on January 22, 2009, constitutes a breach of paragraph 5.4(a) of the Peace Agreement dated June 29, 2000. Paragraph 5.4(a) of the Peace Agreement reads in relevant part as follows:

“During the term of this Agreement, all assessments and expenses of the Agricultural Pool Committee shall be paid by the Appropriative Pool. This includes but is not limited to OBMP Assessments, assessments pursuant to Paragraphs 20, 21, 22, 30, 42, 51, 53, 54 both General Administrative Expenses and Special Project Expenses, 55, and Exhibit F (Overlying Agricultural Pool Plan) of the Judgment”

Furthermore, section 4.1(b) of Article IV of the Rules and Regulations, entitled Assessments, Reimbursements and Credits reads in relevant part as follows:

“Special Project Expenses shall consist of special engineering, economic or other studies, litigation expense, meter testing or major operating expenses. . . .”

As a result of the above breach, the Agricultural Pool of the Chino Basin has been required to fund the TMDL Study out of its own funds. If the Appropriate Pool does not reimburse the Agricultural Pool for this expense, within 90 days from the date of service of this Notice of Default (as provided for in Paragraph 9.1(a) of the Peace Agreement), the Agricultural Pool intends to seek the appropriate remedy upon default as contained in Paragraph 9.2(a) of the Peace Agreement.

DATED: January 23, 2009



Steven G. Lee
Legal Counsel for the
Agricultural Committee
Of The Chino Basin

CHINO BASIN WATERMASTER

Case No. RCV 51010

Chino Basin Municipal Water District v. The City of Chino

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 23, 2009 I served the following:

1) NOTICE OF DEFAULT BY THE APPROPRIATIVE POOL AND DEMAND TO CURE DEFAULT WITHIN 90 DAYS

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 January 23, 2009 in Rancho Cucamonga, California.



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Chino Basin Watermaster

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