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

12 *Attorneys for City of Ontario*

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF SAN BERNARDINO

15 CHINO BASIN MUNICIPAL WATER  
16 DISTRICT,  
17  
18 Plaintiff,  
19  
20 v.  
21 CITY OF CHINO, et al.,  
22  
23 Defendants.

Case No. RCVRS 21010  
ASSIGNED FOR ALL PURPOSES TO  
HONORABLE GILBERT G. OCHOA  
**NOTICE OF MOTION AND MOTION  
CHALLENGING WATERMASTER'S  
NOVEMBER 17, 2022 ACTIONS/  
DECISION TO APPROVE FY 2022/2023  
ASSESSMENT PACKAGE**

Date: March 21, 2023  
Time: 9:00 a.m.  
Dept: S24  
Judge: Gilbert Ochoa

1 **NOTICE OF MOTION AND MOTION**

2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that on March 21, 2023 at 9:00 a.m., in Department S24 of the  
4 above-entitled Court located at 247 West Third Street, San Bernardino, California 92415, the City  
5 of Ontario (“Ontario”), will and hereby does, move this Court for an order granting its challenge to  
6 the action or actions taken by the Board of the Chino Basin Watermaster (“Watermaster”) on  
7 November 17, 2022 to approve the Fiscal Year 2022/2023 Assessment Package. As part of the  
8 challenge, Ontario respectfully requests that this Court issue an order: (1) ) directing Watermaster  
9 to implement the Dry Year Yield Program (“DYY Program”) in a manner consistent with the  
10 Judgment and court orders, including both as it relates to the assessment of groundwater production  
11 and compliance with the Exhibit G performance criteria; (2) directing Watermaster to comply with  
12 the Watermaster Approval Process as it pertains to the DYY Program and any proposed  
13 amendments thereto; (3) correcting and amending the Fiscal Year 2022/2023 Assessment Package  
14 to assess water produced from the DYY Program; and (4) invalidating the 2019 Letter Agreement.

15 This Motion is based on Paragraph 31(c) of the Judgment and the continuing jurisdiction of  
16 the Court under the Judgment. The Motion is further based upon the concurrently filed  
17 Memorandum of Points and Authorities, Declaration of Courtney Jones, Declaration of Elizabeth  
18 P. Ewens, the Request for Judicial Notice, Appendix of Evidence, the records and documents on  
19 file with this Court, and on any other evidence or arguments that may be presented to the Court at  
20 hearing.

21 Pursuant to local rule 561, (a) a judicial officer may provide tentative rulings. A tentative  
22 ruling on a law and motion matter may be obtained by accessing the court’s website at [https://sb-](https://sb-court.org)  
23 [court.org](https://sb-court.org) after 3:00 p.m. on the court day before the hearing, or by telephoning the court’s  
24 Administrative Assistants at the numbers below; (b) any party who wishes to orally argue the  
25 motion may appear on the date and time set for hearing, pursuant to California Rules of Court, Rule  
26 3.1308 (a) (2) and Rule 3.1306. Failure to appear shall be deemed a waiver of oral argument. All  
27 posted tentative rulings shall become the final ruling of the Court on the scheduled hearing date if  
28

1 no party appears. Should a hearing be held the Court may, in its discretion, modify or affirm the  
2 tentative ruling and advise the parties of its ruling at the hearing or by further Order; and (c) if the  
3 parties wish to submit on the tentative ruling, no appearance will be necessary if the department's  
4 judicial assistant is notified by 4:00 p.m. the day before the hearing. The tentative will then become  
5 the final ruling; (d) the Court will not entertain a request for continuance unless stipulated to by all  
6 parties and no further papers may be filed once the tentative ruling has been posted; (e) the party  
7 prevailing on the motion shall serve all parties with written notice of the court's ruling; and (f)  
8 telephone numbers assigned to the civil courtrooms are as follows: for departments S16, S26, S32:  
9 (909) 521-3085, for departments S17, S29, S30: (909) 708-8853, for departments S22, S27: (909)  
10 521-3447, for departments S23, S24: (909) 521-3297 an for departments S25, S28, S31, S33: (909)  
11 708-8756.

12  
13 DATED: February 14, 2023

STOEL RIVES LLP

14  
15  
16 By: 

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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 15, 2023, I served the following:

1. NOTICE OF MOTION AND MOTION CHALLENGING WATERMASTER'S NOVEMBER 17, 2022 ACTIONS/ DECISION TO APPROVE FY 2022/2023 ASSESSMENT PACKAGE

/ 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 15, 2023 in Rancho Cucamonga, California.

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By: Ruby Favela Quintero  
Chino Basin Watermaster

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ONTARIO, CA 91761

JEFF PIERSON  
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## **Ruby Favela Quintero**

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**Categories:** Main Email Lists

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