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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO, SAN BERNARDINO JUSTICE CENTER

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendant.

Case No. RCVRS 51010

**DECLARATION OF CRIS FEALY IN
SUPPORT OF JOINT OPPOSITION TO
CITY OF ONTARIO'S MOTION FOR
ORDER DIRECTING WATERMASTER
TO CORRECT AND AMEND THE
FY2021/2022 AND 2022/2023
ASSESSMENT PACKAGES**

Hearing:

Date: February 20, 2026
Time: 10:00 a.m.
Dept: R-17

I, CRIS FEALY, declare as follows:

1. I have personal knowledge of the facts stated in this Declaration, and if called as a

1 witness, I could and would testify competently to those facts.

2 2. I make this Declaration in support of Fontana Water Company's ("Fontana")
3 Opposition to the City of Ontario's Motion for Order Directing Watermaster to Correct and
4 Amend the FY 2021/2022 and FY 2022/2023 Assessment Packages.

5 3. I am the Director of Water Resources at Fontana, and as part of my position, I am
6 familiar with Watermaster's assessment packages, including the FY 2021/2022 and FY 2022/2023
7 Assessment Packages.

8 4. Through my position at Fontana, I am also familiar with the Dry Year Yield
9 ("DYY") Program, the Judgment, and prior court orders relating to the DYY Program.

10 5. I reviewed the Declaration of Courtney Jones In Support of City of Ontario's
11 Motion for Order Directing Watermaster to Correct and Amend the FY 2021/2022 and FY
12 2022/2023 Assessment Packages ("Jones Declaration"). I also reviewed the "redline" versions of
13 the FY 2021/2022 and FY 2022/2023 Assessment calculations attached to the Jones Declaration as
14 Exhibits A and B.

15 6. All of the steps and calculations in the Jones Declaration rely on the faulty
16 assumption that Watermaster must assess all of the water Fontana withdrew from the DYY
17 Program. However, water extracted under the DYY Program is a withdrawal of imported water
18 previously stored in the Chino Basin by Metropolitan Water District ("Metropolitan"). If
19 Watermaster assesses any of the water Fontana withdrew from the DYY Program, it should assess
20 only the amount of water produced, without a corresponding reduction in imported water.
21 (Request for Judicial Notice in Support of Opposition to City of Ontario's Motion for Order
22 Directing Watermaster to Correct and Amend the FY 2021/2022 and FY 2022/2023 Assessment
23 Packages ("RJN"), Ex. I at pp. 19-20 [Excerpts of Groundwater Storage Program Funding
24 Agreement, Agreement No. 49960, dated March 1, 2003]].)

25 7. The steps outlined in the Jones Declaration fail to consider all of the impacts
26 associated with "zeroing out" Fontana's DYY Production. Specifically, Jones states in "Step 2" of
27 her declaration that Watermaster must "make corresponding adjustments to Metropolitan's storage
28 account on an acre-foot by acre-foot basis for water produced from the account - reversing the

1 amounts shown as transfers from the Metropolitan's Dry Year Yield / Conjunctive Use
 2 Program....” However, Step 2 omits any analysis of how crediting Metropolitan's storage account
 3 would affect the Readiness to Serve Charge, a charge imposed by Metropolitan for purchase of
 4 imported water stored in the Basin. The Readiness to Serve Charge is based on a rolling 10-year
 5 average of all imported water purchased through Metropolitan's member agency Inland Empire
 6 Utility Agency and this average currently includes all imported water Fontana has withdrawn from
 7 the DYY Program. (See Ontario's Request for Judicial Notice, filed on Jan. 12, 2026, Ex. C at pp.
 8 13.1, 27.3; *id.*, Ex. D at pp. 13.1, 27.3.) Removing Fontana's withdrawal of DYY Program water
 9 would increase the Readiness to Serve Charge for all parties who purchased imported water during
 10 FY 2021/2022, FY 2022/2023, and in subsequent fiscal years. Since Ms. Jones did not consider
 11 the increased Readiness to Serve Charge, the “total net impact” overestimates the alleged damages
 12 to the affected parties.

13 8. Additionally, Ms. Jones ignores Exhibit H to the Judgment which states that an
 14 Appropriative Pool member who overproduces groundwater is only required to fund 85% of the
 15 costs associated with obtaining replenishment water, and the remaining 15% of those costs are
 16 recovered through a uniform assessment issued against the other 85/15 members of the
 17 Appropriative Pool, referred to as the “85/15 Rule.” (RJN, Ex. F [Restated Judgment] at Ex. H.) In
 18 her Declaration and Exhibits A and B thereto, Ms. Jones fails to apply the 85/15 Rule to Fontana's
 19 extraction of DYY Program water during FY 2021/2022 and FY 2022/2023. As presented in “Step
 20 6” of the Jones Declaration, if Watermaster must assess all of the DYY Program water extracted
 21 by Fontana (even the amounts of water extracted with a corresponding reduction in imported
 22 water), there must be corresponding changes to the “85/15” column of the FY 2021/2022 and FY
 23 2022/2023 Assessment Packages, as the 85/15 Rule would apply to Fontana's withdrawal from the
 24 DYY Program and to its other groundwater production in the Chino Basin. By failing to apply the
 25 85/15 Rule to its proposed changes, Ontario's analysis is incomplete and incorrect, which results
 26 in an inflated “total net impact.”

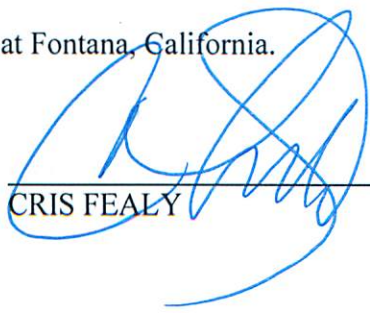
27 9. I also reviewed Exhibit C attached to the Jones Declaration, which addresses
 28 changes to each party's Desalter Replenishment Obligation (“DRO”). Under Exhibit C, Ontario

1 assumes that Fontana will use its stored water to satisfy its recalculated DRO. However, parties
2 may satisfy their DRO with water in storage, water it could produce under its water rights, or
3 purchase replenishment water. (RJN, Ex. H [Peace Agreement I] at pp. 46-47; *id.* at Ex. I [Peace
4 Agreement II] at p. 8.) Thus, Fontana could choose to purchase replenishment water to satisfy its
5 DRO, and this replenishment water would be subject to the 85/15 Rule discussed in the preceding
6 paragraph. Because Ontario's analysis only considers one of Fontana's options to satisfy its
7 recalculated DRO, the conclusions in Exhibit C and the Jones Declaration are erroneous.

8 10. Through my position at Fontana, I am aware that in production year 2020-2021 and
9 in production year 2021-2022 Fontana paid Metropolitan's service rates amounts in full when
10 withdrawing DYY Program water. These service rates include Metropolitan's Tier 1 Untreated
11 water rates and the Readiness to Serve Charge. Fontana paid Metropolitan approximately \$2.9
12 million for the water Fontana purchased from the DYY Program in production years 2020-2021
13 and 2021-2022.

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

16 Executed this 5th day of February, 2026, at Fontana, California.

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19 CRIS FEALY
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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 February 5, 2026, I served the following:

1. DECLARATION OF CRIS FEALY IN SUPPORT OF JOINT OPPOSITION TO CITY OF ONTARIO'S MOTION FOR ORDER DIRECTING WATERMASTER TO CORRECT AND AMEND THE FY 2021/2022 AND 2022/2023 ASSESSMENT PACKAGES

/ 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 February 5, 2026, in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

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