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**EXEMPT FROM FILING FEE  
PER GOV. CODE, § 6103**

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7 *[Additional Parties on Following Pages]*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

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FOR THE COUNTY OF SAN BERNARDINO

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14 CHINO BASIN MUNICIPAL WATER  
15 DISTRICT,

16 Plaintiff,

17 vs.

18 CITY OF CHINO, ET AL.,

19 Defendants.

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Case No: RCVRS 51010

*Assigned for All Purposes to:  
Honorable Gilbert G. Ochoa*

**DECLARATION OF JUSTIN SCOTT-  
COE IN SUPPORT OF OPPOSITION TO  
APPROPRIATIVE POOL'S MOTION  
FOR AWARD OF EXPENSES**

[Concurrently Filed with Opposition; Request  
for Judicial Notice; Declaration of C. Jones;  
Declaration of G. Nicholls]

Date: August 22, 2024

Time: 9:00 a.m.

Place: Dept. R17

DECLARATION OF JUSTIN SCOTT-COE IN SUPPORT OF OPPOSITION TO APPROPRIATIVE POOL'S  
MOTION FOR AWARD OF EXPENSES

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5 Attorneys for MONTE VISTA WATER DISTRICT and  
MONTE VISTA IRRIGATION COMPANY  
6

7  
8 JIMMY L. GUTIERREZ, CAL. BAR NO. 59448  
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1 **DECLARATION OF JUSTIN SCOTT-COE**

2 I, Justin Scott-Coe, Ph.D., declare:

3 1. I am the General Manager of the Monte Vista Water District (“MVWD”) and the  
4 Manager of the Monte Vista Irrigation Company (“MVIC”). MVWD and MVIC (collectively,  
5 “Monte Vista”) each is a member of the Chino Basin Watermaster Appropriative Pool (“AP”) and  
6 a party in the above-captioned case. I have 21 years of experience in water resource management  
7 including nearly 16 years with Monte Vista. I have served as a designated representative or alternate  
8 on the AP Committee and/or the Advisory Committee from 2011 through 2017 and from 2019 to  
9 the present. I have personal knowledge of the matters set forth herein, and if called as a witness, I  
10 could and would competently testify to the facts stated herein.

11 2. I make this declaration in support of the Opposition filed on behalf of Monte Vista  
12 to the Appropriative Pools’ Motion for Award of Expense, Including Expenses Under Civil Code  
13 Section 1717, filed June 26, 2024 (the “Motion”). I reviewed the Motion and its supporting papers,  
14 including the Memorandum of Costs on Appeal and the Declaration of Edgar Tellez, and I am  
15 familiar with their contents.

16 3. I personally participated in discussions with (a) Chris Diggs, the AP Chairperson; (b)  
17 John Schatz, legal counsel for the AP; and (c) representatives of the City of Ontario (“Ontario”) and  
18 the City of Chino (“Chino”) to understand (i) what is the total amount requested from Monte Vista  
19 and (ii) how that amount is calculated in the hopes of settling the matters presented by the Motion.

20 4. The Motion does not state the total amount sought from Monte Vista, nor does the  
21 Motion fully explain the basis for the amounts sought from Monte Vista. Based upon my  
22 communications with Mr. Diggs, Mr. Schatz, and representatives of Ontario and Chino after the  
23 Motion was filed, I understand the Motion seeks two categories of expenses:

- 24 • Category No. 1: Attorney fees incurred by the AP in connection with the dispute  
25 about the legal effect of Terms of Agreement (“TOA”) entered into by the AP and  
26 the Overlying Agricultural Pool in 2022 (the “TOA Dispute”). The Memorandum  
27 of Costs filed with the Motion reflects \$393,107 of attorney fees, but as I understand

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it based on later discussions, the AP’s demand is for \$196,687.01, which represents attorney fees paid by AP members other than the Responding Parties according to each AP member’s proportionate share of AP assessments for legal and administrative expenses. It includes attorney fees incurred on appeal directly by the AP, as well as attorney fees incurred on appeal by the Ag Pool and assessed to the AP under Section 5.4(a) of the Peace Agreement. The Motion seeks to shift the other AP members’ share of these attorney fees to the Responding Parties.

- Category No. 2: AP assessments for the Responding Parties’ proportionate share of certain AP legal expenses in the amount of \$262,761.21.

5. Certain amounts included in the Motion and its supporting papers already have been paid by Monte Vista. Specifically, the Memorandum of Costs on Appeal includes \$394,574.50 of attorney fees and costs allegedly incurred by legal counsel for the AP and the Ag Pool in connection with the TOA Dispute, but Paragraph 4 of the Declaration of Edgar Tellez in support of the Motion acknowledges that the Ag Pool’s attorney fees and costs already were apportioned and charged to the AP by Watermaster under Section 5.4(a) of the Peace Agreement. Mr. Tellez’s Declaration further acknowledges that the Ag Pool’s attorney fees and costs were paid proportionally by the AP members, including Monte Vista. Indeed, Monte Vista (MVWD and MVIC) already paid their respective proportional shares of Ag Pool’s fees and costs.

6. On July 31, 2024, Monte Vista also paid, on behalf of itself, Ontario, and Chino, the costs claimed by the AP in its Memorandum of Costs on Appeal in the total amount of \$1,467.50. Attached hereto as Exhibit 1 is Monte Vista’s proof of payment. Ontario and Chino agreed to reimburse Monte Vista for their respective shares of these costs.

7. The Appropriate Pool has not issued any Notice of Default under the Peace Agreement in connection with the Motion, and I am not aware of any basis for a Notice of Default.

8. The Motion and its supporting papers do not attach any of the legal invoices that were submitted by the AP’s legal counsel to the AP Chair to document the basis for AP assessments for legal expenses sought by the Motion in the amount of \$262,761.21.

1           9.       On behalf of Monte Vista, I personally requested by email copies of the AP's legal  
2 invoices from Chris Diggs, the AP Chair, on June 20, 2024, with follow-up emails on June 26, 2024,  
3 and July 2, 2024. Attached hereto as **Exhibit 2** are copies of my emails to Mr. Diggs. On July 15,  
4 2024, I received summaries of some legal invoices, but I never received the legal invoices that were  
5 submitted by the AP's legal counsel to the AP Chair to document the basis for AP assessments for  
6 legal expenses sought by the Motion in the amount of \$262,761.21, nor any indication or  
7 confirmation that the invoices will be provided to Monte Vista.

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

10           Executed this 31st day of July, at Montclair, California.

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Justin Scott-Coe, Ph.D.

# **EXHIBIT 1**



July 30, 2024

Todd Corbin  
Chino Basin Watermaster  
9641 San Bernardino Road  
Rancho Cucamonga, CA 91730

**Payment of Filing Fees**

Dear Mr. Corbin,

On behalf of Monte Vista Water District, Monte Vista Irrigation Company, and the Cities of Chino and Ontario, please find the enclosed payment due for filing fees on appeal in the amount of 1,467.50.

***Monte Vista Water District***

Stephanie A. Reimer  
Assistant General Manager/Chief Financial Officer

**PAID**  
07/31/24

Enclosed

RECEIVED BY Daniela Uriarte  
DATE 07/31/24



10575 Central Avenue, Post Office Box 71 • Montclair, CA 91763 • (909) 624-0035 • FAX (909) 624-4725 • www.mvwd.org

Sandra S. Rose  
PRESIDENT

G. Michael Milhiser  
VICE PRESIDENT

Tony Lopez  
DIRECTOR / BOARD AUDITOR

Philip L. Erwin  
DIRECTOR

Manny Martinez  
DIRECTOR





Monte Vista Water District

P.O. Box 71  
Montclair, CA 91763  
(909) 624-0035

Five Star Bank  
2240 Douglas Blvd, #100  
Roseville, CA 95661

CHECK # 100669  
90-4303/1211

**COPY**

CHECK DATE  
07/30/2024

PAY THIS AMOUNT  
\$1,467.50

Void after 180 days

PAY ---One Thousand Four Hundred Sixty Seven Dollars and 50/100 Cents---

TO THE ORDER OF CHINO BASIN WATERMASTER  
9641 SAN BERNARDINO RD  
RANCHO CUCAMONGA, CA 91730

*Sandra S. Rose*

*SM*



⑈ 100669⑈ ⑆ 121143037⑆ 001558994⑈

MONTE VISTA WATER DISTRICT

VENDOR: 000046 CHINO BASIN WATERMASTER

100669

07/30/2024

DATE	INVOICE #	PO #	DESCRIPTION	AMOUNT
7/30/2024	20240730		Filing Fees	1,467.50

*Daniela Uriarte*

RECEIVED BY Daniela Uriarte  
DATE 07/31/24



# **EXHIBIT 2**

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**From:** Justin Scott-Coe <jscottcoe@mvwd.org>  
**Sent:** Tuesday, July 2, 2024 3:30 PM  
**To:** Diggs, Chris  
**Subject:** RE: AP Legal Invoice



**Justin Scott-Coe** reacted to your message:

---

**From:** Diggs, Chris <Chris.Diggs@pomonaca.gov>  
**Sent:** Tuesday, July 2, 2024 10:29:48 PM  
**To:** Justin Scott-Coe <jscottcoe@mvwd.org>  
**Subject:** RE: AP Legal Invoice

**Caution:** This message has originated from an external source. Please use extra caution when opening attachments, clicking links, or responding to this email. When in doubt, please contact your Helpdesk.

Let me get back with you next week. Sorry for the delay.  
CD

**From:** Justin Scott-Coe <jscottcoe@mvwd.org>  
**Sent:** Tuesday, July 2, 2024 3:21 PM  
**To:** Diggs, Chris <Chris.Diggs@pomonaca.gov>  
**Cc:** dcrosley@cityofchino.org; Courtney Jones <CJJones@ontarioca.gov>; Amanda Coker <AmandaC@cvwdwater.com>  
**Subject:** RE: AP Legal Invoice

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Hi Chris,

Once again, following up (I'm starting to get the sense you're ignoring me 😊)

Best,  
Justin

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**From:** Justin Scott-Coe  
**Sent:** Wednesday, June 26, 2024 2:53 PM  
**To:** Chris Diggs <[Chris.Diggs@pomonaca.gov](mailto:Chris.Diggs@pomonaca.gov)>  
**Cc:** [dcrosley@cityofchino.org](mailto:dcrosley@cityofchino.org); Courtney Jones <[CJJones@ontarioca.gov](mailto:CJJones@ontarioca.gov)>; Amanda Coker <[AmandaC@cvwdwater.com](mailto:AmandaC@cvwdwater.com)>  
**Subject:** RE: AP Legal Invoice

Hi Chris,

Following up.

Best,  
Justin

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**From:** Justin Scott-Coe  
**Sent:** Thursday, June 20, 2024 12:48 PM  
**To:** Chris Diggs <[Chris.Diggs@pomonaca.gov](mailto:Chris.Diggs@pomonaca.gov)>  
**Cc:** [dcrosley@cityofchino.org](mailto:dcrosley@cityofchino.org); Courtney Jones <[CJJones@ontarioca.gov](mailto:CJJones@ontarioca.gov)>; Amanda Coker <[AmandaC@cvwdwater.com](mailto:AmandaC@cvwdwater.com)>  
**Subject:** FW: AP Legal Invoice

Chris,

MVWD, Ontario, and Chino are trying to get to payment of all outstanding invoices. Ag Pool Legal reimbursement invoices will be paid by early next week. AP Legal invoices only require AP Legal invoice documentation for payment.

While the four of us were chatting with Todd this morning, he mentioned that WM receives AP Legal invoices, and he just followed up with the attached example.

Two questions:

1. Is the attached example the same type of invoice that you receive from Schatz for approval, or do you receive a more detailed invoice?
2. Would you be able to provide Schatz's invoices for the period covered by the outstanding AP Legal invoices that remain to be paid?

Thanks!  
Justin

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**From:** Todd Corbin <[tcorbin@cbwm.org](mailto:tcorbin@cbwm.org)>  
**Sent:** Thursday, June 20, 2024 12:13 PM  
**To:** Justin Scott-Coe <[jscottcoe@mvwd.org](mailto:jscottcoe@mvwd.org)>; [dcrosley@cityofchino.org](mailto:dcrosley@cityofchino.org); Courtney Jones <[CJJones@ontarioca.gov](mailto:CJJones@ontarioca.gov)>; [amandac@cvwdwater.com](mailto:amandac@cvwdwater.com)  
**Subject:** AP Legal Invoice

**Caution:** This message has originated from an external source. Please use extra caution when opening attachments, clicking links, or responding to this email. When in doubt, please contact your Helpdesk.

Here is an example of an invoice that WM has in support of payment for AP Legal.

Please give me a call if you have any further questions.

Great to see you today.

Todd

**Todd M. Corbin**  
General Manager  
Chino Basin Watermaster  
9641 San Bernardino Road  
Rancho Cucamonga, CA 91730

Office: 909.484.3888  
Web: [www.cbwm.org](http://www.cbwm.org)



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 August 1, 2024 I served the following:

1. DECLARATION OF JUSTIN SCOTT-COE IN SUPPORT OF OPPOSITION TO APPROPRIATIVE POOL'S MOTION FOR AWARD OF EXPENSES

/ X / 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.

/ 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.  
**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 August 1, 2024 in Rancho Cucamonga, California.

  
\_\_\_\_\_  
By: Ruby Favela Quintero  
Chino Basin Watermaster

PAUL HOFER  
11248 S TURNER AVE  
ONTARIO, CA 91761

JEFF PIERSON  
2 HEXAM  
IRVINE, CA 92603

## Ruby Favela Quintero

---

**Contact Group Name:** Master Email Distribution

**Categories:** Main Email Lists



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