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1 **GROUNDS FOR OBJECTION: MATERIALS OBJECTED TO:** 2 **Declaration of Peter Kavounas** 3 Irrelevant and immaterial. (Evid. C. §350) "As the General Manager of 1. **WATERMASTER'S RESPONSE:** Watermaster, I am intimately familiar with 5 actions taken by the Pool Committees, Evidence Code Section 210 defines relevant evidence as evidence, including evidence Advisory Committee, and the Watermaster Board, and the directives to staff from the relevant to the credibility of a witness or 8 hearsay declarant, having any tendency in Board. My role as General Manager includes 9 reason to prove or disprove any disputed fact attending all Pool Committee, Advisory 10 that is of consequence to the determination of Committee, and Watermaster Board meetings." 11 the action. This statement provides a basis for (Para. 2, lines 28-3.) 12 the declarant's knowledge. 13 Lacks foundation. (Evid. C. §702) "All of the information pertinent to the 2. 14 Safe Yield Reset Motion and the City's Irrelevant and immaterial. (Evid. C. §350) 15 **WATERMASTER'S RESPONSE:** expressed concerns has been continuously 16 maintained by Watermaster and routinely made Evidence Code Section 210 defines relevant 17 available to all Parties, consistent with the evidence as evidence, including evidence 18 relevant to the credibility of a witness or Judgment and pursuant to Watermaster's 19 regular procedures." (Para. 3, lines 4-7.) hearsay declarant, having any tendency in 20 reason to prove or disprove any disputed fact 21 that is of consequence to the determination of 22 the action. Evidence Code Section 403(a)(2) 23 sets forth that foundation is sufficient where the 24 "preliminary fact is within the personal 25 knowledge of a witness concerning the subject 26 matter of his testimony." As the declarant is the 27 General Manager for the Watermaster and 28

MATERIALS OBJECTED TO:	GROUNDS FOR OBJECTION:
Declaration of Peter Kavounas	
	declares that he has knowledge of the actions
	taken, he has the appropriate foundation for this
	statement.
3. "Consistent with the requirements of	Lacks foundation. (Evid. C. §702)
Watermaster Resolution No. 01-03 (attached	Irrelevant and immaterial. (Evid. C. §350)
hereto as Attachment "1"), Watermaster	WATERMASTER'S RESPONSE:
documents and records are available by request	Evidence Code Section 210 defines relevant
to any party to the Judgment, and	evidence as evidence, including evidence
Watermaster's website has an information	relevant to the credibility of a witness or
request form by which any party may obtain	hearsay declarant, having any tendency in
information on Watermaster processes and	reason to prove or disprove any disputed fact
decisions. The City did not file a request for	that is of consequence to the determination of
information related to the Safe Yield reset	the action. Evidence Code Section 403(a)(2)
process, the Safe Yield Reset Motion and the	sets forth that foundation is sufficient where the
City's expressed concerns prior to	"preliminary fact is within the personal
Watermaster's filing of the Safe Yield Reset	knowledge of a witness concerning the subject
Motion." (Para. 4, lines 8-13.)	matter of his testimony." As the declarant is the
	General Manager for the Watermaster and
	declares that he has knowledge of the actions
	taken, he has the appropriate foundation for this
	statement.
4. "The Watermaster process leading up to	Irrelevant and immaterial. (Evid. C. §350)
the Board's determination on its	Lacks foundation. (Evid. C. §702)
recommendation to the Court as to the reset of	WATERMASTER'S RESPONSE:
Safe Yield and Watermaster's Safe Yield Reset	Evidence Code Section 210 defines relevant
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MATERIALS OBJECTED TO:

Declaration of Peter Kavounas

Motion was open to and included active participation by the City. A substantial number of meetings have taken place throughout the five-year Safe Yield Reset process, all of which were open to the City, and the vast majority of which, it participated in." (Para. 5, lines 14-18.)

GROUNDS FOR OBJECTION:

evidence as evidence, including evidence relevant to the credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action. Evidence Code Section 403(a)(2) sets forth that foundation is sufficient where the "preliminary fact is within the personal knowledge of a witness concerning the subject matter of his testimony." As the declarant is the General Manager for the Watermaster and declares that he has knowledge of the actions taken, he has the appropriate foundation for this statement.

"There is no evidence of any kind that 5. has been presented to Watermaster that suggests that the Updated Basin Model developed by Mr. Wildermuth under the direction of Watermaster is insufficient to perform the evaluation described in the Reset Technical Memorandum." (Para. 7, lines 17-22.)

Irrelevant and immaterial. (Evid. C. §350) Lacks foundation. (Evid. C. §702) Improper lay opinion; opinion based on improper matter. (Evict. C. §§800, 803) Oral testimony inadmissible to prove the contents of a writing. (Evid. C. §1523)

WATERMASTER'S RESPONSE:

Evidence Code Section 210 defines relevant evidence as evidence, including evidence relevant to the credibility of a witness or hearsay declarant, having any tendency in

MATERIALS OBJECTED TO:	GROUNDS FOR OBJECTION:
Declaration of Peter Kavounas	
	reason to prove or disprove any disputed fact
	that is of consequence to the determination of
	the action. Evidence Code Section 403(a)(2)
	sets forth that foundation is sufficient where the
	"preliminary fact is within the personal
	knowledge of a witness concerning the subject
	matter of his testimony." As the declarant is the
	General Manager for the Watermaster and
	declares that he has knowledge of the actions
	taken, he has the appropriate foundation for this
	statement. This statement does not contain an
	opinion. Finally, there is no testimony in this
	statement being offered to prove the content of
	the writing.
6. "The City, along with other	Irrelevant and immaterial. (Evid. C. §350)
stakeholders, had the opportunity to participate	Lacks foundation. (Evid. C. §702)
in multiple Basin Model workshops and model	WATERMASTER'S RESPONSE:
review sessions with Watermaster consultants	Evidence Code Section 210 defines relevant
and other experts, and participated on multiple	evidence as evidence, including evidence
occasions. (Para. 6, lines 19-21.)	relevant to the credibility of a witness or
	hearsay declarant, having any tendency in
	reason to prove or disprove any disputed fact
	that is of consequence to the determination of
	the action. Evidence Code Section 403(a)(2)
	sets forth that foundation is sufficient where the

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	"preliminary fact is within the personal
	knowledge of a witness concerning the subject
	matter of his testimony." As the declarant is the
	General Manager for the Watermaster and
	declares that he has knowledge of the actions
	taken, he has the appropriate foundation for the
	statement.
Dated: April 25, 2016	BROWNSTEIN HYATT FARBER
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	By: SCOTT S. SLATER
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CHINO BASIN WATERMASTER Case No. RCV 51010 Chino Basin Municipal Water District v. The City of Chino

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 within action. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On April 25, 2016 I served the following:

- 1. WATERMASTER'S RESPONSE TO CITY OF CHINO'S OBJECTIONS TO DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF WATERMASTER'S OPPOSITION TO CHINO'S MOTION TO PERMIT CHINO TO CONDUCT DISCOVERY
- 2. WATERMASTER'S RESPONSE TO CITY OF CHINO'S OBJECTIONS TO DECLARATION OF PETER KAVOUNAS IN SUPPORT OF WATERMASTER'S OPPOSITION TO CHINO'S MOTION TO PERMIT CHINO TO CONDUCT DISCOVERY
- /X / BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by 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.

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

Executed on April 25, 2016 in Rancho Cucamonga, California.

By: Anna Truong

Chino Basin Watermaster

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