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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,
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Case No. RCVRS 51010

Assigned for All Purposes to the
Honorable Gilbert G. Robles

**DECLARATION OF EDGAR TELLEZ
FOSTER IN SUPPORT OF
APPROPRIATIVE POOL MOTION FOR
AWARD OF EXPENSES, INCLUDING
ATTORNEY FEES PER CONTRACT AND
CIVIL CODE SECTION 1717**

Date: July 29, 2024
Time: 9:00 a.m.
Dept. R17

Motion Filed: June 26, 2024

*[Declaration of Mitchell C Tilner; Declaration
of Tracy Egoscue; Declaration of Edgar Tellez
Foster; Declaration of John J. Schatz; and
[Proposed] Order filed concurrently herewith]*

25 I, Edgar Tellez Foster, declare as follows:

26 1. I am the Water Resources Management and Planning Director for Chino Basin
27 Watermaster (“Watermaster”). I have served as the Water Resources Management and Planning
28 Director since 2020. I make this declaration in support of the above-captioned motion. I have

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1 personal knowledge of the facts stated in this declaration, except where stated on information and
2 belief, and, if called as a witness, I could and would competently testify to them under oath.

3 2. As Water Resources Management and Planning Director, I am familiar with
4 Watermaster's practices and procedures, including the special assessments of the Appropriative
5 Pool ("AP") to fund AP legal expenses, special technical advisors, and Overlying Agricultural
6 Pool ("OAP") expenses as required under Section 5.4(a) of the Peace Agreement.

7 3. **Appropriative Pool Special Assessment Fund.** Watermaster collects and makes
8 payments from the AP's special assessment funds in accordance with the Judgment to fund AP
9 legal counsel as well as special technical advisors as deemed necessary by the AP. The AP
10 approves amounts to assessed upon and invoiced to its members for AP administrative, legal, and
11 technical support costs throughout the year. It also reports out of closed session when it has
12 approved payment of OAP expenses. These actions are recorded in the AP meeting Minutes.
13 Chino Basin Watermaster staff subsequently invoices parties or pays bills based on the amounts
14 and methodologies directed by the AP. Based on AP actions and Watermaster records, as of June
15 25, 2024, the following invoices for AP expenses remain unpaid:

Agency	Invoice #	Amount
City of Chino		
	AP22-03-LEG	\$ 7,424.67
	AP22-70-APL	5,110.92
	AP23-25-ADM	5,234.70
	AP24-22-APL	13,610.22
	Total Outstanding Invoices	\$ 31,380.51
City of Ontario		
	AP22-15	\$ 19,274.89
	AP22-15-LEG	27,177.60
	AP22-82-APL	48,187.23
	AP23-37-ADM	17,689.54
	AP24-34-APL	45,992.80
	Total Outstanding Invoices	\$ 158,322.06
Monte Visa Irrigation Company		
	AP22-10	\$ 558.32
	AP22-10-LEG	819.01
	AP22-77-APL	1,542.53

	AP23-32-ADM	617.01
	AP24-29-APL	1,604.23
	Total Outstanding Invoices	\$ 5,141.10
Monte Vista Water District		
	AP22-11	7,510.14
	AP22-11-LEG	11,016.73
	AP22-78-APL	20,749.10
	AP23-33-ADM	7,955.99
	AP24-30-APL	20,685.58
	Total Outstanding Invoices	\$ 67,917.54
	Total Outstanding Invoices	\$ 262,761.21

If the total outstanding invoices of \$262,761.21 are paid in full by the four appellant parties, all AP parties will have paid their proportional shares of AP administrative and legal costs billed to date. The Declarations of AP attorneys John Schatz and Mitchell C Tilner indicate that \$393,107 in legal fees have been billed and paid by the AP to date (except the four appellant parties). Included in these are the legal costs incurred by the AP related to the 2022 Appeal by the four parties, as per the aforementioned declarations. When Ontario and the Monte Vista entities stopped paying all invoices starting with the November 18, 2021 invoice, and then subsequently Chino stopped paying invoices, except for a small amount paid by the Monte Vista entities and by Chino, Watermaster surcharged members of the AP in order to cover the shortfall.

If the court awards any of the legal expenses be paid by the AP parties other than based on their proportional share of AP administrative and legal expenses, Watermaster will perform the calculation and bill the appropriate parties for the appropriate charges and issue refunds due to the appropriate parties.

4. **Overlying Agricultural Pool Expenses.** In accordance with Peace Agreement Section 5.4(a), expenses incurred by the OAP are paid by the AP. From time to time, the AP approves assessments to its members for the payment of OAP meeting, legal, technical and other expenses. To date, all invoices issued to AP members have been paid for OAP expenses including legal. The declaration of OAP attorney Tracy Egoscue indicates that the legal costs related to the

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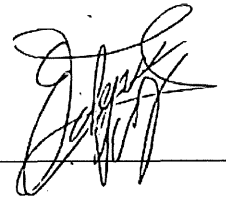
1 Appeal of the four parties total \$115,988, all of which have been paid proportionally by the AP
2 parties including the four parties.

3 If the court awards any of the legal expenses be paid by the AP parties other than based on
4 their proportional share of AP administrative and legal expenses, Watermaster will perform the
5 calculation and bill the appropriate parties for the appropriate charges and issue refunds due to the
6 appropriate parties.

7 5. **Terms of Agreement Settlement.** All AP parties (including the four parties) have
8 paid all of the invoices related to the Terms of Agreement settlement with the OAP, including the
9 \$370,000 to satisfy that obligation.

10 I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th
11 day of June, 2024 at Rancho Cucamonga, California.

12
13 By: _____



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 action within. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On June 26, 2024 I served the following:

1. DECLARATION OF EDGAR TELLEZ FOSTER IN SUPPORT OF APPROPRIATIVE POOL MOTION FOR AWARD OF EXPENSES, INCLUDING ATTORNEY FEES PER CONTRACT AND CIVIL CODE SECTION 1717

/ BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the 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.

See attached service list: Master Email Distribution List

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

Executed on June 26, 2024 in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

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