

MINUTES
CHINO BASIN WATERMASTER
AGRICULTURAL POOL – SPECIAL MEETING

August 6, 2020

The Agricultural Pool special meeting was held via GoToMeeting (conference call and web meeting) on August 6, 2020.

AGRICULTURAL POOL MEMBERS PRESENT

Bob Feenstra, Chair	Dairy
Jeff Pierson, Vice-Chair	Crops
Henry De Haan	Dairy
Pete Hall	State of California – CIM
John Huitsing	Dairy
Ron Pietersma	Dairy
Nathan deBoom	Dairy
Geoffrey Vanden Heuvel	Dairy
Ron LaBrucherie, Jr.	Crops
Bob Page	County of San Bernardino
Carol Boyd	State of California – DOJ
Marilyn Levin for Jimmy Medrano	State of California – DOJ

OTHERS PRESENT

Tracy Egoscue	Egoscue Law Group, Inc.
Paul Hofer	Crops
Gino Filippi	Crops
Richard Rees	Wood plc

CALL TO ORDER

Chair Feenstra called the Agricultural Pool special meeting to order at 11:00 a.m.

AGENDA – ADDITIONS/REORDER

None

I. CONFIDENTIAL SESSION

Chair Feenstra called for a confidential session at 11:00 a.m. to discuss the following:

1. August 4th WM Board Meeting
2. Notice of Peace Agreement Default
3. 8/5 Hearing Officer Check-In
4. Strategic Planning

Confidential session concluded at 12:03 p.m. with the following reportable action:

Motion by Ms. Carol Boyd, seconded by Mr. Gino Filippi, and by unanimous vote
Moved to direct Agricultural Pool counsel to issue a notice of default of the Peace Agreement to the Appropriative Pool.

ADJOURNMENT

Chair Feenstra adjourned the Agricultural Pool special meeting at 12:03 p.m.

Secretary: _____

Approved: September 10, 2020

Attachment:

1. 20200806 Notice of Peace Agreement Default to AP.



Egoscue Law Group, Inc.

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

TO: MEMBERS OF THE CHINO BASIN APPROPRIATIVE POOL

Please take notice that your failure to agree to pay the Overlying (Agricultural) Pool Committee (Agricultural Pool) expenses of \$165,694.75 to cover the May and June 2020 legal invoices 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 including those 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 Pooling Plan) of the Judgment...

Chino Basin Watermaster Rules and Regulations Section 4.6 incorporates the Peace Agreement provision providing that all assessments and expenses of the Agricultural Pool be paid for by the Appropriative Pool during the term of the Peace Agreement. Pursuant to Section 4.6, the Watermaster had and has the ability to pay the outstanding Agricultural Pool Legal Budget balance. The delay in payment is prejudicial to the Agricultural Pool, and Watermaster's failure to issue a timely payment has resulted in damages.

Accordingly, the Agricultural Pool formally demands that the Appropriative Pool immediately direct the Watermaster to make payment of the Agricultural Pool expenses of \$165,694.75 to cover May and June 2020 invoices with direction on the method by which to allocate and invoice the payment among the members of the Appropriative Pool.

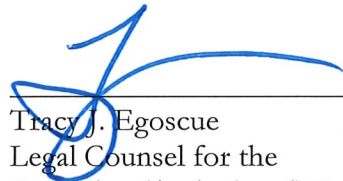
As a result of the above breach, the Agricultural Pool will be required to fund the Legal Budget remaining balance to cover May and June 2020 invoices. If the Appropriative Pool does not direct Watermaster to make the above payment or reimburse the Agricultural Pool for this expense within 90 days from 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



Egoscue Law Group, Inc.

seek appropriate remedy upon default including but not limited to interest and penalties as contained in Paragraph 9.2 of the Peace Agreement.

Dated: August 6, 2020



Tracy J. Egoscue
Legal Counsel for the
Overlying (Agricultural) Pool