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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]

**REPLY TO INLAND EMPIRE
UTILITIES AGENCY'S 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

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The City of Ontario (“Ontario”) hereby responds to the Inland Empire Utilities Agency’s
4 Opposition to Ontario’s Motion for Order Directing Watermaster to Correct and Amend the FY
5 2021/2022 and FY 2022/2023 Assessment Packages (“IEUA Opposition”). The issues raised in
6 IEUA’s Opposition principally surround the following issues: whether the corrections to the
7 Assessment Packages require corresponding adjustments to the account balances for
8 Metropolitan’s Dry Year Yield / Conjunctive Use Program (e.g., whether “zeroing out” Fontana
9 and CVWD’s claimed DYY production requires a corresponding adjustment to Metropolitan’s
10 DYY storage account balance), whether the correction and amendment of the Assessment Packages
11 will impact the DYY program “storage cap,” and potential impacts to Metropolitan Water District
12 (“MWD” or “Metropolitan”). Similar and overlapping arguments were raised by Fontana Water
13 Company (“Fontana”) and Cucamonga Valley Water District (“CVWD”) in Fontana and CVWD’s
14 Joint Opposition to City of Ontario’s Motion for Order Directing Watermaster to Correct and
15 Amend the FY 2021/2022 and FY 2022/2023 Assessment Packages (“Joint Opposition”). In the
16 interest of promoting judicial economy, Ontario consolidates its reply to IEUA, Fontana, and
17 CVWD’s (“Opposing Parties”) arguments, including as they relate to accounting for DYY water,
18 operation of the storage and recovery program, and alleged impacts on Metropolitan and DYY
19 participating agencies.

20 **II. ARGUMENT**

21 **A. Watermaster Is Required to Account for DYY Production.**

22 The Court of Appeal unambiguously ordered “Watermaster to correct and amend the
23 FY 2021/2022 and 2022/2023 Assessment Packages consistent with the *original* DYY Program
24 agreements, the Judgment, and prior court orders.” (Court of Appeal Opinion¹ (“Opinion” or
25 “Op.”), issued Apr. 18, 2025, at p. 39, emphasis added.) The whole of the Assessment Packages
26 must be amended in accordance with the Court of Appeal’s Opinion, and the Court of Appeal gave
27

28 ¹ See Request for Judicial Notice in Support of Motions, filed Jan. 12, 2026, Ex. A.

1 no wiggle-room to the Parties to cherry pick what portions of the Assessment Packages they want
2 to correct and what portions they do not. And yet, this is what Opposing Parties are suggesting.

3 Correcting and amending the Assessment Packages requires Watermaster to zero out the
4 DYY production improperly claimed by Fontana and CVWD, as shown in the Storage and
5 Recovery Program Column.² (See Request for Judicial Notice in Support of Motion (“RJN”), filed
6 Jan. 12, 2026, Exs. C-D at pp. 10.1, 20.1; see Declaration of Courtney Jones in Support of Motion,
7 filed Jan. 12, 2026, ¶ 12.) This is because the Court of Appeal held that Fontana and CVWD should
8 not have claimed DYY production in FY 2021/2022 and FY 2022/2023, that their claimed DYY
9 production violated the original DYY Agreements and DYY Orders, and as a result the Court of
10 Appeal went on to order the Assessment Packages to be corrected to reflect that there was no
11 authorized DYY production by Fontana and CVWD during those years.

12 But this is only half of the story. You cannot zero out Fontana’s and CVWD’s claimed DYY
13 production without making a corresponding adjustment to the balance of Metropolitan’s Dry Year
14 Yield Storage Account balance. Indeed, Watermaster is required by the express terms of the 2003
15 Funding Agreement to track and report how much water goes in and out of Metropolitan’s DYY
16 storage account, and how much DYY water remains in Metropolitan’s Storage Account. (See RJN,
17 Ex. E at ¶ VI.C.1. Watermaster Obligations.) Metropolitan’s Storage Account balance is tracked
18 and reported in the Assessment Packages. (Declaration of Courtney Jones in Support of Motion,
19 filed Jan. 12, 2026, Ex. A at p. 13.1, Ex. B at p. 13.1.) Accurate accounting of this water is
20 mandated by the Court-approved 2003 Funding Agreement which states, in part:

21 C. Watermaster Obligations

22 Watermaster hereby agrees to:
23
24

25 ² Rather than repeating Ontario’s arguments here, Ontario refers the Court to, and incorporates
26 herein, Ontario’s Status Conference Statement, filed Sept. 26, 2025; Ontario’s Supplemental Status
27 Conference Statement, filed Oct. 29, 2025; Ontario’s Motion for Order Directing Watermaster to
28 Correct and Amend the FY 2021/2022 and 2022/2023 Assessment Packages and supporting
documents, filed Jan. 12, 2026; and Ontario’s Reply to Fontana and CVWD’s Joint Opposition,
filed concurrently herewith.

- 1 1. Maintain records of the amounts of all water stored in and extracted from
2 the Chino Basin pursuant to this Agreement and consistent with the
3 Judgment and Rules and Regulations, and provide to Metropolitan an
4 amount specified in an account to be designated as the **Metropolitan**
5 **Storage Account ... d.** Watermaster shall debit the Metropolitan Storage
6 Account one acre-foot for each acre-foot of water produced from the
7 account. Watermaster accounting for water produced from the Metropolitan
8 Storage Account shall specify quantities produced by each Operating Party.

9
10 (See RJN, Ex. E at ¶ VI.C.1. Watermaster Obligations.) Pursuant to the Court of Appeal’s decision,
11 Fontana and CVWD were not entitled to produce DYY water in FY 2021/2022 and FY 2022/2023,
12 and their claimed DYY production will be amended and corrected for these years to reflect *no* DYY
13 production by these agencies consistent with the Court of Appeal’s Opinion and its specific
14 direction that the Assessment Packages be amended in a manner “consistent with the “*original*
15 DYY Program agreements, the Judgment, and prior court orders.” (Op., p. 39, emphasis added.)
16 Correspondingly, the Metropolitan Storage Account will need to be credited back the same amount
17 of DYY water – because CVWD and Fontana should not have claimed to have produced it out of
18 Metropolitan’s DYY storage account in the first instance. That is what is required by the Court of
19 Appeal’s decision, and this is what is required by the mandatory accounting procedures contained
20 in the 2003 Funding Agreement, Judgment, and Watermaster Rules and Regulations.

21 It is worth noting that this is purely an accounting exercise. It does not, as Fontana and
22 CVWD claim, require the “infiltration” of this water back into the Basin. (Fontana and CVWD’s
23 Joint Opposition at p. 15.) The water was produced. The only question is whether you account for
24 it as DYY production, or whether you account for it as part of CVWD and Fontana’s ordinary
25 production. On this point the Court of Appeal could not have been more clear: this was not
26 authorized DYY production and the Assessment Packages need to be corrected to reflect this.

27 **B. The DYY Program “Storage Cap” Is a Product of the Court’s Prior Order, and**
28 **This Court Has the Authority and Ability to Raise That Storage Cap.**

 IEUA, Fontana, and CVWD each argue that correcting the DYY accounting will result in a
violation of the 100,000 acre-foot “storage cap” for the DYY program. However, IEUA
acknowledges that the storage cap can be increased by Watermaster. (IEUA Opposition at 3:22-24

1 ["The maximum storage amount which can be allocated to MWD's DYYP account is 100,000 acre-
2 feet. *Any amount in excess of that maximum must be approved in advance by Watermaster.*"
3 (emphasis added)].) This storage account balance originates in the 2003 Funding Agreement
4 approved by the Court. Not only does Watermaster have the ability to approve an increase in the
5 storage cap, so does this Court under its continuing jurisdiction through an amendment of its own
6 prior order approving the 2003 Funding Agreement.³ Moreover, there would be no injury to the
7 Basin associated with raising the Storage Cap to accommodate this correction to the Assessment
8 Packages. On January 10, 2025, this Court entered an order increasing the safe storage capacity of
9 the Basin to 900,000 acre-feet. A review of the reported use of storage space in the Basin shows
10 that the current utilized storage in the Basin is approximately between 670,000 and 720,000 acre
11 feet – more than enough to accommodate any necessary increase in the storage cap for the DYY
12 program. (Declaration of Courtney Jones in Support of Replies, filed concurrently herewith, ¶¶ 5-
13 6, Ex. C [at Exhibit C].)

14 C. **The Opposing Parties, Including Watermaster, Previously Raised Arguments**
15 **Relating to the Potential Financial Impact on Metropolitan, and Those**
Arguments Were Rejected by the Court of Appeal.

16 Not for the first time, Opposing Parties raise arguments about the potential chilling effect
17 on the DYY program and the alleged detrimental impacts on Metropolitan. First, it is important to
18 note that Metropolitan is not a party in this action and did not seek to intervene in this case. It also
19 is telling that the Court of Appeal rejected Watermaster's Request for Judicial Notice to introduce
20 evidence regarding potential financial impacts to Metropolitan. (Op. at p. 15.) And the Court of
21 Appeal tacitly rejected arguments submitted on appeal by Watermaster and Opposing Parties
22 relating to Metropolitan and the parties' financial investments in the DYY program. IEUA and
23 Opposing Parties are simply regurgitating the same arguments they made before the Court of
24 Appeal. (Op. at pp. 11, 15; Declaration of Elizabeth P. Ewens in Support of Replies, filed
25 concurrently herewith, Ex. H [Transcript of Court of Appeal argument, at 12:15-13:9].)

26 ³ Ontario does not concede that such an amendment would be necessary. This is a "call" year by
27 MWD, which means that participating agencies in the DYY program will be required to produce
28 DYY water this year. Under such circumstances, whether the storage cap will be exceeded this year
is purely speculative.


1 At the end of the day, arguments raised by Opposing Parties that correcting the Assessment
2 Packages could impact Metropolitan's decisions about the future of the DYY program, Opposing
3 Parties' arguments that implementing the Court of Appeal's decision might affect parties' ability
4 to fully perform on their DYY obligations by 2028, and Opposing Parties' arguments that call into
5 question the value of agencies' financial investments in the DYY program are all based on pure
6 speculation and conjecture. These arguments also do not alter the Court of Appeal's clear directive
7 to this Court to enter an order directing Watermaster to correct and amend Assessment Packages
8 consistent with the original DYY Program agreements, the Judgment, and prior court orders. (Op.
9 at p. 39.)

10 **III. CONCLUSION**

11 Ontario respectfully requests that the Court grant its Motion for Order Directing
12 Watermaster to Correct and Amend the FY 2021/2022 and FY 2022/2023 Assessment Packages as
13 set forth in the Proposed Order submitted by Ontario.

14 Dated: February 11, 2026

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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 11, 2026, I served the following:

1. REPLY TO INLAND EMPIRE UTILITIES AGENCY'S 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.



By: Ruby Favela Quintero
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