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

12 *Attorneys for CITY OF ONTARIO*

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

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

Case No. RCVRS 51010  
  
ASSIGNED FOR ALL PURPOSES TO  
HONORABLE GILBERT G. OCHOA  
  
**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF CITY OF ONTARIO'S  
MOTION CHALLENGING  
WATERMASTER'S NOVEMBER 17,  
2022 ACTIONS/DECISION TO  
APPROVE THE FY 2022/2023  
ASSESSMENT PACKAGE**

Hearing:  
Date: March 21, 2023  
Time: 9:00 a.m.  
Dept: S24

1 **REQUEST FOR JUDICIAL NOTICE**

2 Pursuant to California Evidence Code sections 452 and 453, City of Ontario (“Ontario”)  
3 respectfully submits this Request for Judicial Notice in Support of its Motion Challenging  
4 Watermaster’s November 17, 2022 Actions/Decision to Approve the Fiscal Year 2022/2023  
5 Assessment Package, filed concurrently herewith.

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

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

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

25 1. Attached to the Appendix of Evidence as Exhibit 1 is a true and correct copy of the  
26 2012 Chino Basin Watermaster Restated Judgment, No. 51010.

27 ///

28

1 Attached to the Appendix of Evidence as Exhibit 2 is a true and correct copy of the Chino Basin  
2 Watermaster Rules and Regulations, updated 2019.

3 2. Attached to the Appendix of Evidence as Exhibit 3 is a true and correct copy of the  
4 Report and Recommendation of Special Referee to Court Regarding: (1) Motion for Order That  
5 Audit Commissioned By Watermaster is Not a Watermaster Expense, and (2) Motion to Appoint a  
6 Nine-Member Watermaster Panel, dated December 12, 1997.

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

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

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

13 6. Attached to the Appendix of Evidence as Exhibit 7 is a true and correct copy of the  
14 Order on the Motion to Approve Amendments to Appropriative Pool Pooling Plan, entered March  
15 15, 2019.

16 7. Attached to the Appendix of Evidence as Exhibit 8 is a true and correct copy of the  
17 Groundwater Storage Program Funding Agreement, Agreement No. 49960, dated March 1, 2003.

18 8. Attached to the Appendix of Evidence as Exhibit 9 is a true and correct copy of the  
19 Order Concerning Groundwater Storage Program Funding Agreement – Agreement No. 49960,  
20 entered June 5, 2003.

21 9. Attached to the Appendix of Evidence as Exhibit 10 is a true and correct copy of the  
22 Local Agency Agreement by and between Inland Empire Utilities Agency (“IEUA”) and  
23 Cucamonga County Water District, dated March 11, 2003

24 10. Attached to the Appendix of Evidence as Exhibit 11 is a true and correct copy of the  
25 Local Agency Agreement by and between IEUA and the City of Ontario, dated April 15, 2003.

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

1           12.     Attached to the Appendix of Evidence as Exhibit 13 is a true and correct copy of  
2 Chino Basin Watermaster Staff Report re MWD/IEUA/TVMWD Groundwater Storage Account,  
3 dated March 11, 2004.

4           13.     Attached to the Appendix of Evidence as Exhibit 14 is a true and correct copy of  
5 Watermaster's Motion for Approval of Storage and Recovery Program Agreement (with Exhibit A  
6 only), filed May 12, 2004.

7           14.     Attached to the Appendix of Evidence as Exhibit 15 is a true and correct copy of the  
8 Order Approving Storage and Recovery Program Storage Agreement re Implementation of Dry  
9 Year Yield Storage Project, entered June 24, 2004.

10          15.     Attached to the Appendix of Evidence as Exhibit 16 is a true and correct copy of  
11 Amendment No. 8 to Groundwater Storage Program Funding Agreement No. 49960, dated January  
12 23, 2015.

13          16.     Attached to the Appendix of Evidence as Exhibit 17 is a true and correct copy of the  
14 Agenda for the Chino Basin Watermaster Appropriative Pool Meeting held October 9, 2014.

15          17.     Attached to the Appendix of Evidence as Exhibit 18 is a true and correct copy of the  
16 Chino Basin Watermaster Staff Report regarding Amendment No. 8 to MWD Dry Year Yield  
17 Agreement, dated October 9, 2014.

18          18.     Attached to the Appendix of Evidence as Exhibit 19 is a true and correct copy of the  
19 Agenda for the Chino Basin Watermaster Advisory Committee Meeting held on October 16, 2014.

20          19.     Attached to the Appendix of Evidence as Exhibit 20 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 16, 2014.

23          20.     Attached to the Appendix of Evidence as Exhibit 21 is a true and correct copy of the  
24 Agenda for the Chino Basin Watermaster Board Meeting held October 23, 2014.

25          21.     Attached to the Appendix of Evidence as Exhibit 22 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 23, 2014.

28

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

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

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

7           25.     Attached to the Appendix of Evidence as Exhibit 26 is a true and correct copy of the  
8 Peace II Agreement: Party Support For Watermaster’s OBMP Implementation Plan – Settlement  
9 and Release of Claims Regarding Future Desalters, dated October 25, 2007.

10          26.     Attached to the Appendix of Evidence as Exhibit 27 is a true and correct copy of the  
11 Agenda for the Watermaster’s Appropriative Pool Meeting held September 13, 2018.

12          27.     Attached to the Appendix of Evidence as Exhibit 28 is a true and correct copy of the  
13 Agenda for the Watermaster’s Advisory Committee Meeting held September 20, 2018.

14          28.     Attached to the Appendix of Evidence as Exhibit 29 is a true and correct copy of the  
15 Agenda for the Watermaster’s Board Meeting held September 27, 2018.

16          29.     Attached to the Appendix of Evidence as Exhibit 30 is a true and correct copy of the  
17 Minutes of the Watermaster’s Appropriative Pool Meeting held September 13, 2018.

18          30.     Attached to the Appendix of Evidence as Exhibit 31 is a true and correct copy of the  
19 Minutes of the Watermaster’s Advisory Committee Meeting held September 20, 2018.

20          31.     Attached to the Appendix of Evidence as Exhibit 32 is a true and correct copy of the  
21 Minutes of the Watermaster’s Board Meeting held September 27, 2018.

22          32.     Attached to the Appendix of Evidence as Exhibit 33 is a true and correct copy of the  
23 Minutes of the Watermaster Appropriative Pool – Special Meeting, held November 27, 2018.

24          33.     Attached to the Appendix of Evidence as Exhibit 34 is a true and correct copy of the  
25 Letter Agreement entitled “Chino Basin Groundwater Storage Actions and Voluntary Purchase  
26 Methodology” by and between IEUA, TVMWD, and Watermaster, dated February 5, 2019.

27          34.     Attached to the Appendix of Evidence as Exhibit 35 is a true and correct copy of the  
28

1 Chino Basin Watermaster Staff Report regarding Dry Year Yield Program – Information Only,  
2 dated January 27, 2022.

3 35. Attached to the Appendix of Evidence as Exhibit 36 is a true and correct copy of a  
4 presentation given by the Watermaster staff regarding the Dry Year Yield Program at the January  
5 27, 2022 Board meeting.

6 36. Attached to the Appendix of Evidence as Exhibit 37 is a true and correct copy of the  
7 Chino Basin Watermaster 2003/2004 Assessment Package (Production Year 2002/2003), approved  
8 November 27, 2003.

9 37. Attached to the Appendix of Evidence as Exhibit 38 is a true and correct copy of the  
10 Chino Basin Watermaster 2004/2005 Assessment Package (Production Year 2003/2004), approved  
11 November 18, 2004.

12 38. Attached to the Appendix of Evidence as Exhibit 39 is a true and correct copy of the  
13 Chino Basin Watermaster 2005/2006 Assessment Package (Production Year 2004/2005), approved  
14 November 8, 2005.

15 39. Attached to the Appendix of Evidence as Exhibit 40 is a true and correct copy of the  
16 Chino Basin Watermaster 2006/2007 Assessment Package (Production Year 2005/2006), approved  
17 February 22, 2007.

18 40. Attached to the Appendix of Evidence as Exhibit 41 is a true and correct copy of the  
19 Chino Basin Watermaster 2007/2008 Assessment Package (Production Year 2006/2007), approved  
20 December 20, 2007.

21 41. Attached to the Appendix of Evidence as Exhibit 42 is a true and correct copy of the  
22 Chino Basin Watermaster 2008/2009 Assessment Package (Production Year 2007/2008), approved  
23 November 20, 2008.

24 42. Attached to the Appendix of Evidence as Exhibit 43 is a true and correct copy of the  
25 Chino Basin Watermaster 2009/2010 Assessment Package (Production Year 2008/2009), approved  
26 October 22, 2009.

27 43. Attached to the Appendix of Evidence as Exhibit 44 is a true and correct copy of the  
28

1 Chino Basin Watermaster 2010/2011 Assessment Package (Production Year 2009/2010), approved  
2 October 28, 2010.

3 44. Attached to the Appendix of Evidence as Exhibit 45 is a true and correct copy of the  
4 Chino Basin Watermaster 2011/2012 Assessment Package (Production Year 2010/2011), approved  
5 January 26, 2012.

6 45. Attached to the Appendix of Evidence as Exhibit 46 is a true and correct copy of the  
7 Chino Basin Watermaster 2012/2013 Assessment Package (Production Year 2011/2012), approved  
8 November 15, 2012.

9 46. Attached to the Appendix of Evidence as Exhibit 47 is a true and correct copy of the  
10 Chino Basin Watermaster 2017/2018 Assessment Package (Production Year 2016/2017), approved  
11 November 16, 2017.

12 47. Attached to the Appendix of Evidence as Exhibit 48 is a true and correct copy of the  
13 Chino Basin Watermaster 2017/2018 Revised Assessment Package (Production Year 2016/2017),  
14 approved September 26, 2019.

15 48. Attached to the Appendix of Evidence as Exhibit 49 is a true and correct copy of the  
16 Chino Basin Watermaster 2018/2019 Assessment Package (Production Year 2017/2018), approved  
17 November 15, 2018.

18 49. Attached to the Appendix of Evidence as Exhibit 50 is a true and correct copy of the  
19 Chino Basin Watermaster 2018/2019 Revised Assessment Package (Production Year 2017/2018),  
20 approved September 26, 2019.

21 50. Attached to the Appendix of Evidence as Exhibit 51 is a true and correct copy of the  
22 Chino Basin Watermaster 2019/2020 Assessment Package (Production Year 2018/2019), approved  
23 November 21, 2019.

24 51. Attached to the Appendix of Evidence as Exhibit 52 is a true and correct copy of the  
25 Chino Basin Watermaster 2020/2021 Assessment Package (Production Year 2019/2020), approved  
26 November 19, 2020.

27 52. Attached to the Appendix of Evidence as Exhibit 53 is a true and correct copy of the  
28

1 Chino Basin Watermaster Staff Report regarding the Fiscal Year 2021/22 Assessment Package,  
2 dated November 18, 2021.

3 53. Attached to the Appendix of Evidence as Exhibit 54 is a true and correct copy of the  
4 Agenda for the Watermaster's Board Meeting held November 17, 2022.

5 54. Attached to the Appendix of Evidence as Exhibit 55 is a true and correct copy of the  
6 Chino Basin Watermaster Staff Report regarding the Fiscal Year 2022/23 Assessment Package,  
7 dated November 17, 2022.

8 55. Attached to the Appendix of Evidence as Exhibit 56 is a true and correct copy of the  
9 Chino Basin Watermaster 2022/2023 Assessment Package (Production Year 2021/2022), approved  
10 November 17, 2022.

11 56. Attached to the Appendix of Evidence as Exhibit 57 is a true and correct copy of the  
12 City of Ontario's Combined Reply to the Oppositions of Watermaster, Fontana Water Company  
13 and Cucamonga Valley Water District, and Inland Empire Utilities Agency to Applications for an  
14 Order to Extend Time Under Paragraph 31(c) of the Judgment, to Challenge Watermaster  
15 Action/Decision on November 18, 2021 to Approve the FY 2021/2022 Assessment Package or  
16 Alternatively, City of Ontario's Challenge, filed May 27, 2022.22/23 Assessment Package.

17 DATED: February 14, 2023

STOEL RIVES LLP

18  
19 By:



20 ELIZABETH A. EWENS

21 MICHAEL B. BROWN

22 WHITNEY A. BROWN

23 Attorneys for City of Ontario



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. REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF CITY OF ONTARIO'S MOTION CHALLENGING WATERMASTER'S NOVEMBER 17, 2022 ACTIONS/DECISION TO APPROVE THE 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.

  
\_\_\_\_\_  
By: Ruby Favela Quintero  
Chino Basin Watermaster

PAUL HOFER  
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ONTARIO, CA 91761

JEFF PIERSON  
2 HEXAM  
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## **Ruby Favela Quintero**

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