

FEE EXEMPT

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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
DISTRICT,

12
13 Plaintiff,

14 v.

15 CITY OF CHINO et al,

16 Defendants,
17

Case No. RCVRS 51010

Assigned for All Purposes to the
Honorable Gilbert G. Ochoa

**DECLARATION OF TODD M. CORBIN IN
SUPPORT OF APPROPRIATIVE POOL
REPLY IN SUPPORT OF MOTION FOR
AWARD OF EXPENSES PER CONTRACT
AND CIVIL CODE SECTION 1717**

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

Motion Filed: June 26, 2024

*[Declaration of Chris Diggs; Declaration of
Todd M. Corbin; Declaration of Mitchell C.
Tilner; Declaration of John J. Schatz; filed
concurrently herewith]*

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24 I, Todd M. Corbin, declare as follows:

25 1. I am the General Manager for Chino Basin Watermaster (“Watermaster”). I have
26 served as the General Manager since April 2024. I make this declaration in support of the above-
27 referenced reply. I have personal knowledge of the facts stated in this declaration, except where
28

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1 stated on information and belief, and, if called as a witness, I could and would competently testify
 2 to them under oath.

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

7 3. Setting aside the costs on appeal, the Appropriative Pool's Notice of Motion (Case
 8 No. RCVRS51010) reflected an outstanding balance of unpaid invoices of \$262,761.21 from four
 9 parties (Tellez Foster Declaration). Additionally, through its Motion, the Appropriative Pool (AP)
 10 requested the Court grant payment, by the same four parties, for the AP and Ag Pool appeal-
 11 related legal expenses in the amount of \$393,107.00.

12 4. At the AP August 8, 2024 regular meeting, the AP reported out of closed session
 13 that a Settlement and Release Agreement was reached between the AP and the City of Chino
 14 (Chino). Per the terms of that Agreement, Chino agreed to pay its outstanding invoice balances of
 15 \$31,380.51 . Once received by Chino Basin Watermaster (Watermaster), the outstanding balances
 16 of the unpaid invoices of the three remaining parties is \$231,380.70.

17	City of Chino	\$ 31,380.51	Invoices dated April 1, 2022 through October 30, 2023
18	City of Ontario	\$ 158,322.06	Invoices dated November 18, 2021 through October 30, 2023
19	Monte Vista Water District	\$ 67,917.54	Invoices dated November 18, 2021 through October 30, 2023
20	Monte Vista Irrigation Company	\$ 5,141.10	Invoices dated November 18, 2021 through October 30, 2023
21			
22	Subtotal	\$ 262,761.21	Total Outstanding Invoices of the Four Parties
23			
24	City of Chino	(\$ 31,380.51)	AP Approval of Settlement and Release Agreement – August 8, 2024
25			
26	Outstanding Balance	\$ 231,380.70	
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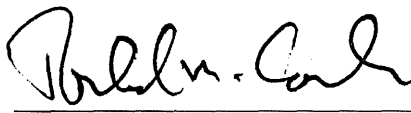
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		outstanding invoices April 2022 - October 2023.
Less:	(\$ 48,801.60)	Credit for the proportional shares of Ag Pool appeal-related legal expenses paid by the four parties to date
Subtotal	\$ 248,229.27	Adjusted total appeal-related legal expenses paid by the AP other than the four parties
Less:	(\$ 51,542.26)	Credit for the proportional shares of AP 2022 Terms of Agreement settlement costs billed twice to AP
Subtotal	\$ 196,687.01	Recited in Jones/Scott-Coe Declarations, August 01, 2024
Less:	(\$ 36,321.02)	Chino Settlement Agreement share of the \$196,687.01 of AP and Ag Pool appeal-related legal expenses
Total	\$ 160,365.99	Net amount due: City of Ontario – (\$112,640.87) Monte Vista Water District - (\$44,764.20) Monte Vista Irrigation Company - (\$2,960.92)

7. The total of the outstanding AP Special Assessments to date (\$231,380.70) plus the requested allocation of legal expenses relating to the Court of Appeal Case No. E079052 (\$196,687.01) less the settlement obligation for payment by the City of Chino (\$36,321.02) equal a potential net amount due by the three remaining parties of \$391,746.69 allocated based on a formula of ½ share of Operating Safe Yield and ½ share of Pool production, and in the case of Ag Pool appeal-related expenses, an allocation formula based on the fiscal year Ag Pool Reallocation percentage from the Assessment Package. The result of this calculation is shown below. The Net Amount Due does not include any appeal-related legal expenses not included in the June 26 declarations filed with the court.

	Outstanding AP Assessment Invoices	Allocated Share of Appeal- Related Legal Expenses (if awarded)	Net Amount Due
City of Ontario	\$ 158,322.06	112,640.87	\$ 270,962.93
Monte Vista Water District	\$ 67,917.54	44,764.20	\$ 112,681.74
Monte Vista Irrigation Company	\$ 5,141.10	2,960.92	\$ 8,102.02
Total	\$ 231,380.70	160,365.99	\$ 391,746.69

I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of August, 2024 at Rancho Cucamonga, California.

By: 

Todd M. Corbin, General Manager
Chino Basin Watermaster

JOHN SCHATZ
Attorney at Law
P.O. Box 7775
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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 15, 2024 I served the following:

1. DECLARATION OF TODD M. CORBIN IN SUPPORT OF APPROPRIATIVE POOL REPLY IN SUPPORT OF MOTION FOR AWARD OF EXPENSES PER CONTRACT AND CIVIL CODE SECTION 1717

/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 15, 2024 in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

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