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EXEMPT FROM FILING FEES  
PURSUANT TO GOV. CODE, § 6103

8      CHINO BASIN MUNICIPAL WATER  
9      DISTRICT,

10     Plaintiff,

11     v.

12     CITY OF CHINO, et al.,

13     Defendants.

CASE NO. RCVRS 51010

[ASSIGNED FOR ALL PURPOSES TO THE  
HONORABLE GILBERT G. OCHOA]

**CITY OF ONTARIO'S RESPONSE TO  
CUCAMONGA VALLEY WATER  
DISTRICT AND FONTANA WATER  
COMPANY'S OBJECTIONS TO  
EVIDENCE 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**

Hearing:

Date:      February 20, 2026

Time:      10:00 a.m.

Dept:      R-17

## **Response to Objection to Declaration of Courtney Jones**

## **OBJECTION NO. 1:**

**Material:** “The years covered by the FY 2021/2022 and FY 2022/2023 Assessment Packages were not call years. For this reason, pursuant to the terms of the original DYY Program agreements and court orders, no party was authorized to produce or claim DYY Program Production in FY 2021/2022 and FY 2022/2023.” (Jones Decl. at ¶ 7, 2:25-28.)

**Grounds:** Vague and ambiguous; legal conclusion; improper lay opinion; secondary evidence rule. (Evid. Code, §§ 765; 803; 1523, subd. (a.)) Ms. Jones does not state what “court orders” support her opinion that “no party was authorized to produce or claim DYY Program Production in FY 2021/2022 and FY 2022/2023.” To the extent that Ms. Jones’ declaration is based on her interpretation of the legal documents, this is improper opinion testimony and the documents speak for themselves.

**Ontario Response:** This testimony is permissible under Evid. Code § 800 as rationally based on her perception (*i.e.*, the Opinion), and helpful to a clear understanding of her testimony regarding the DYY Program. Declarant identifies the referenced “court orders” on which her testimony is based in ¶ 9 of her declaration in citing to the language of the Court of Appeal’s Opinion. (RJN, Ex. A.) Declarant’s testimony does not rely on *interpretation* of legal documents but is based on the Declarant’s experience and the Court of Appeal’s own clear and express language regarding the “court orders.”

## **OBJECTION NO. 2:**

**Material:** “Because FY 2021/2022 and FY 2022/2023 were not call years, correcting and amending the FY 2021/2022 and FY 2022/2023 Assessment Packages must begin with zeroing out the claimed DYY Program production, shown in the Storage and Recovery Program column, for CVWD and Fontana (column 10J).” (Jones Decl. at ¶ 8, 3:1-4.)

**Grounds:** Legal conclusion; improper lay opinion; secondary evidence rule. (Evid. Code, §§ 800-803; 1523, subd. (a.)) Ms. Jones does not state the foundation or basis in support of her improper opinion that “correcting and amending the . . . Assessment Packages begins with zeroing out the

1 claimed DYY Program production . . . .” To the extent that Ms. Jones’ declaration is based on her  
2 interpretation of the legal documents, this is improper opinion testimony and the documents speak  
3 for themselves.

4 **Ontario Response:** This testimony is permissible under Evid. Code § 800 as rationally based on  
5 her perception (*i.e.*, the Opinion), and helpful to a clear understanding of her testimony regarding  
6 compliance with and implementation of the Opinion. Declarant lays the foundation for her  
7 testimony by citing to the evidence supporting it and her own experience. (RJN, Exs. C and D.)  
8 Declarant’s testimony does not rely on *interpretation* of legal documents, but is based on the  
9 Court of Appeal’s own clear and express language regarding its directive. (RJN, Ex. A.)

10

11 **OBJECTION NO. 3:**

12 **Material:** “Additionally, water must go back into, and be accounted for, in Metropolitan’s DYY  
13 Program storage account. Again, the ‘original DYY Program agreements, the Judgment, and prior  
14 court orders’ . . . do not allow for stored water deliveries from the DYY Program except in call  
15 yeas, and FY 2021/2022 and FY 2022/2023 were not call years.” (Jones Decl. at ¶ 9, 3:6-9.)

16 **Grounds:** Legal conclusion; improper lay opinion; secondary evidence rule. (Evid. Code, §§ 800-  
17 10803; 1523, subd. (a.)) Ms. Jones does not state the foundation or basis in support of her  
18 improper opinion that “water must go back into, and be accounted for, in Metropolitan’s DYY  
19 Program storage account,” other than the Court of Appeal Opinion. To the extent that Ms. Jones’  
20 declaration is based on her interpretation of the Court of Appeal Opinion, this is improper opinion  
21 testimony and the documents speak for themselves.

22 **Ontario Response:** This testimony is permissible under Evid. Code § 800 as rationally based on  
23 her perception (*i.e.*, the Opinion), and helpful to a clear understanding of her testimony regarding  
24 compliance with and implementation of the Opinion, including the improper stored DYY  
25 production permitted by the Watermaster pursuant to the erroneous interpretation and application  
26 of the 2019 Letter Agreement. Declarant lays the foundation for testimony by citing the evidence  
27 supporting her testimony and her relevant experience. (RJN, Ex. A.) Declarant’s testimony does  
28 not rely on *interpretation* of legal documents, but is based on the Court of Appeal’s own clear and

1 express language regarding its directive for the Assessment Packages to be amended and correct  
2 consistent with the original DYY Program agreements, the Judgment, and prior court orders.  
3

4 **OBJECTION NO. 4:**

5 **Material:** “The correction of the Assessment Package is purely a matter of accounting and can be  
6 boiled down to seven steps described below.” (Jones Decl. at ¶ 11, 3:13-18; id. at ¶ 12-15.)

7 **Grounds:** Foundation; lacks personal knowledge; legal conclusion; improper lay opinion. (Evid.  
8 Code, §§ 403; 702; 800-803; 1523, subd. (a).) Ms. Jones does not provide any foundation for her  
9 claimed expertise in accounting or her opinion that the “correction of the Assessment Package is  
10 purely a matter of accounting and can be boiled down to seven steps described below.”

11 Accordingly, her opinion in Paragraph 11, and the subsequent seven-step correction proposal in  
12 Paragraphs 12 through 15 lack foundation and are based on improper opinion testimony that goes  
13 beyond Ms. Jones’ personal experience or qualification as an expert.<sup>1</sup> Moreover, all of the steps  
14 and calculations in Paragraphs 12 through 15 rely on the faulty and unsupported assumption that  
15 Watermaster must assess all of the water withdrawn under the DYY Program. This is a pure legal  
16 conclusion that is at the core of the legal arguments addressed in the parties’ moving papers – the  
17 trial court should reject Ms. Jones’ effort to couch that argument as a fact that she is qualified to  
18 testify on.

19 **Ontario Response:** This testimony is permissible under Evid. Code § 800 as rationally based on  
20 her perception (*i.e.*, the Opinion), and helpful to a clear understanding of her testimony regarding  
21 compliance with and implementation of the Opinion, including the Court of Appeal’s express  
22 direction to “correct and amend its FY 2021/2022 and 2022/2023 Assessment Packages”  
23 consistent with the original DYY Program agreements, the Judgment, and prior court orders.

24 Declarant lays the foundation for testimony by citing the evidence supporting her testimony, which  
25 is not faulty or unsupported, and her relevant experience. (RJN, Exs. A–C.) Declarant’s testimony  
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<sup>1</sup> Legal argument addressing Ms. Jones’ seven-step formula are included in Fontana and Cucamonga’s Opposition to  
28 Ontario’s Motion, filed herewith. The Declaration of Cris Fealy in Support of Fontana and Cucamonga’s Opposition  
to Ontario’s Motion, also filed herewith, addresses factual shortcomings with Ms. Jones’ approach.

1 does not rely on *interpretation* of legal documents but is based on the Court of Appeal's own clear  
2 and express language regarding its directive. Declarant is merely testifying as to *how* to comply  
3 with the Opinion. The obligation to "correct and amend" the Assessment package, as the Opinion  
4 expressly identifies, ultimately falls on the Watermaster but, consistent with the Court of Appeal's  
5 Opinion, Watermaster can only correct and amend the Assessment Packages consistent with the  
6 original DYY Program agreements, the Judgment and prior court orders. (Op., p. 39.) Moreover,  
7 CVWD fails to "[q]uote or set forth the objectionable statement or material" as required under CRC  
8 3.1354(b), and is therefore vague and intelligible as to what portions of ¶¶ 12–15 it is objecting.

9

10 **Objection to Declaration of Elizabeth P. Ewens**

11 **OBJECTION NO. 5:**

12 **Materials:** "The Court also instructed the parties to meet and confer to stipulate to a proposed  
13 order, and to have third-party neutral mediator assist them in those meet and confer efforts."  
14 (Ewens Decl. at ¶ 10, 3:9-11).

15 **Grounds:** Misleading; misstates evidence. (Evid. Code § 352: Cal. Rules Prof. Conduct, rule  
16 3.3, 3.4.) The Court never instructed the parties to meet and confer to stipulate to a proposed  
17 order. Instead, the Court stated "get together and try to select another mutually agreeable date."  
18 (Declaration of Meredith E. Nikkel in Support of Joint Opposition to Ontario's Motion at Ex. A  
19 [Oct. 31, 2025 Hearing Tr.] At 33:24-25.) The Court went on to state that "with regards to filing  
20 any opposition or objects to it, just comply with code 1005." (*Id.* at 34:5-7.)

21 **Ontario Response:** Declarant does not mislead or misstate the evidence, which is expressly  
22 cited in support of her testimony. The Declarant identifies the transcript portion wherein the Court  
23 instructed a "proposed order for presentation to all the parties, try to work out something that you  
24 can stipulate to. If you can't, then file your objections. And we'll set it for hearing and any opposition  
25 or positions on the objections." (Ewens Decl., Ex. F, 9:22–10:6.) The "mutually agreeable date" is  
26 in reference to the *hearing* date (*i.e.*, the "deadline" issued by the Court) for the proposed  
27 order/judgment, if the stipulation efforts failed.

28

**MS. GRADY:** I think it might be helpful for the Court to set a deadline for -- for the litigants to this motion to throw the neutrals to the Court if they don't reach an agreement such that there is a short window of time that if there's any obvious conflicts or, you know, potential for somebody being named that others don't realize have a close relationship with other parties, for example, for us to be able to alert you before that ten-day mark just so that we avoid any avoidable hiccups. And then I would just second the request that if an order proposed ultimately comes through, there's opportunity for parties to be heard just because each of these things has effects on those even beyond the movants and respondents to this particular motion. (Nikkel Decl., Ex. A, 33:4-16.)

**THE COURT:** I'm going to give you a deadline. That deadline is going to be the motion date -- or the hearing date rather. So I'm going to set it for February 6, 2026. Whether that's enough time for you folks, I don't know. But if it's not --

**MR. SLATER:** Better be, your Honor. It better be.

**THE COURT:** Hopefully. But if it's not enough time, get together and try to select another mutually agreeable date.

**THE COURT:** So that's February 6, 2026, for the hearing on the proposed judgment.

(Nikkel Decl., Ex. A, 33:17–34:5.)

At no point did the Court override or eliminate its clear instruction to meet and confer on a proposed order/judgment, it simply set a hearing date in case those discussions faltered to keep this action on track and to select another mutually agreeable *hearing* date, if necessary.

Dated: February 11, 2026

STOEL RIVES LLP

By:

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City of Ontario

**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 11, 2026, I served the following:

1. CITY OF ONTARIO'S RESPONSE TO CUCAMONGA VALLEY WATER DISTRICT AND FONTANA WATER COMPANY'S OBJECTIONS TO EVIDENCE 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 11, 2026, in Rancho Cucamonga, California.



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By: Ruby Favela Quintero  
Chino Basin Watermaster

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