

FEE EXEMPT

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CHINO BASIN WATERMASTER

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendant.

Case No. RCV 51010

[Assigned for All Purposes to the Honorable
STANFORD E. REICHERT]

NOTICE OF ORDERS

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:


PLEASE TAKE NOTICE that on October 17, 2016, the Honorable Stanford E. Reichert issued the following Orders, copies of which are attached hereto as Exhibits A-E:

- A. ORDER City of Chino Motion to Permit Chino to Conduct Discovery;
- B. ORDER Re Pomona et al. Objections to Declaration of Gutierrez in Support of Chino Motion to Conduct Discovery;
- C. ORDER Re Chino's Objections to Declaration of Egoscue in Support of Ag Pool's Opposition to Chino's Motion to Conduct Discovery;
- D. ORDER Re Chino's Objections to Declaration of Herrema in Support of Watermaster's Opposition to Chino's Motion to Conduct Discovery; and

1 E. ORDER Re Chino's Objections to Declaration of Kavounas in Support of
2 Watermaster's Opposition to Chino's Motion to Conduct Discovery.

3
4 Dated: October 19, 2016

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

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7 By: 
8 SCOTT S. SLATER
9 BRADLEY J. HERREMA
10 ATTORNEYS FOR
11 CHINO BASIN WATERMASTER

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Exhibit A

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

CCT 17 2016

BY Tiffany Kretzmeier
TIFFANY KRETZMEIER, DEPUTY

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

vs.

CITY OF CHINO, et al.,

Defendants

CASE NO. RCV 51010

ORDER

City of Chino Motion to Permit Chino to
Conduct Discovery

Date: September 23, 2016

Time: 1:30 PM

Department: S35

The City of Chino has moved to conduct discovery on the issues raised by Watermaster's motion regarding 2015 Safe Yield Reset Agreement, and amendment of Restated Judgment, Paragraph 6. Chino seeks discovery with respect to a number of parties, the Non-Agricultural (Overlying) Pool, the Overlying (Agricultural) Pool, and Watermaster. The court denies the motion for the reason set forth herein.

OPPOSITIONS

A) Watermaster

B) The Non-Agricultural (Overlying) Pool

C) The Overlying (Agricultural) Pool joined by the State of California and the

1 Non-Agricultural (Overlying) Pool

2 D) The following parties of the Appropriative Pool as a group:

- 3 1) City of Pomona
- 4 2) City of Upland
- 5 3) City of Ontario
- 6 4) San Antonio Water District
- 7 5) Monte Vista Water District
- 8 6) Cucamonga Valley Water District
- 9 7) Fontana Union Water Company

10 a) This opposition also contained objections to the declaration of
11 Jimmy Gutierrez in support of Chino's motion. All the objections
12 are overruled. See separate document for orders and rulings.
13

14 ADDITIONAL FILINGS

15 A) City of Chino's objections to declaration of Herrema support of
16 Watermaster's opposition to City of Chino's motion to permit Chino to conduct
17 discovery

- 18 1) Watermaster's response to City of Chino objections to declaration of
19 Herrema
- 20 2) See separate document for orders and rulings.

21 B) City of Chino's objections to declaration of Kavounas in support of
22 Watermaster's opposition to the City of Chino's motion to permit Chino to conduct
23 discovery.

- 24 1) Watermaster's response to City of Chino's objections to declaration of
25 Kavounas
- 26 2) See separate document for orders and rulings.

27 C) City of Chino's objections to declaration of Tracy Egoscue.

- 28 1) See separate document for orders and rulings

1
2 ORDERS and RULINGS

3 The court denies the motion of the city of Chino to reopen discovery for the
4 following reasons:

5 A) The court does not find a legal basis for Chino's request.

6 1) Chino cites CCP §2024.050(b) for a list of factors for the court's
7 consideration. The court evaluates those factors as follows:

8 a) The necessity and the reasons for the discovery.

9 b) The diligence or lack of diligence of the party seeking the discovery
10 or the hearing of a discovery motion, and the reasons that the
11 discovery was not completed, or that the discovery motion is not
12 heard earlier.

13 c) Any likelihood that permitting the discovery or hearing the discovery
14 motion will prevent the case from going to trial on the date set, or
15 otherwise interfere with the trial calendar, or result in prejudice to
16 any other party.

17 d) The length of time that has elapsed any date previously set, the date
18 presently set, for the trial of the action.

19 2) The thrust of the motion is that Chino must conduct discovery to
20 defend itself from the adverse impacts of SYRA, to show the flaws in the Safe
21 Yield reset, and to prepare for trial.

22 a) There is no trial in this case. The judgment was entered by
23 stipulation in 1978. To call the hearing on Safe Yield reset and
24 related issues a "trial" is a mischaracterization of the proceeding.

25 I) There is no merit to Chino's contention that the underlying
26 action is not litigated. There is no basis in law, and Chino cites
27 none, to conclude a stipulated judgment means the case was not
28 litigated.

1 II) The SYRA motion is an evidentiary hearing on a post-judgment
2 motion. *In re Marriage of Boblitt* (2014) 223 Cal.App.4th 1004.

3 III) Post judgment matters for the court have been fully
4 litigated, briefed, and argued. There is no necessity for further
5 discovery just to have the parties repeat what is in the
6 declarations.

7 IV) Any adverse impacts on Chino stored water and water
8 rights under the judgment have also been fully litigated, argued,
9 and briefed in the SYRA motion. Discovery will not add
10 anything to the facts already set out in Chino's briefing,
11 declarations, and exhibits.

12 V) All of the information which Chino seeks by way of discovery is
13 already available to Chino. For example, Wildermuth's
14 conclusions and all of the bases for his conclusions are set forth
15 in his declaration and exhibits. All of the information regarding
16 yield, pumping, and allocations is already available to Chino. The
17 court will not permit discovery when all of the information is
18 equally available to all parties. Chino through its representatives
19 was present during the facilitated discussions under the
20 Facilitation and Non-Disclosure Agreement (FANDA).
21 (Watermaster's opposition to the city of Chino's motion to
22 permit Chino to conduct discovery, page 10, line 13-page 11, line
23 1.)

24 VI) In the related SYRA motion, the court has not ordered the
25 Safe Storage Management Measures proposed by Watermaster.
26 Therefore, Chino's arguments with respect to conducting
27 discovery in this area are moot. Even if they were not moot, no
28 discovery is necessary for the reasons set forth in this order

1 including the extensive briefing, declarations, and exhibits
2 submitted with respect to the SYRA motion.

3 VII) With respect to the reduction in Safe Yield from 140,000
4 AFY to 135,000 AFY similarly the court finds no discovery
5 necessary for the reasons set forth in this order, including the
6 extensive briefing, declarations, and exhibits submitted with
7 respect to the SYRA motion

8 b) The court does not find that there are any facts in dispute which
9 require additional discovery. With respect to SYRA, all of the facts
10 are laid out in the briefing for Watermaster's motion regarding 2015
11 Safe Yield Reset Agreement, Amendment of Restated Judgment,
12 Paragraph 6 (SYRA Motion). The court estimates the briefing for
13 that motion to consist of about 350 pages, and the court estimates
14 the exhibits to be about 1100 pages. Chino has not presented any
15 evidence or information to raise a factual dispute which requires
16 additional discovery. Chino only argues legal conclusions and the
17 relative unfairness of the Safe Storage Management Measures and
18 interpretations of Court-Approved Management Agreements.

19 I) All of the factual bases for all the opinions and are set forth in
20 the declarations and exhibits for the SYRA Motion. The
21 motion's impact is well briefed. There is no necessity for
22 additional examination or testimony.

23 II) There is no necessity for Chino to make any additional factual
24 showing respect to the motion. Chino argues that it needs
25 admissible evidence, but such evidence is necessary only for trial,
26 not a motion. In the context of a motion, the court may exercise
27 its discretion consider all relevant facts, and Chino has not
28 identified any relevant facts that could only be obtained through

1 formal discovery.

2 III) There is also no merit to Chino's argument that Chino did
3 not have discovery on the issues such as the 2000 Peace I
4 Agreement, 2007 Peace II Agreement, or the OBMP, because
5 they did not exist before the judgment. These documents, and
6 the court orders thereon, have been in existence for years. Any
7 request for discovery on them is untimely. Any request for
8 discovery on them is also unnecessary because the parties all have
9 access to the same information.

10 IV) The questions which the SYRA Motion presents are for
11 the court to determine the legal effect of the proposed Safe Yield
12 reduction. The legal analysis is set forth in the court's lengthy
13 order for that motion.

- 14 c) To characterize Watermaster as adverse to Chino is also erroneous.
15 Watermaster is a creation of the court, not a party, and not adverse
16 to any party to the judgment. The court will not permit any
17 discovery with respect to Watermaster.
- 18 d) The court does not see any necessity for Chino to obtain
19 information from other parties regarding Chino's own
20 circumstances, rights, and objections.
- 21 e) Chino speaks in terms of "ownership" Safe Yield percentages. (See,
22 for example, City of Chino's Supplement to Status Report On
23 Watermaster's Safe Yield Redetermination and Reset (Exhibit C to
24 Declaration of Jimmy L. Gutierrez, page 3, line 20).)
- 25 I) This is incorrect. The court finds that Chino does not "own" (as
26 that word is ordinarily used) any percentage of Safe Yield. The
27 legal rights of the appropriators are determined by the court
28 through the Judgment and Court Approved Management

1 Agreements.

2 II) Chino's claim that it possesses rights to stored water does not
3 automatically ensure a right to pump such water if the court
4 determines that to do so would cause an undesirable result to the
5 Basin. The Overlying (Agricultural) Pool notes that it does not
6 address the issue of whether Chino as a "guaranteed right" to
7 pump any amount of water regardless of the impact to the Basin.

- 8 f) Regarding Chino's argument that some parties, including The
9 Overlying (Agricultural) Pool, have not acknowledged the alleged
10 adverse impacts that the Agreement, the court finds that the claims
11 and defenses of the parties are all well set forth in the SYRA motion
12 briefing.
- 13 g) It would be counterproductive to the hours of the facilitated
14 negotiations resulting in Watermaster's Resolution 2015-06.
- 15 h) It would create additional delay.
- 16 i) There is no new "lawsuit." The subject matter is a post judgment
17 motion involving an evidentiary hearing. (The Overlying
18 (Agricultural) Pool opposition, page 10, line 23.)
- 19 j) The City of Pomona opposition, page 2, line 8, points out that
20 Chino is seeking permission to conduct discovery on opposing
21 parties in an attempt to obtain evidence that will allegedly disprove
22 the findings and recommendations made in the Watermaster motion
23 and the 2015 Safe Yield Reset Agreement and the disproportionate
24 adverse impact on Chino's water rights.
- 25 k) The City of Pomona also argues that good cause is a requirement,
26 and Chino has failed to show good cause for the reasons set forth
27 above.
- 28 l) The court accepts the City of Pomona's argument (opposition, page

1 3, line 20) that Chino never identifies what evidence the opposing
2 parties might possess that will support Chino's conclusions that
3 approval of SYRA will take 36,757 AF of water held and Chino's
4 Excess Carry Over account and 20,000 AF of overall safe yield
5 amount resulting in a corresponding reduction in Chino's allocation.
6 All the information is equally available to all parties.
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10 Dated: October 17, 2016

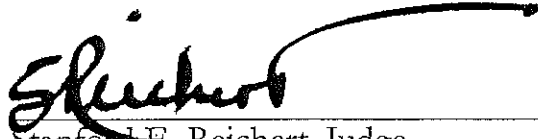
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13 Stanford E. Reichert, Judge
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Exhibit B

OCT 17 2016

BY Tiffany Kretzmeier
TIFFANY KRETZMEIER, DEPUTY

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

vs.

CITY OF CHINO, et al.,

Defendants

CASE NO. RCV 51010

ORDER Re Pomona et al. Objections to
Declaration of Gutierrez in Support of
Chino Motion to Conduct Discovery

Date: September 23, 2016

Time: 1:30 PM

Department: S35

With respect to the opposing parties' (City of Pomona, et al.,) objections City of Chino's declaration of Jimmy L. Gutierrez in support of its motion to conduct discovery, the court rules as follows:

	Statement Objected To	Grounds for Objection	Ruling
1.	"The Parties that stipulated to the Judgment herein now seek an order to reallocate basin water in ways that are contrary to the 37- year old Judgment and two court orders; but they	<ul style="list-style-type: none">Lack of Foundation (Evid. Code §§ 400-403) as to the contents of the Judgment and the two court orders.Inadmissible secondary evidence of the contents of the	Overruled

1	make the request through	Judgment and the two court	
2	Watermaster." (J. Gutierrez	orders. (Evid. Code §§1521,	
3	Decl. 2:1-4)	1523.)	
4		• Argumentative.	
5	2. "Rather than bring their request	• Lack of Foundation (Evid.	Overruled
6	to redefine the rights of the	Code §§ 400-403) as to the	
7	Parties to the waters of the	contents of the order.	
8	Chino Basin, they have	• Argumentative.	
9	prevailed upon Watermaster to	• Inadmissible secondary	
10	file the Watermaster Motion	evidence of the contents of the	
11	now set for hearing on	Judgment. (Evid. Code §§ 1521,	
12	February 26, 2016; and	1523.)	
13	Watermaster has succumbed to		
14	their entreaties despite Judge		
15	Gunn's 2007 order warning		
16	Watermaster against taking		
17	sides." (J. Gutierrez Decl. 2:4-8)		
18	3. "The request to direct	• Lack of Foundation (Evid.	Overruled
19	Watermaster to implement	Code §§400-403) and calls for	
20	the 2015 Safe Yield Reset	speculation (Evid. Code §702)	
21	Agreement ("SYRA")	as declarant does not establish	
22	adversely impacts CHINO'S	personal knowledge of the	
23	stored water and annual	matters stated.	
24	rights to the waters of the	• Inadmissible opinion	
25	Chino Basin." (J. Gutierrez	testimony. (Evid. Code §§	
26	Decl. 2:8-10)	800, 801.)	
27		• Argumentative.	
28			

1	4.	"So far, Watermaster and the Parties have ignored Chino's concerns and objections to the proposed SYRA." (J. Gutierrez Decl. 2:10-11)	<ul style="list-style-type: none"> • Argumentative . 	Overruled
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10	5.	"The Watermaster motion alludes to conditions, dangers and risks as the basis for the SYRA; but they are not disclosed." (J. Gutierrez Decl. 2:11-12)	<ul style="list-style-type: none"> • Argumentative . • Inadmissible secondary evidence of the contents of the Motion. (Evid. Code §§1521, 1523.) 	Overruled
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17	6.	"Representatives of CHINO including myself have objected to the SYRA, because it will reallocate Basin Safe Yield water from CHINO and Jurupa Community Services District ("JCSD") to the other Parties to the Judgment and Peace Agreements over CHINO'S objections." (J. Gutierrez Decl. 3:12-15)	<ul style="list-style-type: none"> • Argumentative. • Hearsay (Evid. Code §1200), as it references out of court statements offered to prove the truth of the matter asserted. 	Overruled
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1	7.	"Nevertheless, Watermaster filed the Watermaster Motion and Watermaster asks the Court to acknowledge the SYRA and to order Watermaster to comply with the SYRA." (J. Gutierrez Decl. 3:15-16)	<ul style="list-style-type: none"> • Inadmissible secondary evidence of the contents of the motion. (Evid. Code §§1521, 1523.) • Argumentative . 	Overruled
2	8.	"Therefore, Watermaster necessarily seeks an order that requires Watermaster to take 20,000 acre-feet of water annually from the Safe Yield and to use it to reduce the Parties' obligation to pay for replenishment water to offset the Desalter production." (J. Gutierrez Decl. 3:17-19)	<ul style="list-style-type: none"> • Inadmissible secondary evidence of the contents of the motion. (Evid. Code §§1521, 1523.) • Inadmissible opinion testimony. (Evid. Code §§800, 801.) • Argumentative. 	Overruled
3	9.	"In this way, Watermaster has positioned itself in favor of the Parties and against CHINO despite CHINO'S objection to the Watermaster Board." (J. Gutierrez Decl. 3:19-21)	<ul style="list-style-type: none"> • Argumentative. • Inadmissible opinion testimony. Evid. Code §§800, 801.) <p>Lack of Foundation (Evid. Code §§400-403) and calls for speculation (Evid. Code §702) as declarant does not establish personal knowledge of the matters stated.</p>	Overruled

10.	"The fact that this information will not be available to CHINO is one reason why CHINO should be permitted to conduct discovery." (J. Gutierrez Decl. 4:5-6)	<ul style="list-style-type: none"> • Argumentative. • Inadmissible opinion testimony. (Evid. Code §§800, 801.) • Argumentative 	Overruled
11.	"In May and June 2015, Watermaster legal counsel Scott Slater and the parties in the mediated process developed a term sheet called the Key Principles document (the "Term Sheet") that became the seminal document from which the SYRA was written." (J. Gutierrez Decl. 4:7-9)	<ul style="list-style-type: none"> • Argumentative . • Lacks relevance. (Evid. Code §350.) • Lacks foundation (Evid. Code §§400-403) and calls for speculation (Evid. Code § 702) as declarant does not establish personal knowledge of the matter asserted. 	Overruled

12.	<p>"During this time, it became clear to me and other CHINO representatives that the Term Sheet or any agreement derived from the Term Sheet was inimical to CHINO'S rights to the waters of the Chino Basin, which are guaranteed to CHINO under the Judgment including its stored water and its annual allocation of Basin Safe Yield water for its land use conversion claims."(J. Gutierrez Decl. 4:10-14)</p>	<ul style="list-style-type: none"> • Argumentative. • Inadmissible opinion evidence. (Evid. Code §§ 800, 801.) • Inadmissible secondary evidence of the contents of the writings. (Evid. Code §§1521, 1523.) • Lack of foundation (Evid. Code §§ 400-403) and calls for speculation (Evid. Code §702) as declarant does not establish personal knowledge of the matter asserted. • Hearsay (Evid. Code §1200) as it refers to out of court statements offered to prove the truth of the matter asserted. 	Overruled
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1	13.	"The Term Sheet calls for the	• Lack of foundation (Evid. Code §§400-403) and calls	Overruled
2		confiscation of 36,757 acre-feet	for speculation (Evid. Code	
3		of CHINO'S stored water (held	§702) as declarant does not	
4		in its Excess Carry Over	establish personal	
5		(ECO) storage account)." (J.	knowledge of the matter	
6		Gutierrez Decl. 4:14-15)	asserted.	
7			• Argumentative.	
8			• Inadmissible secondary	
9			evidence of the contents of	
10			a writing (Evid. Code	
11			§§1521, 1523.)	
12			• Inadmissible opinion	
13			testimony. (Evid. Code	
14			§§800, 801.)	
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1	14. "The Term Sheet also calls for the	• Lack of foundation (Evid. Code §§400-403) and calls	Overruled
2	transfer of 20,000 acre-feet from	for speculation (Evid. Code	
3	the annual Safe Yield amount (and	§702) as declarant does not	
4	then the annual unproduced	establish personal	
5	Agricultural Pool amount) which	knowledge of the matter	
6	will result in a corresponding	asserted.	
7	reduction in the annual allocation of	• Argumentative.	
8	basin safe yield water to Chino for	• Inadmissible secondary	
9	its land conversion claims." (J.	evidence of the contents of	
10	Gutierrez Decl. 4:15-19)	the writing. (Evid. Code	
11		§§1521, 1523.)	
12		• Inadmissible opinion	
13		evidence. (Evid. Code	
14		§§800, 801.)	
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15.	<p>“Based upon these adverse impacts, Chino representatives and I communicated are objections regarding the Term Sheet.” (J. Gutierrez Decl. 4:19-20)</p>	<ul style="list-style-type: none"> • Lack of foundation (Evid. Code §§400-403) and calls for speculation (Evid. Code §702 as declarant does not establish personal knowledge of the matter asserted. • Argumentative. • Inadmissible secondary evidence of the writing. (Evid. Code §§1521, 1523.) • Inadmissible opinion evidence. (Evid. Code §§800, 801.) 	Overruled
16.	<p>"When the members of the Appropriative Pool were asked to initial the Term Sheet as an indication of non-binding support, CHINO representatives did not initial it." (J. Gutierrez Decl. 4:20-22)</p>	<ul style="list-style-type: none"> • Lacks relevance. (Evid. Code § 50.) 	Overruled

17.	"...Mr. Slater stated that the storage management plan described in the Term Sheet would become the permanent plan." (J. Gutierrez Decl. 5:3-4)	<ul style="list-style-type: none"> • Hearsay (Evid. Code §1200), as it refers to out of court statements offered to prove the truth of the matter asserted. • Inadmissible secondary evidence of the contents of the writing. (Evid. Code §§1521, 1523.) 	Overruled
18.	"I explained in detail that the Term Sheet, if implemented, would take 36,757 acre-feet of CHINO's stored water and would divert 20,000 acre-feet of Safe Yield water (and then from the unproduced Agricultural Pool water), from which CHINO receives Basin Safe Yield water to satisfy land use conversion claims." (J Gutierrez Decl. 5:8-11)	<p>Hearsay (Evid. Code §1200), as these are out of court statements offered to prove the truth of the matter asserted.</p> <p>Inadmissible secondary evidence of the contents of the writing. (Evid. Code §§1521, 1523.)</p> <p>Argumentative.</p> <p>Inadmissible opinion evidence. (Evid. Code §§800, 801.)</p>	Overruled

19.	<p>“It was clear to me that the watermaster board dismissed Chino’s concerns about the adverse impacts of the term sheet on Chino’s stored water and water rights.” (J. Gutierrez Decl. 5:17-19)</p>	<ul style="list-style-type: none"> • Argumentative. • Lack of foundation (Evid. Code §§400-403) as declarant is not establish personal knowledge. • Inadmissible opinion testimony. (Evid. Code §§800, 801.) 	Overruled
20.	<p>“The minutes confirm Watermaster Board’s dismissiveness towards Chino’s concern. [Agenda Item II.C.C Yield Recalculation and Reset Facilitated Process, Facilitator’s Report and Possible Action].” (J. Gutierrez Declaration 5:22-24)</p>	<ul style="list-style-type: none"> • Argumentative. • Inadmissible secondary evidence of contents of the writing. (Evid. Code §§1521, 1523.) 	Overruled

1	21.	"The minutes for this agenda	Lacks relevance. (Evid. Code	Overruled
2		item failed to show my	§§350.)	
3		appearance before the		
4		Watermaster board and any		
5		summary or reference of my		
6		explanation and requests to the		
7		Watermaster Board.)" (J.		
8		Gutierrez Decl. 5:24-26		
9	22.	"However, the Status Report	• Argumentative .	Overruled
10		does not discuss the substance	• Inadmissible secondary	
11		of the Term Sheet, the	evidence of the contents	
12		confiscation of CHINO'S	of the writing. (Evid.	
13		water in storage, the	Code §§ 1521, 1523.)	
14		reallocation of Basin Safe	• Lacks relevance. (Evid.	
15		Yield among the Parties, the	Code § 350.)	
16		adverse impacts of the Term		
17		Sheet on CHINO, and		
18		CHINO'S concerns about		
19		those adverse impacts." (J.		
20		Gutierrez Decl. 6:8-11)		
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1	23.	"Because the Status Report	• Lacks relevance.	Overruled
2		filed by Watermaster Counsel	(Evid. Code §350.)	
3		did not disclose the adverse	• Argumentative.	
4		impacts of the Term Sheet on	• Lack of foundation.	
5		CHINO, CHINO'S requests	(Evid. Code §§400-403.)	
6		to the Watermaster Board and	• Inadmissible opinion	
7		the Watermaster Board's	evidence. (Evid. Code	
8		dismissiveness toward	§§800, 801.)	
9		CHINO, I believed it was	• Inadmissible secondary	
10		important to bring these	evidence of the contents of	
11		matters to the Court's attention	the writing. (Evid. Code	
12		including Watermaster's	§§1521, 1523.)	
13		advocacy in favor of the		
14		Parties and against CHINO."		
15		(J. Gutierrez Decl. 6: 12-16)		

1	24.	“In it, I explained the adverse	• Inadmissible	Overruled
2		impacts of the Term Sheet on	secondary evidence of	
3		Chino stored water and its	the contents of the	
4		future annual water allocations.	writing. (Evid. Code	
5		I also explain how the Term	§§1521, 1523.)	
6		Sheet is contrary to the	• Argumentative	
7		Judgment and to prior Court	• Lacks relevance. (Evid.	
8		orders, which direct	Code §§350.)	
9		Watermaster to proceed in		
10		accordance with the Peace		
11		Agreement and worn		
12		Watermaster against acting as		
13		an advocate for any of the		
14		parties.” (J. Gutierrez Decl.		

1	25. "One important set of factual	• Argumentative .	Overruled
2	issues relates to the "storage	• Inadmissible secondary	
3	reserve" required by the Term	evidence of the contents	
4	Sheet. Essentially, the Term	of the writing . (Evid.	
5	Sheet requires a limit on the	Code §§1521, 1523.)	
6	Parties' use or sale of 130,000	• Inadmissible opinion	
7	acre-feet of water from their	evidence. (Evid. Code §§	
8	storage accounts. Therefore,	800, 801.)	
9	the foundational factual issues	• Lack of foundation. (Evid.	
10	appear to be:	Code §§ 400-403)	
11	a) the need to curtail the use or		
12	sale of water held in storage		
13	accounts;		
14	b)the need to curtail the use or		
15	sale of the quantity of		
16	130,000 acre-feet of water;		
17	c) the need to curtail the use or		
18	sale of water in Excess Carry		
19	Over ("ECO") storage		
20	accounts but not water and		
21	supplemental storage		
22	accounts.		
23	d)the need to create the 130,000		
24	acre-feet "storage reserve"		
25	based upon the ration of a		
26	party's ECO water in storage		
27	to all ECO water in storage on		
28	July 1, 2015." (J. Gutierrez		
	Decl. 6:18-22)		

1	26.	"Another important set of	• Argumentative.	Overruled
2		factual issues relates to the	• Inadmissible secondary	
3		diversion of water from the	evidence of the contents of	
4		Safe Yield and then from the	the writing. (Evid. Code	
5		quantity of unproduced	§§1521, 1523.)	
6		agricultural water required by	• Inadmissible opinion	
7		the Term Sheet. Essentially, the	evidence. (Evid. Code	
8		Term Sheet requires a diversion	§§800, 801.)	
9		of 20,000 acre-feet of water	• Lack of foundation (Evid.	
10		from the Safe Yield for desalter	Code §§400-403.)	
11		replenishment. Therefore, the		
12		foundational factual issues		
13		appear to be		
14		a) the need to reduce the		
15		Parties' obligation to		
16		replenish desalter		
17		production;		
18		b) the need to divert water from		
19		the annual Safe Yield amount		
20		and then from the annual		
21		unproduced Agricultural Pool		
22		water amount in order to		
23		reduce the Desalter		
24		replenishment obligation		
25		rather than satisfy land use		
26		conversion claims of the		
27		appropriators – mainly Chino		
28		and Jurupa;		
		c) the need to change the Court		

1	27.	“Another important set of	• Argumentative.	Overruled
2		factual issues relates to	• Inadmissible secondary	
3		reducing the Safe Yield of the	evidence of the contents of	
4		Chino Basin from 140,100	the writing. (Evid. Code	
5		35,000 acre-feet required by	§§1521, 1523.)	
6		the Term Sheet. Therefore,	• Inadmissible opinion	
7		the foundational factual issues	evidence. (Evid. Code §§800,	
8		appear to be:	801.)	
9		a) the need to deviate from	• Lack of foundation. (Evid.	
10		the Judgments criteria for	Code §§400-403.)	
11		determining the safe		
12		yield;		
13		b) the need to consider long-		
14		term past hydrology for		
15		determining the State		
16		Yield;		
17		c) the need to exclude the		
18		millions of acre-feet of		
19		groundwater the basin		
20		from the State Yield;		
21		d) the need to limit cultural		
22		conditions to physical		
23		conditions influencing		
24		recharge. (J. Gutierrez		
25		Decl. 7:10-20		
26				
27				
28				

28.	"Again, the minutes confirm the Watermaster Board's dismissiveness toward CHINO'S concerns. [Agenda Item II.A., Chino Basin Safe Yield Redetermination and Reset]." (J. Gutierrez Decl. 9:24-26)	<ul style="list-style-type: none"> • Argumentative. • Inadmissible secondary evidence of the contents of the writing. (Evid. Code §§1521, 1523.) • Inadmissible opinion evidence. (Evid. Code §§ 	Overruled
29.	"The minutes for this agenda item fail to refer to <u>Mayor Yates'</u> letter. They fail to show my appearance before the Watermaster Board and any summary or reference of my request to acknowledge the adverse impacts of the SYRA on Chino and my questions to the Watermaster Board." (J. Gutierrez Decl. 9:26-10:3)	<ul style="list-style-type: none"> • Argumentative. • Inadmissible secondary evidence of the contents of the writing. (Evid. Code §§1521, 1523.) • Lacks relevance. (Evid. Code § 350.) 	Overruled

30.	"I do not know whether the Motion and declarations with their attachments were presented to the other Parties or their attorneys before it was filed, but none of it was presented to me or other CHINO representatives. I received the Watermaster Motion for the first time only after it was filed," (J. Gutierrez Decl. 10:8-10)	<ul style="list-style-type: none"> Lacks relevance. (Evid. Code § 350.) 	Overruled
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1	31.	“The Watermaster Motion includes	• Argumentative.	Overruled
2		a Declaration of Mark Wildermuth	• Lack of foundation.	
3		in which he expresses her opinions	(Evid. Code §§400-403.)	
4		about the Safe Yield of the Chino	• Inadmissible secondary	
5		Basin. However, he fails to	evidence of the contents	
6		provide support about the	of the declaration. (Evid.	
7		following factual issues:	Code §§1521, 1523.)	
8		a) whether the 2013 Model	• Inadmissible opinion	
9		simulates about the Chino	evidence. (Evid. Code	
10		Basin in the context of	§§800, 801.)	
11		proposed Safe Yield;		
12		b) the information the 2013		
13		Model produced;		
14		c) the assumptions used by the		
15		2013 model;		
16		d) the information from the		
17		2013 model used to		
18		determine the Safe Yield;		
19		other related matters.” (J.		
20		Gutierrez Decl. 9:26-10:3)		

32.	"Presumably, however, Watermaster and other proponents of the SYRA will seek to introduce his testimony." (J. Gutierrez Decl. 10:21-22)	<ul style="list-style-type: none"> • Argumentative. • Lack of Foundation (Evid. Code §§ 400-403) and calls for speculation (Evid. Code § 702) as declarant does not establish personal knowledge. 	Overruled
33.	"Unless his opinions on these issues will be excluded from the Watermaster Motion, I will be at a disadvantage in the trial of the factual issues related to the Watermaster Motion and underlying SYRA unless I am provided the opportunity to take the deposition of Mr. Wildermuth in order to determine the basis of his opinions on these issues." (J. Gutierrez Decl. 10:22-25)	<ul style="list-style-type: none"> • Argumentative. • Lacks relevance. (Evid. Code §350.) • Lack of foundation as declarant does not establish personal knowledge of the matters stated. (Evid. Code §§400-403.) • Inadmissible opinion evidence. (Evid. Code §§ 800, 801.) 	Overruled

34.	"The Final Report appears to be a revision of the Draft Report bearing the same title but dated January 2014." (J. Gutierrez Decl. 11:2-3)	<ul style="list-style-type: none"> • Lack of Foundation (Evid. Code §§ 400-403) and calls for speculation (Evid. Code § 702) as declarant does not establish personal knowledge of the matters stated. • Argumentative. 	Overruled
35.	"This link is the first time I learned of the existence of the Final Report. I have read the Draft Report. I have only skimmed the Final Report and I am unable to determine revisions have been made to the Draft Report, especially because the Final Report does not denote the revisions." (J. Gutierrez Decl. 11:4-7)	<ul style="list-style-type: none"> • Lacks relevance. (Evid. Code §350.) 	Overruled

36.	"Since the Final Report provides information about the condition of the Chino Basin and factual issues related to the Safe Yield reset and the SYRA, I need to depose Mr. Wildermuth about the differences between the two Reports, the basis of those differences and, most importantly, about the relationship of the information in the Final Report to the Basin Safe Yield and to the Storage Management Plan." (J. Gutierrez Decl. 11:7-11)	<ul style="list-style-type: none"> • Argumentative. • Lacks relevance. (Evid. Code §350.) 	Overruled
37.	"I also realized that I would need to conduct discovery in order to present the factual basis on the above described factual issues about the impact of the SYRA, on CHINO'S water rights, which are not contained in the Watermaster Motion." (J. Gutierrez Decl. 11:14-16)	<ul style="list-style-type: none"> • Argumentative • Inadmissible secondary evidence of the contents of the Declaration. (Evid. Code §§1521, 1523.) 	Overruled

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1 Dated: October 17, 2016

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4 Stanford E. Reichert, Judge
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Exhibit C

CCT 17 2016

BY Tiffany Kretzmeier
TIFFANY KRETZMEIER, DEPUTY

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

vs.

CITY OF CHINO, et al.,

Defendants

CASE NO. RCV 51010

ORDER Re Chino's Objections to
Declaration of Egoscue in Support of Ag
Pool's Opposition to Chino's Motion to
Conduct Discovery

Date: September 23, 2016

Time: 1:30 PM

Department: S35

With respect to the objections of the City of Chino to the declaration of Tracy
Egoscue in support of Ag Pool's opposition to the city of Chino's motion to permit
Chino to conduct discovery, the court's rulings are in the following format:

Statement:

Objection:

Ruling: Overruled.

1. "Ag Pool has been a participant in the facilitated mediation regarding the
Safe Yield reset, where all but one of the participants of the facilitated
negotiations approved a non-binding agreement to serve as key principles for
Safe Yield reset negotiations." (Para. 2, lines 6-8.)

1 Objection: Lacks foundation. (Evid. C. §702.)

2 Irrelevant and immaterial. (Evid. C. §350.)

3 Ruling: Overruled

4
5 2. "Ag Pool has been a participant in multiple workshops and negotiation
6 meetings with Watermaster and other Parties to the Judgment regarding the Safe
7 Yield reset and related issues." (Para. 3, lines 9-10.)

8 Objection: Lacks foundation. (Evid. C. §702.)

9 Irrelevant and immaterial. (Evid. C. §350.)

10 Ruling: Overruled.

11
12 3. "I, as counsel to the Ag Pool, have been served with all reports and status
13 updates generated during the mediation process as they were submitted to the
14 Court." (Para. 4, lines 11-12.

15 Objection: Lacks foundation. (Evid. C. §702.) Irrelevant and immaterial. (Evid.
16 C. §350.)

17 Ruling: Overruled.

18
19 4. "On September 23, 2015, I caused the Ag Pool's responses to the RFAs and
20 FIs to be served on the parties to the judgment through Watermaster, true and
21 correct copies of which are attached hereto as exhibits 3 and 4. Ag Pool objected
22 to the RFAs and FIs on various grounds, including the following: The RFAs and
23 FIs were not in compliance with applicable California statutes because any
24 discovery cutoff date for the action had long since passed (Code of Civ. Proc.
25 §§2024.050 and 2024.030); there is no automatic right to conduct discovery under
26 the Civil Discovery Act in connection with a post judgment motion; leave of the
27 court to conduct discovery had not been obtained; and the discovery requests
28 were based on bad faith and harassment as Chino failed to even attempt to secure

an order to open discovery." (Para. 6, lines 18-26.)

Objection: Lacks foundation. (Evid. C. §702.)

Irrelevant and immaterial. (Evid. C. §350.)

hearsay. (Evid. C. §1200.)

Oral testimony inadmissible to prove the contents of a writing. (Evid. C. §1523)

Ruling: Overruled.

Dated: October 17, 2016



Stanford E. Reichert, Judge

Exhibit D

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 17 2016

BY Tiffany Kretzmeier
TAFANY KRETZMEIER, DEPUTY

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

vs.

CITY OF CHINO, et al.,

Defendants

CASE NO. RCV 51010

ORDER Re Chino's Objections to
Declaration of Herrema in Support of
Watermaster's Opposition to Chino's
Motion to Conduct Discovery

Date: September 23, 2016
Time: 1:30 PM
Department: S35

With respect to all of the objections of the City of Chino to the declaration of
Bradley Herrema in support of Watermaster's opposition to the City of Chino's
motion to permit Chino to conduct discovery, the court's rulings are in the
following format:

Declaration citation
Objection and Watermaster response
Ruling

1. "The City of Chino, as a member of the Appropriative Pool, was a signatory to the Facilitation and Non-Disclosure Agreement (FANDA)

1 executed by the participants in facilitated negotiations to reset the Safe Yield
2 among the Judgment Parties." (Para. 2, page 1, line 28 through page 2, line 2.)

3 Objection and Watermaster response:

4 Lacks foundation. (Evid. C. §702.)

5 Irrelevant and immaterial. (Evid. C. §350)

6 **WATERMASTER'S RESPONSE:**

7 The declarant states in paragraph number 1 of his declaration that he is counsel
8 of record for the Chino Basin Watermaster and has personal knowledge of the
9 facts stated in the declaration. Evidence Code Section 210 defines relevant
10 evidence as evidence, including evidence relevant to the credibility of a witness
11 or hearsay declarant, having any tendency in reason to prove or disprove any
12 disputed fact that is of consequence to the determination of the action. This
13 statement provides background information for the Court's benefit. Evidence
14 Code Section 403(a)(2) sets forth that foundation is sufficient where the
15 "preliminary fact is within the personal knowledge of a witness concerning the
16 subject matter of his testimony." As the declarant is counsel for the
17 Watermaster and declares that he has knowledge of the fact from his own
18 personal knowledge, he has the appropriate foundation for this statement.

19 Ruling: Overruled.

20
21 2. "City of Chino representatives were present and participated in facilitated
22 negotiations until the other active Parties in the process agreed on the non-
23 binding Key Principles pursuant to which final negotiations took place."
24 (Para. 2, lines 2-4.)

25 Objection: Lacks foundation. (Evid. C. §702)

26 Irrelevant and immaterial. (Evid. C. §350)

27 **WATERMASTER'S RESPONSE:**

28 The declarant states in paragraph number 1 of his declaration that he is

1 counsel of record for the Chino Basin Watermaster and has personal
2 knowledge of the facts stated in the declaration. Evidence Code Section 210
3 defines relevant evidence as evidence, including evidence relevant to the
4 credibility of a witness or hearsay declarant, having any tendency in reason
5 to prove or disprove any disputed fact that is of consequence to the
6 determination of the action. This statement provides background
7 information for the Court's benefit. Evidence Code Section 403(a)(2) sets
8 forth that foundation is sufficient where the "preliminary fact is within the
9 personal knowledge of a witness concerning the subject matter of his
10 testimony." As the declarant is counsel for the Watermaster and declares
11 that he has knowledge of the fact from his own personal knowledge, he has
12 the appropriate foundation for this statement.

13 Ruling: Overruled.
14

15 3. "During the FANDA negotiation process, the City of Chino requested,
16 and was provided, the opportunity to have its technical expert meet with
17 Watermaster consultant Mark Wildermuth." (Para. 3, lines 5-7.)

18 Objection and Watermaster response:

19 Lacks foundation. (Evid. C. §702)

20 Irrelevant and immaterial. (Evid. C. §350)

21 **WATERMASTER'S RESPONSE:**

22 The declarant states in paragraph number 1 of his declaration that he is
23 counsel of record for the Chino Basin Watermaster and has personal
24 knowledge of the facts stated in the declaration. Evidence Code Section
25 210 defines relevant evidence as evidence, including evidence relevant to the
26 credibility of a witness or hearsay declarant, having any tendency in reason
27 to prove or disprove any disputed fact that is of consequence to the
28 determination of the action. This statement provides background

1 information for the Court's benefit. Evidence Code Section 403(a)(2) sets
2 forth that foundation is sufficient where the "preliminary fact is within the
3 personal knowledge of a witness concerning the subject matter of his
4 testimony." As the declarant is counsel for the Watermaster and declares
5 that he has knowledge of the fact from his own personal knowledge, he has
6 the appropriate foundation for this statement.

7 Ruling: Overruled.

8
9 4. "During the months of June, July, and August, 2015, Watermaster legal
10 counsel assisted the Parties in drafting what became the 2015 SYRA." (Para.
11 4, lines 8-9.)

12 Objection and Watermaster response:

13 Lacks foundation. (Evid. C. §702)

14 Irrelevant and immaterial. (Evid. C. §350)

15 **WATERMASTER'S RESPONSE:**

16 The declarant states in paragraph number 1 of his declaration that he is counsel
17 of record for the Chino Basin Watermaster and has personal knowledge of the
18 facts stated in the declaration. Evidence Code Section 210 defines relevant
19 evidence as evidence, including evidence relevant to the credibility of a witness
20 or hearsay declarant, having any tendency in reason to prove or disprove any
21 disputed fact that is of consequence to the determination of the action. This
22 statement provides background information for the Court's benefit. Evidence
23 Code Section 403(a)(2) sets forth that foundation is sufficient where the
24 "preliminary fact is within the personal knowledge of a witness concerning the
25 subject matter of his testimony." As the declarant is counsel for the
26 Watermaster and declares that he has knowledge of the fact from his own
27 personal knowledge, he has the appropriate foundation for this statement.

28 Ruling: Overruled.

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5 Dated: October 17, 2016

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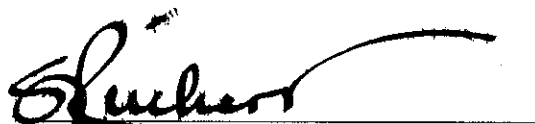

Stanford V. Reichert, Judge

Exhibit E

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

CCT 17 2016

BY *Tiffany Kretzmeier*
TIFFANY KRETZMEIER, DEPUTY

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

vs.

CITY OF CHINO, et al.,

Defendants

CASE NO. RCV 51010

ORDER Re Chino's Objections to
Declaration of Kavounas in Support of
Watermaster's Opposition to Chino's
Motion to Conduct Discovery

Date: September 23, 2016
Time: 1:30 PM
Department: S35

With respect to all of the objections of the City of Chino to the declaration of Peter Kavounas support of Watermaster's opposition to the City of Chino's motion to conduct discovery, the court's rulings are in the following format:

Declaration statement citation
Objection and Watermaster response
Ruling

1. As the General Manager of Watermaster, I am intimately familiar with actions taken by the Pool Committees, Advisory Committee, and

1 the Watermaster Board, and the directives to staff from the Board. My
2 role as General Manager includes attending all Pool Committee,
3 Advisory Committee, and Watermaster Board meetings." (Para. 2, lines
4 28-3.).
5

6 Irrelevant and immaterial. (Evid. C. §350)
7

8 **WATERMASTER'S RESPONSE:**

9 Evidence Code Section 210 defines relevant evidence as evidence, including
10 evidence relevant to the credibility of a witness or hearsay declarant, having
11 any tendency reason to prove or disprove any disputed fact that is of
12 consequence to the determination of the action. This statement provides a
13 basis for the declarant's knowledge.

14 Ruling: Overruled.

15
16 2. "All of the information pertinent to the Safe Yield Reset Motion and the
17 City's expressed concerns has been continuously maintained by Watermaster
18 and routinely made available to all Parties, consistent with the Judgment and
19 pursuant to Watermaster's regular procedures." (Para. 3, lines 4-7.)

20 Objection and Watermaster response:

21 Lacks foundation. (Evid. C. §702)

22 Irrelevant and immaterial. (Evid. C. §350)

23 **WATERMASTER'S RESPONSE:**

24 Evidence Code Section 210 defines relevant evidence as evidence, including
25 evidence relevant to the credibility of a witness or hearsay declarant,
26 having any tendency in reason to prove or disprove any disputed fact
27 that is of consequence to the determination of the action. Evidence
28

1 Code Section 403(a)(2) sets forth that foundation is sufficient where the
2 "preliminary fact is within the personal knowledge of a witness
3 concerning the subject matter of his testimony." As the declarant is the
4 General Manager for the Watermaster and declares that he has knowledge
5 of the actions taken, he has the appropriate foundation for this statement.
6

7 Ruling: Overruled.
8

9 3. "Consistent with the requirements of Watermaster Resolution No. 01-03
10 (attached hereto as Attachment "1"), Watermaster documents and records are
11 available by request to any party to the Judgment, and Watermaster's website
12 has an information request form by which any party may obtain information
13 on Watermaster processes and decisions. The City did not file a request for
14 information related to the Safe Yield reset process, the Safe Yield Reset
15 Motion and the City's expressed concerns prior to Watermaster's filing of the
16 Safe Yield Motion." (Para. 4, lines 8-13.)
17
18

19 Lacks foundation. (Evid. C. §702)

20 Irrelevant and immaterial. (Evid. C. §350)
21

22 **WATERMASTER'S RESPONSE:**

23 Evidence Code Section 210 defines relevant evidence as evidence, including
24 evidence relevant to the credibility of a witness or hearsay declarant, having
25 any tendency in reason to prove or disprove any disputed fact that is of
26 consequence to the determination of the action. Evidence Code Section
27 403(a)(2) sets forth that foundation is sufficient where the "preliminary fact is
28 within the personal knowledge of a witness concerning the subject matter of

1 his testimony." As the declarant is the General Manager for the Watermaster
2 and declares that he has knowledge of the actions taken, he has the
3 appropriate foundation for this statement.

4 Ruling: Overruled.

5
6 4. "The Watermaster process leading up to the Board's determination on
7 its recommendation to the Court as to the reset of Safe Yield and
8 Watermaster's Safe Yield Reset Motion was open to and included active
9 participation by the City. A substantial number of meetings have taken
10 place throughout the five-year Safe Yield Reset process, all of which
11 were open to the City, and the vast majority of which, it participated in."
12 (Para. 5, lines 14-18.)

13 Objection and Watermaster response:

14 Irrelevant and immaterial. (Evid. C. §350)

15 Lacks foundation. (Evid. C. §702)

16 **WATERMASTER'S RESPONSE:**

17 Evidence Code Section 210 defines relevant evidence as evidence, including
18 evidence relevant to the credibility of a witness or hearsay declarant, having
19 any tendency in reason to prove or disprove any disputed fact that is of
20 consequence to the determination the action. Evidence Code Section
21 403(a)(2) sets forth that foundation is sufficient where the "preliminary fact is
22 within the personal knowledge of a witness concerning the subject matter of
23 his testimony." As the declarant is the General Manager for the Watermaster
24 and declares that he has knowledge of the actions taken, he has the
25 appropriate foundation for this statement.

26 Ruling: Overruled.

27
28 5. "There is no evidence of any kind that has been presented to Watermaster that

1 suggests that the Updated Basin Model developed by Mr. Wildermuth under the
2 direction of Watermaster is insufficient to perform the evaluation described in the
3 Reset Technical Memorandum." (Para.7, lines 17-22.)

4 Objection and Watermaster response:

5 Irrelevant and immaterial. (Evid. C. §350)

6 Lacks foundation. (Evid. C. §702)

7 Improper lay opinion; opinion based on improper matter. (Evid. C. §§800, 803)

8 Oral testimony inadmissible to prove the contents of a writing. (Evid. C.
9 §1523)

10 **WATERMASTER'S RESPONSE:**

11 Evidence Code Section 210 defines relevant evidence as evidence, including
12 evidence relevant to the credibility of a witness or hearsay declarant, having
13 any tendency in reason to prove or disprove any disputed fact that is of
14 consequence to the determination of the action. Evidence Code Section
15 403(a)(2) sets forth that foundation is sufficient where the "preliminary fact
16 is within the personal knowledge of a witness concerning the subject matter
17 of his testimony." As the declarant is the General Manager for the
18 Watermaster and declares that he has knowledge of the actions taken, he
19 has the appropriate foundation for this statement. This statement does not
20 contain an opinion. Finally, there is no testimony in this statement being
21 offered to prove the content of the writing.

22 Ruling: Overruled.

23
24 6. "The City, along with other stakeholders, had the opportunity to
25 participate in multiple Basin Model workshops and model review sessions
26 with Watermaster consultants and other experts, and participated on
27 multiple occasions. (Para. 6, lines 19-21.)

28 Objection and Watermaster response:

1 Irrelevant and immaterial. (Evid. C. §350)

2 Lacks foundation. (Evid. C. §702)

3 **WATERMASTER'S RESPONSE:**

4 Evidence Code Section 210 defines relevant evidence as evidence, including
5 evidence relevant to the credibility of a witness or hearsay declarant, having
6 any tendency in reason to prove or disprove any disputed fact that is of
7 consequence to the determination of the action. Evidence Code Section
8 403(a)(2) sets forth that foundation is sufficient where the "preliminary fact is
9 within the personal knowledge of a witness concerning the subject matter of
10 his testimony." As the declarant is the General Manager for the
11 Watermaster and declares that he has knowledge of the actions taken, he has
12 the appropriate foundation for this statement.

13 Ruling: Overruled.

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16 Dated: October 17, 2016

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19 Stanford E. Reichert, Judge
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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 October 19, 2016, I served the following:

1. NOTICE OF ORDERS

/ 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 October 19, 2016 in Rancho Cucamonga, California.



By: Janine Wilson
Chino Basin Watermaster

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FONTANA, CA 92335

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THREE VALLEYS MWD
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ROBERT BOWCOCK
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IEUA
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