

FEE EXEMPT

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendants.

CASE NO. RCVRS 51010

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

**DECLARATION OF ELIZABETH P.
EWENS IN SUPPORT OF CITY OF
ONTARIO'S REPLIES TO
OPPOSITIONS TO MOTION FOR
ORDER DIRECTING
WATERMASTER TO CORRECT AND
AMEND THE FY 2021/2022 AND
2022/2023 ASSESSMENT PACKAGES**

Hearing:

Date: February 6, 2026
Time: 10:00 a.m.
Dept: R-17

1 I, Elizabeth P. Ewens, declare as follows:

2 1. I have personal knowledge of the facts stated herein, and if called and sworn as a
3 witness, could and would testify competently hereto. I am a partner with the law firm Stoel Rives
4 LLP and am counsel of record for the City of Ontario (“Ontario”) in this action.

5 2. I make this declaration in support of Ontario’s Motion For Order Directing
6 Watermaster to Correct and Amend the FY 2021/2022 and 2022/2023 Assessment Packages, filed
7 concurrently herewith.

8 3. The Court of Appeal held oral arguments on April 1, 2025. Attached hereto as
9 **Exhibit H** are true and correct excerpts of the transcript of the arguments.

10 I declare under penalty of perjury under the laws of the state of California that the foregoing
11 is true and correct. Executed on this 11th day of February 2026, at Sacramento, California.

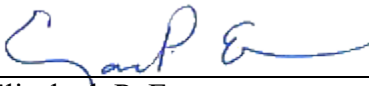
12 
13 _____
Elizabeth P. Ewens

EXHIBIT H

CERTIFIED COPY

CHINO BASIN MUNICIPAL WATER DISTRICT V. CITY OF ONTARIO,
CUCAMONGA VALLEY, ET AL
CASE NO. RCVRS51010

AUDIO TRANSCRIBED BY: MARIA KIM, CSR# 13687

1 I'LL COME BACK TO THE PUBLIC POLICY REASONS FOR THIS AND
2 THE CONSISTENCY IN THE APPLICATION IN THE JUDGMENT, BUT
3 WHEN CONSTRUING WHAT IS MEANT BY SUBSTANTIAL ADVERSE
4 IMPACT, WE GET THE PEACE AGREEMENT AND THEN WE SEE ALL OF
5 THE IMPLEMENTING AGREEMENTS AROUND THE PEACE AGREEMENT
6 USING MATERIAL PHYSICAL INJURY AS THE OPERATIVE STANDARD
7 WHEREBY WATERMASTER JUDGES ACTIVITIES INCLUDING THE
8 STORAGE AND RECOVERY OF WATER. IT IS EXPRESSLY BUILT IN
9 TO SECTION 5.2 IN REPEATED SECTIONS. AND IT IS EXPRESSLY
10 TRUE RELATED TO THE BIG IDEA OF A STORAGE AND RECOVERY
11 AGREEMENT WHICH IS TO BE DISTINGUISHED FROM THE
12 BALKINIZATION OF THE BASIN THAT OCCURS WHEN INDIVIDUAL
13 PARTIES MOVE WATER IN AND OUT OF THEIR OWN STORAGE
14 ACCOUNTS.

15 THE PEACE AGREEMENT CONTEMPLATED THE BIG IDEA
16 WHICH WAS TO ENCOURAGE, ENTICE, INDUCE FOREIGN CAPITAL,
17 CAPITAL NOT ALIEN TO THE UNITED STATES, BUT CAPITAL FROM
18 PLACES LIKE THE METROPOLITAN WATER DISTRICT TO INVEST IN
19 STORAGE TO PROVIDE MONEY AND FACILITIES TO ENABLE THE
20 BASIN TO BE DEVELOPED. SO WE MOVE FORWARD AND YOU WILL
21 SEE IN THOSE STORAGE AND RECOVERY AGREEMENTS, THEY
22 INTERCHANGEABLY USE MATERIAL, PHYSICAL INJURY AND NO
23 SUBSTANTIAL ADVERSE IMPACT. IN OUR OPINION, WE THINK THE
24 COURSE OF DEALING TELLS US THAT SUBSTANTIAL ADVERSE
25 IMPACT DOES NOT INCLUDE ECONOMIC HARM UNLESS IT IS
26 RELATED TO A PHYSICAL IMPACT IN THE BASIN. AND YOU'LL

1 SEE --

2 JUSTICE MC KINSTER: IS THIS A NEW ARGUMENT,
3 MR. SLATER?

4 MR. SLATER: IT -- IT IS IN OUR ARGUMENT BECAUSE
5 OF THE COURTS LANDING ON THIS POINT. YES, WE DID ARGUE
6 IN OUR PAPERS, BUT THIS POINT IS PERTINENT TO --

7 JUSTICE MC KINSTER: OKAY.

8 MR. SLATER: THE COURT'S CONCLUSION.

9 JUSTICE MC KINSTER: KEEP GOING.

10 MR. SLATER: SO WE HAVE -- WE THEN HAVE THE
11 ACTUAL PRACTICE OF -- OF THE -- THE COURT'S FRAMING
12 CONCLUDES THAT WATERMASTER ERRORED IN ITS INTERPRETATION
13 OF THE 2918 AGREEMENT FOR OSTENSIBLY TWO REASONS. FIRST,
14 THERE WAS A VOLUNTARILY AS OPPOSED TO A COMPULSORY
15 WITHDRAWAL AND IT WAS NOT ACCOMPANIED BY AN OFFSET IN NET
16 SURFACE WATER. AND THE COURT BELIEVES THAT THAT CREATED
17 SOME FORM OF ADVERSE IMPACT. WE DON'T THINK THAT'S THE
18 CASE AND I'M GOING TO WALK YOU THROUGH WHY THAT -- WHY
19 THAT IS SO.

20 IT ALSO CONCLUDES THAT THE ADDITION OF THE
21 FONTANA WATER COMPANY TO THE PROGRAM AS A NON-PARTICIPANT
22 OR A NON-PARTY IN THE LOCAL AGENCY AGREEMENT ALSO CREATED
23 EXPOSURE TO ONTARIO. THE FIRST REASON WHY THAT DOES NOT
24 CONSTITUTE AN ADVERSE IMPACT IS -- IS THE COURT WE THINK
25 INCORRECTLY APPLIES -- MISAPPLIES APPLICABLE BACKGROUND
26 LAW. AND THAT IS WHEN FOREIGN WATER IS APPROPRIATED BY

1 STATE OF CALIFORNIA)
2) SS.
3)
4)
5)
6)
7)
8)

7 REPORTER'S CERTIFICATE

9 I, MARIA KIM, CSR #13687, DO HEREBY CERTIFY THAT THE
10 WITHIN AND FOREGOING TRANSCRIPT IS A TRUE AND CORRECT
11 TRANSCRIPTION OF MY SHORTHAND NOTES THEREOF AND A FULL,
12 TRUE AND CORRECT STATEMENT OF THE PROCEEDINGS HAD IN SAID
13 CAUSE.

14
15
16 
17

18 MARIA KIM, CSR #13687
19 COURT REPORTER
20

21 DATED: ____8/29/2025____
22
23
24
25
26

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. DECLARATION OF ELIZABETH P. EWENS IN SUPPORT OF CITY OF ONTARIO'S REPLIES TO OPPOSITIONS TO 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.



By: Ruby Favela Quintero
Chino Basin Watermaster

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