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

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN BERNARDINO

12 CHINO BASIN MUNICIPAL WATER
DISTRICT,

13 Plaintiff,

14 v.

15 CITY OF CHINO, et al.,

16 Defendants.

CASE NO. RCVRS 51010

ASSIGNED FOR ALL PURPOSES TO
HONORABLE STANFORD E. REICHERT

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF CITY OF ONTARIO'S
COMBINED REPLY

RE: APPLICATION FOR AN ORDER TO
EXTEND TIME UNDER JUDGMENT,
PARAGRAPH 31(c) TO CHALLENGE
WATERMASTER ACTION/DECISION
ON NOVEMBER 18, 2021 TO APPROVE
THE FY 2021/2022 ASSESSMENT
PACKAGE. IF SUCH REQUEST IS
DENIED, THIS FILING IS THE
CHALLENGE

Hearing:

Date: June 17, 2022

Time: 1:30 p.m.

Dept.: S35

1 Pursuant to California Evidence Code sections 452 and 453, City of Ontario (“Ontario”)
2 respectfully submits this Request for Judicial Notice in Support of its Combined Reply Brief, filed
3 concurrently herewith.

4 This Court may take judicial notice of the pleadings, court minutes, and court transcripts,
5 as they are records of the Court. Cal. Evid. Code § 452(d) (allowing courts to judicially notice
6 “[r]ecords of any court of this state”); *see also In re Clark*, 5 Cal. 4th 750, 798 fn. 35 (1993) (taking
7 judicial notice of court’s own records); *see also Shine v. Williams-Sonoma, Inc.*, 23 Cal. App. 5th
8 1070, 1076-77 (2018) (the trial court properly exercising discretion to take judicial notice of prior
9 case’s pleading, settlement agreement, and stipulated judgment of dismissal for purposes of
10 collateral estoppel).

11 Further, Evidence Code section 452 allows a court to take judicial notice of certain matters
12 of law and fact, including the official acts of a public agencies and the state. (Evid. Code, § 452(c)
13 *Estate of Will*, 170 Cal. App. 4th 902, 908 (2009); *Rodas v. Spiegel*, 87 Cal. App. 4th 513, 518
14 (2001) (noting that “official act” includes records, reports, and orders of governmental agencies).)
15 Evidence Code section 452(h) allows a court to take judicial notice of facts and propositions that
16 are not reasonably subject to dispute and are capable of immediate determination by resort to
17 sources of reasonably indisputable accuracy.

18 Evidence Code section 453 requires a court to take judicial notice of any matter specified
19 in Evidence Code section 452 if a party requests it, and if it gives the adverse party sufficient notice
20 of the request and furnishes the court with sufficient information to enable it to take judicial notice
21 of the matter. Accordingly, the Ontario respectfully requests that this Court take judicial notice of
22 the documents listed below, pursuant to Evidence Code section 452(h) as follows:

- 23 1. Attached to the Appendix of Evidence as Exhibit 1 is a true and correct copy of the
24 2012 Chino Basin Watermaster Restated Judgment, No. 51010.
- 25 2. Attached to the Appendix of Evidence as Exhibit 2 is a true and correct copy of the
26 Chino Basin Watermaster Rules and Regulations, updated 2019.
- 27 3. Attached to the Appendix of Evidence as Exhibit 3 is a true and correct copy of the
28 Report and Recommendation of Special Referee to Court Regarding: (1) Motion for Order That

1 Audit Commissioned By Watermaster is Not a Watermaster Expense, and (2) Motion to Appoint a
2 Nine-Member Watermaster Panel, dated December 12, 1997.

3 4. Attached to the Appendix of Evidence as Exhibit 4 is a true and correct copy of the
4 Court's Ruling and Order, entered June 18, 2010.

5 5. Attached to the Appendix of Evidence as Exhibit 5 is a true and correct copy of the
6 Opinion of Fourth Appellate District Court of Appeal in Case No. E051653, dated April 10, 2012.

7 6. Attached to the Appendix of Evidence as Exhibit 6 is a true and correct copy of the
8 Order Post Appeal, entered June 29, 2012.

9 7. Attached to the Appendix of Evidence as Exhibit 7 is a true and correct copy of the
10 Watermaster's Reply to Oppositions to Motion Regarding 2015 Safe Yield Reset Agreement,
11 Amendment of Restated Judgment, Paragraph 6, filed February 1, 2016.

12 8. Attached to the Appendix of Evidence as Exhibit 8 is a true and correct copy of the
13 Watermaster's Further Response to Order for Additional Briefing, filed April 11, 2016.

14 9. Attached to the Appendix of Evidence as Exhibit 9 is a true and correct copy of the
15 Orders for Watermaster's Motion Regarding 2015 Safe Yield Reset Agreement, Amendment of
16 Restatement Judgment, Paragraph 6, entered on April 28, 2017.

17 10. Attached to the Appendix of Evidence as Exhibit 10 is a true and correct copy of the
18 Order on the Motion to Approve Amendments to Appropriative Pool Pooling Plan, entered March
19 15, 2019.

20 11. Attached to the Appendix of Evidence as Exhibit 11 is a true and correct copy of the
21 Groundwater Storage Program Funding Agreement, Agreement No. 49960, dated March 1, 2003.

22 12. Attached to the Appendix of Evidence as Exhibit 12 is a true and correct copy of the
23 Order Concerning Groundwater Storage Program Funding Agreement – Agreement No. 49960,
24 entered June 5, 2003.

25 13. Attached to the Appendix of Evidence as Exhibit 13 is a true and correct copy of the
26 Local Agency Agreement by and between Inland Empire Utilities Agency ("IEUA") and
27 Cucamonga County Water District, dated March 11, 2003

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1 14. Attached to the Appendix of Evidence as Exhibit 14 is a true and correct copy of the
2 Local Agency Agreement by and between IEUA and the City of Ontario, dated April 15, 2003.

3 15. Attached to the Appendix of Evidence as Exhibit 15 is a true and correct copy of the
4 Local Agency Agreement by and between IEUA and the City of Ontario and Jurupa Community
5 Services District, dated January 12, 2004.

6 16. Attached to the Appendix of Evidence as Exhibit 16 is a true and correct copy of
7 Chino Basin Watermaster Staff Report re MWD/IEUA/TVMWD Groundwater Storage Account,
8 dated March 11, 2004.

9 17. Attached to the Appendix of Evidence as Exhibit 17 is a true and correct copy of
10 Watermaster's Motion for Approval of Storage and Recovery Program Agreement (with Exhibit A
11 only), filed May 12, 2004.

12 18. Attached to the Appendix of Evidence as Exhibit 18 is a true and correct copy of the
13 Order Approving Storage and Recovery Program Storage Agreement re Implementation of Dry
14 Year Yield Storage Project, entered June 24, 2004.

15 19. Attached to the Appendix of Evidence as Exhibit 19 is a true and correct copy of
16 Amendment No. 8 to Groundwater Storage Program Funding Agreement No. 49960, dated January
17 23, 2015.

18 20. Attached to the Appendix of Evidence as Exhibit 20 is a true and correct copy of the
19 Agenda for the Chino Basin Watermaster Appropriative Pool Meeting held October 9, 2014.

20 21. Attached to the Appendix of Evidence as Exhibit 21 is a true and correct copy of the
21 Chino Basin Watermaster Staff Report regarding Amendment No. 8 to MWD Dry Year Yield
22 Agreement, dated October 9, 2014.

23 22. Attached to the Appendix of Evidence as Exhibit 22 is a true and correct copy of the
24 Agenda for the Chino Basin Watermaster Advisory Committee Meeting held on October 16, 2014.

25 23. Attached to the Appendix of Evidence as Exhibit 23 is a true and correct copy of the
26 Chino Basin Watermaster Staff Report regarding Amendment No. 8 to MWD Dry Year Yield
27 Agreement, dated October 16, 2014.

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1 24. Attached to the Appendix of Evidence as Exhibit 24 is a true and correct copy of the
2 Agenda for the Chino Basin Watermaster Board Meeting held October 23, 2014.

3 25. Attached to the Appendix of Evidence as Exhibit 25 is a true and correct copy of the
4 Chino Basin Watermaster Staff Report regarding Amendment No. 8 to MWD Dry Year Yield
5 Agreement, dated October 23, 2014.

6 26. Attached to the Appendix of Evidence as Exhibit 26 is a true and correct copy of the
7 City of Chino *Ex Parte* Application for an Order to Extend Time Under Judgment, Paragraph 31(c)
8 to Challenge Watermaster Action/Decision on August 25, 2020 to Issue Invoices to Pay Ag Pool
9 Legal Expenses to Appropriators Including the City of Chino, filed on or about October 15, 2020.

10 27. Attached to the Appendix of Evidence as Exhibit 27 is a true and correct copy of the
11 Chino Basin Watermaster *Ex Parte* Application to Continue October 23, 2020 Hearing on Motion
12 of Appropriative Pool Member Agencies Re: Agricultural Pool Legal Expenses filed on or about
13 October 20, 2020.

14 28. Attached to the Appendix of Evidence as Exhibit 28 is a true and correct copy of the
15 Order granting the Chino Basin Watermaster *Ex Parte* Application to Continue October 23, 2020
16 Hearing on Motion of Appropriative Pool Member Agencies Re: Agricultural Pool Legal Expenses,
17 entered October 28, 2020.

18 29. Attached to the Appendix of Evidence as Exhibit 29 is a true and correct copy of
19 Chino Basin Watermaster Reply to Appropriative Pool Member Agencies' Opposition to Chino
20 Basin Watermaster *Ex Parte* Application to Continue Hearing on Motion Re Agricultural Pool
21 Legal Expenses, filed October 21, 2020.

22 30. Attached to the Appendix of Evidence as Exhibit 30 is a true and correct copy of the
23 Peace Agreement Chino Basin, dated June 29, 2000.

24 31. Attached to the Appendix of Evidence as Exhibit 31 is a true and correct copy of the
25 First Amendment to Peace Agreement, dated September 2, 2004.

26 32. Attached to the Appendix of Evidence as Exhibit 32 is a true and correct copy of the
27 Second Amendment to Peace Agreement, dated October 25, 2007.

28 33. Attached to the Appendix of Evidence as Exhibit 33 is a true and correct copy of the

1 Peace II Agreement: Party Support For Watermaster’s OBMP Implementation Plan – Settlement
2 and Release of Claims Regarding Future Desalters, dated October 25, 2007.

3 34. Attached to the Appendix of Evidence as Exhibit 34 is a true and correct copy of
4 the Agenda for the Watermaster’s Appropriative Pool Meeting held September 13, 2018.

5 35. Attached to the Appendix of Evidence as Exhibit 35 is a true and correct copy of
6 the Agenda for the Watermaster’s Advisory Committee Meeting held September 20, 2018.

7 36. Attached to the Appendix of Evidence as Exhibit 36 is a true and correct copy of
8 the Agenda for the Watermaster’s Board Meeting held September 27, 2018.

9 37. Attached to the Appendix of Evidence as Exhibit 37 is a true and correct copy of
10 the Minutes of the Watermaster’s Appropriative Pool Meeting held September 13, 2018.

11 38. Attached to the Appendix of Evidence as Exhibit 38 is a true and correct copy of
12 the Minutes of the Watermaster’s Advisory Committee Meeting held September 20, 2018.

13 39. Attached to the Appendix of Evidence as Exhibit 39 is a true and correct copy of
14 the Minutes of the Watermaster’s Board Meeting held September 27, 2018.

15 40. Attached to the Appendix of Evidence as Exhibit 40 is a true and correct copy of
16 the Minutes of the Watermaster Appropriative Pool – Special Meeting, held November 27, 2018.

17 41. Attached to the Appendix of Evidence as Exhibit 41 is a true and correct copy of
18 the Letter Agreement entitled “Chino Basin Groundwater Storage Actions and Voluntary Purchase
19 Methodology” by and between IEUA, TVMWD, and Watermaster, dated February 5, 2019.

20 42. Attached to the Appendix of Evidence as Exhibit 42 is a true and correct copy of
21 the Chino Basin Watermaster Staff Report regarding Dry Year Yield Program – Information Only,
22 dated January 27, 2022.

23 43. Attached to the Appendix of Evidence as Exhibit 43 is a true and correct copy of a
24 presentation given by the Watermaster staff regarding the Dry Year Yield Program at the January
25 27, 2022 Board meeting.

26 44. Attached to the Appendix of Evidence as Exhibit 44 is a true and correct copy of
27 the Chino Basin Watermaster 2003/2004 Assessment Package (Production Year 2002/2003),
28 approved November 27, 2003.

1 45. Attached to the Appendix of Evidence as Exhibit 45 is a true and correct copy of
2 the Chino Basin Watermaster 2004/2005 Assessment Package (Production Year 2003/2004),
3 approved November 18, 2004.

4 46. Attached to the Appendix of Evidence as Exhibit 46 is a true and correct copy of the
5 Chino Basin Watermaster 2005/2006 Assessment Package (Production Year 2004/2005), approved
6 November 8, 2005.

7 47. Attached to the Appendix of Evidence as Exhibit 47 is a true and correct copy of the
8 Chino Basin Watermaster 2006/2007 Assessment Package (Production Year 2005/2006), approved
9 February 22, 2007.

10 48. Attached to the Appendix of Evidence as Exhibit 48 is a true and correct copy of the
11 Chino Basin Watermaster 2007/2008 Assessment Package (Production Year 2006/2007), approved
12 December 20, 2007.

13 49. Attached to the Appendix of Evidence as Exhibit 49 is a true and correct copy of the
14 Chino Basin Watermaster 2008/2009 Assessment Package (Production Year 2007/2008), approved
15 November 20, 2008.

16 50. Attached to the Appendix of Evidence as Exhibit 50 is a true and correct copy of the
17 Chino Basin Watermaster 2009/2010 Assessment Package (Production Year 2008/2009), approved
18 October 22, 2009.

19 51. Attached to the Appendix of Evidence as Exhibit 51 is a true and correct copy of the
20 Chino Basin Watermaster 2010/2011 Assessment Package (Production Year 2009/2010), approved
21 October 28, 2010.

22 52. Attached to the Appendix of Evidence as Exhibit 52 is a true and correct copy of the
23 Chino Basin Watermaster 2011/2012 Assessment Package (Production Year 2010/2011), approved
24 January 26, 2012.

25 53. Attached to the Appendix of Evidence as Exhibit 53 is a true and correct copy of the
26 Chino Basin Watermaster 2012/2013 Assessment Package (Production Year 2011/2012), approved
27 November 15, 2012.

28 54. Attached to the Appendix of Evidence as Exhibit 54 is a true and correct copy of the

1 Chino Basin Watermaster 2017/2018 Assessment Package (Production Year 2016/2017), approved
2 November 16, 2017.

3 55. Attached to the Appendix of Evidence as Exhibit 55 is a true and correct copy of the
4 Chino Basin Watermaster 2017/2018 Revised Assessment Package (Production Year 2016/2017),
5 approved September 26, 2019.

6 56. Attached to the Appendix of Evidence as Exhibit 56 is a true and correct copy of the
7 Chino Basin Watermaster 2018/2019 Assessment Package (Production Year 2017/2018), approved
8 November 15, 2018.

9 57. Attached to the Appendix of Evidence as Exhibit 57 is a true and correct copy of the
10 Chino Basin Watermaster 2018/2019 Revised Assessment Package (Production Year 2017/2018),
11 approved September 26, 2019.

12 58. Attached to the Appendix of Evidence as Exhibit 58 is a true and correct copy of the
13 Chino Basin Watermaster 2019/2020 Assessment Package (Production Year 2018/2019), approved
14 November 21, 2019.

15 59. Attached to the Appendix of Evidence as Exhibit 59 is a true and correct copy of the
16 Chino Basin Watermaster 2020/2021 Assessment Package (Production Year 2019/2020), approved
17 November 19, 2020.

18 60. Attached to the Appendix of Evidence as Exhibit 60 is a true and correct copy of the
19 Chino Basin Watermaster Staff Report regarding the Fiscal Year 2021/22 Assessment Package,
20 dated November 18, 2021.

21 61. Attached to the Appendix of Evidence as Exhibit 61 is a true and correct copy of the
22 Chino Basin Watermaster 2021/2022 Assessment Package (Production Year 2020/2021), approved
23 November 18, 2021.

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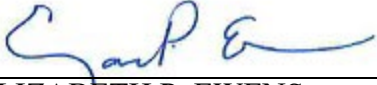
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Dated: May 26, 2022

STOEL RIVES LLP

By: 
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