

FEE EXEMPT

ELIZABETH P. EWENS (SB #213046)
elizabeth.ewens@stoel.com
MICHAEL B. BROWN (SB #179222)
michael.brown@stoel.com
STOEL RIVES LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
Telephone: 916.447.0700
Facsimile: 916.447.4781

Attorneys for
City of Ontario

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendants.

CASE NO. RCVRS 51010

[ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE GILBERT G. OCHOA]

**CITY OF ONTARIO'S
SUPPLEMENTAL STATUS
CONFERENCE STATEMENT AND
OBJECTION TO WATERMASTER'S
PROPOSED ORDER**

Date: October 31, 2025
Time: 10:00 a.m.
Dept: R-17

1 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 The City of Ontario (“Ontario”) submits this Supplemental Status Conference Statement in
3 advance of the October 31, 2025 status conference. Unfortunately, the issues and concerns raised
4 by Ontario in its prior Status Conference Statement have not been resolved. Watermaster has made
5 no further progress to amend the Fiscal Year 2021/2022 and Fiscal Year 2022/2023 Assessment
6 Packages (“Assessment Packages”) to redress the financial harm to Ontario as ordered by the Court
7 of Appeal, nor does it appear that Watermaster has any intention of voluntarily doing so. Instead,
8 Watermaster, Cucamonga Valley Water District (“CVWD”), the Inland Empire Utilities Agency
9 (“IEUA”) and Fontana Water Company (“Fontana”) (collectively “Opposing Parties”) continue on
10 a path to re-open every aspect of the Assessment Packages well beyond what the Court of Appeal
11 ordered. Opposing Parties attempt to avoid any Dry Year Yield (“DYY”) storage account balance
12 impacts or resulting financial impacts to CVWD and Fontana from unwinding the prior DYY
13 Program cost-shifting the Court of Appeals determined to be unlawful and injurious to Ontario. To
14 bring order to the chaos that has been sowed by Watermaster, Ontario submits with this
15 Supplemental Status Conference Statement an alternative Proposed Order that is consistent with
16 what the Court of Appeal explicitly directed this Court to do on remand. Ontario’s Proposed Order
17 is designed to bring a quick end to what has been a years-long effort by Ontario to obtain relief.

18 **A. Watermaster’s Continued Failure to Comply with the Court of Appeal’s Opinion**

19 The Court of Appeal directed this Court to enter new orders granting Ontario’s challenges
20 and directing Watermaster to correct and amend the Assessment Packages to compensate Ontario
21 for the economic injuries it suffered as a result of Watermaster’s interpretation of the 2019 Letter
22 Agreement and Watermaster’s failure to levy assessments on Fontana and CVWD’s claimed
23 groundwater production from the DYY Program. (Court of Appeal Opinion (“Op.”)¹ at 35-36, 39.)
24 No other amendments or modifications to the Assessment Packages were authorized or directed by
25 the Court of Appeal.

26
27
28 ¹ *Chino Basin Mun. Water Dist. v. City of Ontario*, No. E080457, 2025 WL 1145065 (Cal. Ct. App. Apr. 18, 2025)

1 As held by the Court of Appeal, Watermaster erroneously relied on the 2019 Letter
2 Agreement to exempt CVWD's voluntary production of water from the DYY account and
3 Watermaster improperly allowed Fontana, "an entity not governed by a Local Agency Agreement,"
4 to "voluntarily produce[] and claim[] 2,500 AF of stored groundwater from the DYY account."
5 (Op. at 15-16.) The failure of Opposing Parties to abide by the Court Orders, Judgment, and Peace
6 Agreement as they relate to the DYY Program served as the limited basis for Ontario's challenges,
7 and caused economic injury to Ontario that the Court of Appeal now has ordered Watermaster to
8 correct. (Op. at 35 ("Ontario suffered a financial injury as a result of the 2019 Letter Agreement."))
9 As stated by the Court:

10 To summarize, the DYY Program was created to provide a buffer against drought,
11 allowing Metropolitan to offset water it would otherwise import into the Basin with
12 water stored in the DYY Program storage account. However, in 2018, Metropolitan
13 requested, and was allowed, to put excess water into the DYY Program storage
14 account. It then persuaded the Operating Committee (of which it possessed two
15 votes) to propose the 2019 Letter Agreement. This agreement fundamentally
16 changed the recovery aspect of the DYY Program by allowing voluntary production
17 of water from the storage account regardless of party status or performance criteria.
18 *The impact of these voluntary takes materially affected the rights of the Operating
19 Parties and other local agencies when Watermaster interpreted and applied the
20 2019 Letter Agreement inconsistently with the original DYY Program agreements,
21 the Judgment, and prior court orders when it calculated/approved the FY
22 2021/2022 and 2022/2023 Assessment Packages. Accordingly, we reverse the
23 orders of the superior court and direct Watermaster to correct and amend the FY
24 2021/2022 and 2022/2023 Assessment Packages consistent with the original DYY
25 Program agreements, the Judgment, and prior court orders.*

26 (Op. at pp. 38-39 (*emphasis added.*)) Inexplicably, Watermaster has failed to take action to amend
27 the Assessment Packages to correct the unlawful voluntary production of DYY water and
28 corresponding cost-shifting related to the DYY Program. Instead Watermaster has joined with the
other Opposing Parties to actively work to circumvent and avoid the Court of Appeal's Opinion
and order.

As noted in Ontario's prior Status Conference Statement, and more than three years after
Ontario filed its first DYY Challenge, Watermaster has declared open season for parties (including
the Opposing Parties) to reopen any and all portions of Assessment Packages – including

1 components that have absolutely nothing to do with subject matter of Ontario’s DYY Challenges
2 or the resulting Court of Appeal Opinion. Over the past several months, Watermaster has circulated
3 “DYY Decision Trees” and engaged in “workshops”. (See attached Exhibit 1, [collectively July 24
4 and August 13, 2025 emails re workshops and August 13, 2025, Decision Tree].) On Watermaster’s
5 invitation, Opposing Parties submitted written comments in advance of the DYY Decision Tree
6 “workshops” in an attempt to re-open issues that have no relation to the DYY Program issues
7 addressed in Ontario’s Challenges and the Court of Appeal’s Opinion. (See Ewens Decl., ¶ 6, Ex.
8 D [7/17/2025 email], ¶ 8, Ex. G [8/13/2025 email]; Ex. E [8/11/2025 Fontana letter] and Ex. F
9 [8/6/2025 CVWD letter].) Going even further, since the filing of Ontario’s last Status Conference
10 Statement, Watermaster has apparently abandoned the “DYY Decision Tree” effort in favor of a
11 multi-columned spreadsheet captioned “Assessment Fee Summary (Revised)” setting forth
12 alternative proposals purportedly based on feedback from the Opposing Parties. (See attached
13 Exhibit 2 [Assessment Year 2021-2022 Fee Summary (Revised)].) And, as recently as this week,
14 CVWD submitted yet another comment letter raising arguments and issues that were never raised
15 during the merits phase of this litigation and that are completely outside of the scope of the Court
16 of Appeal’s Opinion. (See attached Exhibit 3 [October 23, 2025, Letter from CVWD].)² None of
17 the above proposals and actions were raised by Ontario or any of the Opposing Parties during the
18 course of litigation, or have been preserved, or are properly considered by the Watermaster.³

19 No action has been taken by Watermaster to correct and amend the Assessment Packages
20 to compensate Ontario for its financial injuries relating to the administration of the DYY Program,

21 _____
22 ² Although dated on October 23, 2025, and cited in the Opposing Parties’ Supplemental Joint Status
23 Conference Statement, Ontario did not receive a copy of this letter until October 28, 2025.

24 ³ As described in Ontario’s prior Status Conference Statement, the necessary amendments to correct
25 Ontario’s injuries relating to the improper cost-shifting caused by CVWD and Fontana’s claimed
26 DYY production boil down to a simple adjustment to the Assessment Package’s Water Production
27 Summary to reduce CVWD and Fontana’s production from the DYY Storage and Recovery
28 Program to zero to reflect both the fact that Fontana does not have a DYY Local Agency Agreement
and the years in question were not “call” years and, therefore, CVWD’s claimed DYY production
was not authorized. (Ewens Decl., ¶ 5, Ex. C.) Anything else is well beyond the scope of the DYY
Program challenges and is certainly well beyond the scope of the Court of Appeal’s Opinion.

1 and no action has been taken to actually comply with the Court of Appeal's directives. If
2 Watermaster is permitted to continue on this path, not only will it be contrary to the Court of
3 Appeal's Opinion, it also risks reopening entirely new rounds of challenges to the Assessment
4 Packages by any number of parties – not just Ontario – at a time when this chapter should, per the
5 Court of Appeal's directive, be finally put to rest.⁴

6 **B. Ontario's Proposed Order Complies with the Court of Appeal's Opinion**

7 In contrast to the proposed order submitted by Opposing Parties that deviates substantially
8 from the Court of Appeal's Opinion⁵, the Proposed Order submitted by Ontario is based on the
9 Court of Appeal's Opinion, no more and no less. The Court of Appeal's final disposition is as
10 follows:

11 The November 3, 2022, and August 23, 2023, orders are reversed. The superior
12 court is directed to enter new orders granting Ontario's challenges, and directing
13 Watermaster to correct and amend its FY 2021/2022 and 2022/2023 Assessment
14 Packages. The issues of (1) whether water from the DYY Program is withdrawn
15 (not produced), (2) whether stored and supplemental water are simply two types of
16 ground water, (3) whether all stored and supplemental water in the Basin is
17 categorically exempt from assessment, and (4) the future viability and application
18 of the 2019 Letter Agreement should be resolved by the parties prior to judicial
19 intervention. Ontario shall recover its costs on appeal.

20 (Op., p. 39.) Accordingly, Ontario respectfully requests that this Court enter Ontario's Proposed
21 Order and direct Watermaster to submit the corrected and amended FY 2021/2022 and 2022/2023
22 Assessment Packages to this Court for approval without delay.

23 ⁴ Watermaster suggests in its Proposed Order that an appropriate path is to revise the "Assessment
24 Packages in accordance with historical practice ... (and) present the Assessment Packages to the
25 Pool Committees, Advisory Committee, and Watermaster Board." (Watermaster's Proposed Order
26 Re October 3, 2025 Status Conference, p. 2.) This would have the effect of re-opening every line
27 item, every component, and every aspect of the 2021/2022 and 2022/2023 Assessment Packages
28 instead of simply making the narrow corrections to the Assessment Packages to correct the
improper cost-shifting relating to the DYY Program. Under the Judgment and Watermaster Rules,
if Watermaster does what it has suggested by way of process, *any* party then would have ninety
days to initiate new challenges to the 2021/2022 and 2022/2023 Assessment Packages. [Judgment
¶31(c).] In short, the parties and the Court would be back to square one.

⁵ By way of example, and without limitation, Watermaster and Opposing Parties' Proposed Order
does not even contain language granting Ontario's challenges and reflecting the reversal the
November 3, 2022 and August 23, 2023 Orders.

1 **C. Opposing Parties’ Supplemental Joint Status Conference Statement Fails to**
2 **Appropriately Acknowledge the Conflict of Interest Issues, and Materially**
3 **Misrepresents the Substance of the Court of Appeal’s Decision.**

4 1. Opposing Parties’ Failure to Recuse Themselves from Watermaster Closed-Session
5 Deliberations and Decisions Regarding the DYY Program Litigation Continues to
6 Undermine Watermaster’s Position as a Neutral Arm of This Court.

7 Watermaster serves as an arm of this Court and in that capacity must ensure its neutrality –
8 free from conflicts of interest or bias in its decision making. The Opposing Parties fail to recognize
9 this basic tenet that is foundational to the fair handed and impartial management of the Chino Basin.
10 The Court of Appeal’s Opinion requires the correction of the improper DYY Program cost-shifting
11 in the Assessment Packages, which will directly impact the financial and other interests of
12 Watermaster member agencies including Fontana and CVWD, each of whom actively joined with
13 Watermaster in vigorously opposing Ontario’s DYY Program Challenges. Not only has
14 Watermaster argued on behalf of each of these parties, and IEUA, in open court, including before
15 the Court of Appeal, Watermaster also has presented elaborate alternatives to “comply” with the
16 Court of Appeal’s Opinion that are designed to minimize any DYY storage account balance impacts
17 or resulting financial impacts to Fontana and CVWD resulting from the Court of Appeal’s Opinion.
18 That is contrary to the Opinion, which directs Watermaster to correct the improper cost-shifting
19 relating to the DYY Program and compensate Ontario for the economic harm it suffered as a result.

20 Ontario raised these issues in good faith. (See Exhibits 5 [January 22, 2025 Letter] and 4
21 [July 24, 2025 Letter].) If, as Opposing Parties have made clear, these agencies will not recuse
22 themselves from Watermaster Board decisions relating to the implementation of the Court of
23 Appeal’s Opinion, Ontario requests that this Court exercise its continuing jurisdiction over this case
24 to directly implement the Court of Appeal’s Opinion or to appoint a neutral special master to assist
25 the Court.

26 2. Opposing Parties’ Supplemental Joint Status Conference Statement Misrepresents
27 the Court of Appeal’s Opinion.

28 Opposing Parties’ Supplemental Joint Status Conference Statement also misrepresents the
Court of Appeal’s Opinion by attempting to conflate the Court of Appeal’s instruction for the
parties resolve the four identified issues prior to judicial intervention with the clear directive to the

1 “superior court to enter new orders granting Ontario’s challenges and directing Watermaster to
2 correct and amend its FY 2021/2022 and 2022/2023 Assessment Packages.” The Court of Appeal
3 did not instruct the parties to meet and confer, engage in workshops, and modify the Assessment
4 Packages on issues that were not necessary to the Court of Appeal’s resolution of the DYY litigation
5 or, in some instances, were not even the subject of the underlying challenges to the Assessment
6 Packages. Indeed, as noted above, the Court of Appeal held that resolution of these four issues is
7 not a prerequisite to granting Ontario its requested relief through amended assessment packages.
8 (Op. at p. 25.) Instead, the decision unequivocally directs this Court to grant Ontario’s challenges
9 and directs Watermaster to correct and amend the Assessment Packages. Ontario respectfully
10 requests that the Court follow this directive and enter Ontario’s Proposed Order submitted herewith.

11 Respectfully submitted,

12 Dated: October 29, 2025

STOEL RIVES LLP

13
14 By: 
15 ELIZABETH P. EWENS
16 MICHAEL B. BROWN
17 Attorneys for
18 City of Ontario
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

From: Ruby Favela Quintero <RFavelaQuintero@cbwm.org>
Sent: Thursday, July 24, 2025 4:14 PM
To: Ruby Favela Quintero <RFavelaQuintero@cbwm.org>
Subject: Implementation of Dry Year Yield Appellate Court Ruling - Workshop 1 (Written Comments Due by COB 8/6/25)

Dear Watermaster Stakeholders,

Thank you for your participation in yesterday's DYY Appellate Court Ruling Workshop 1. As discussed, meeting notes will be distributed by next Wednesday.

The session was productive, resulting in a preliminary "decision tree" to be drafted and presented at the next workshop. To incorporate stakeholder input, please submit *written* feedback by COB August 6, 2025 to Ms. Anna Nelson at atruongnelson@cbwm.org. Watermaster staff will integrate all comments into the decision tree for presentation at the upcoming workshop, scheduled for August 20, 2025. A formal notice will be issued closer to the workshop date.

For questions, please contact Messrs. Corbin or Tellez Foster directly.

Best regards,
Ruby

Ruby Favela Quintero, CAP
Executive Assistant
Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

Direct: 909-297-2022
Main: 909-484-3888
Web: www.cbwm.org



Caring, Collaborative, Professionals

From: Ruby Favela Quintero <RFavelaQuintero@cbwm.org>
Sent: Wednesday, August 13, 2025 2:59 PM
To: Ruby Favela Quintero <RFavelaQuintero@cbwm.org>
Subject: Implementation of Dry Year Yield Appellate Court Ruling - Workshop #2

Dear Watermaster Stakeholders,

This is to inform you that the Watermaster will be hosting Workshop #2 regarding the Implementation of the Court of Appeal's Ruling regarding the Fiscal Year 2021-22 and 2022-23 Assessment Packages to be held on Wednesday, August 20, 2025 at 10:00 a.m. at the Watermaster's office.

The purpose of this workshop is to discuss the comments received from parties and the Decision Tree illustration that was provided. Watermaster will not be presenting any proposal as to the manner in which it will implement the Ruling, but aims to ensure that all perspectives from Parties on how it should be implemented is presented. The comments which have been received to date are posted on the Watermaster website [link](#).

For those desiring to join remotely, the Zoom link is provided below:

- Join Zoom Meeting:
<https://us06web.zoom.us/j/88188501894?pwd=nlnXTD2A50khOyWqfhY1U8zn7R81p.1>
- Join By Phone: +1 (669) 444-9171

Meeting ID: 881 8850 1894
Passcode: 377698

Best regards,
Ruby

Ruby Favela Quintero, CAP

Executive Assistant
Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

Direct: 909-297-2022
Main: 909-484-3888
Web: www.cbwm.org



Caring, Collaborative, Professionals

DYY DECISION TREE

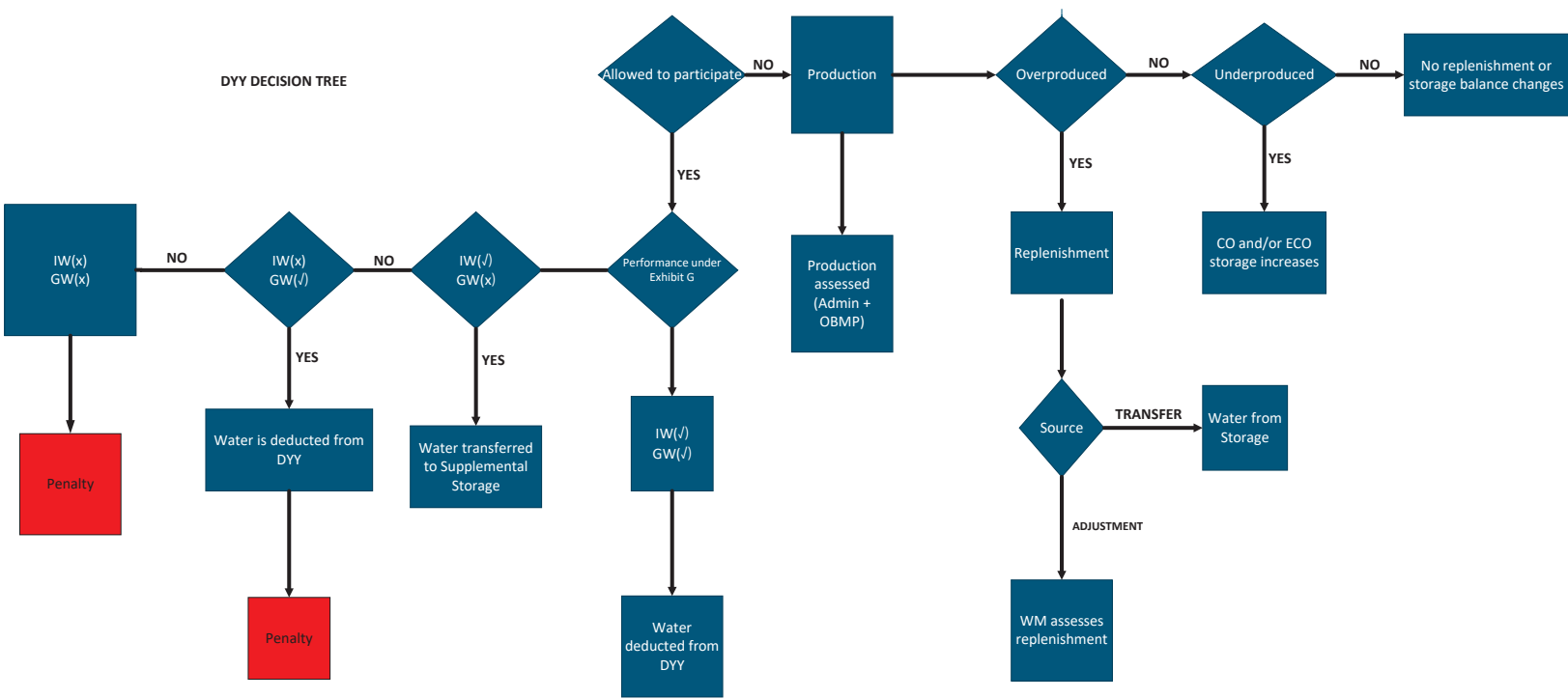


EXHIBIT 2



Assessment Year 2021-2022 (Production Year 2020-2021)

Assessment Fee Summary (Revised)

DYY Details			
Party	Take	Transaction	Total
CVWD	12,304.333	8,195.667	20,500.000
FWC	0.000	2,500.000	2,500.000
	12,304.333	10,695.667	23,000.000

**** DRAFT ****

ATTACHMENT NO. 1

		COA Interpretation													
Party	Approved FY 2021/22 Assessment Package	DYY Partial Performance CVWD 8,196 AF / FWC 2,500 AF DYY Take of 12,304.3 AF DYY 10,695.7 AF Transacted		DYY Partial Performance CVWD 8,196 AF / FWC 2,500 AF DYY Take of 12,304.3 AF DYY 10,695.7 AF Transacted 85/15 Rule Applied (\$500/AF) CDA NOT Assessed Footnotes 3, 4, 5		DYY Partial Performance CVWD 8,196 AF / FWC 2,500 AF DYY Take of 12,304.3 AF DYY 10,695.7 AF Transacted 85/15 Rule NOT Applied CDA Assessed Footnotes 1, 2, 3, 4		DYY Partial Performance CVWD 8,196 AF / FWC 2,500 AF DYY Take of 12,304.3 AF DYY 10,695.7 AF Transacted 85/15 Rule Applied (\$500/AF) CDA Assessed Footnotes 1, 2, 3, 4, 5		DYY Assessed CVWD 20,500 AF / FWC 2,500 AF DYY 23,000 AF Transacted 85/15 Rule NOT Applied CDA NOT Assessed Footnote 1		DYY Assessed CVWD 20,500 AF / FWC 2,500 AF DYY 23,000 AF Transacted 85/15 Rule Applied (\$500/AF) CDA NOT Assessed Footnotes 1, 4, 5		DYY Assessed CVWD 20,500 AF / FWC 2,500 AF DYY 23,000 AF Transacted 85/15 Rule Applied (\$500/AF) CDA Assessed Footnotes 1, 2, 4, 5	
		Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference
BlueTriton Brands, Inc.	26,513.32	24,644.26	(1,869.06)	24,644.26	(1,869.06)	20,016.37	(6,496.95)	20,016.37	(6,496.95)	22,902.70	(3,610.62)	22,902.70	(3,610.62)	19,056.07	(7,457.25)
CalMat Co. (Appropriative)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Chino Hills, City of	281,469.18	256,238.59	(25,230.59)	262,638.21	(18,830.97)	422,716.01	141,246.83	429,128.13	147,658.95	232,856.09	(48,613.09)	263,979.17	(17,490.01)	423,056.25	141,587.07
Chino, City of	543,691.51	494,890.54	(48,800.97)	502,077.89	(41,613.62)	646,197.27	102,505.76	653,398.65	109,707.14	449,532.79	(94,158.72)	484,486.77	(59,204.74)	634,922.97	91,231.46
Cucamonga Valley Water District	565,137.66	1,073,140.24	508,002.58	1,109,361.80	544,224.14	820,679.97	255,542.31	856,606.16	291,468.50	1,732,674.06	1,167,536.40	1,184,466.98	619,329.32	799,912.90	234,775.24
Desalter Authority	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fontana Union Water Company	154,698.57	146,370.87	(8,327.70)	146,370.87	(8,327.70)	125,744.58	(28,953.99)	125,744.58	(28,953.99)	138,599.69	(16,098.88)	138,599.69	(16,098.88)	121,466.02	(33,232.55)
Fontana Water Company	285,003.67	378,067.80	93,064.13	225,862.96	(59,140.71)	141,585.33	(143,418.34)	(10,550.60)	(295,554.27)	277,263.61	(7,740.06)	261,413.30	(23,590.37)	64,912.66	(220,091.01)
Fontana, City of	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Golden State Water Company	96,783.31	87,775.70	(9,007.61)	90,571.11	(6,212.20)	68,114.11	(28,669.20)	70,914.98	(25,868.33)	79,440.77	(17,342.54)	93,035.61	(3,747.70)	76,698.44	(20,084.87)
Jurupa Community Services District	1,283,339.04	1,160,267.56	(123,071.48)	1,187,873.14	(95,465.90)	1,504,283.38	220,944.34	1,531,942.86	248,603.82	1,046,119.45	(237,219.59)	1,180,372.65	(102,966.39)	1,524,193.97	240,854.93
Marygold Mutual Water Company	75,922.34	69,274.96	(6,647.38)	69,274.96	(6,647.38)	52,815.00	(23,107.34)	52,815.00	(23,107.34)	63,079.82	(12,842.52)	63,079.82	(12,842.52)	49,399.65	(26,522.69)
Monte Vista Irrigation Company	16,376.26	15,494.70	(881.56)	15,494.70	(881.56)	13,311.21	(3,065.05)	13,311.21	(3,065.05)	14,672.04	(1,704.22)	14,672.04	(1,704.22)	12,858.29	(3,517.97)
Monte Vista Water District	727,374.74	661,512.15	(65,862.59)	681,086.75	(46,287.99)	516,929.49	(210,445.25)	536,542.31	(190,832.43)	600,546.47	(126,828.27)	695,742.97	(31,631.77)	575,608.25	(151,766.49)
NCL Co, LLC	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Niagara Bottling, LLC	1,747,020.73	1,718,384.34	(28,636.39)	1,718,384.34	(28,636.39)	1,688,500.93	(58,519.80)	1,688,500.93	(58,519.80)	1,691,199.27	(55,821.46)	1,691,199.27	(55,821.46)	1,666,360.66	(80,660.07)
Nicholson Family Trust	90.77	85.77	(5.00)	85.77	(5.00)	73.38	(17.39)	73.38	(17.39)	81.10	(9.67)	81.10	(9.67)	70.82	(19.95)
Norco, City of	4,883.68	4,620.78	(262.90)	4,620.78	(262.90)	57,043.23	52,159.55	57,043.23	52,159.55	4,375.46	(508.22)	4,375.46	(508.22)	52,873.78	47,990.10
Ontario, City of	1,778,365.74	1,616,881.28	(161,484.46)	1,661,558.29	(116,807.45)	1,712,098.73	(66,267.01)	1,756,862.97	(21,502.77)	1,467,319.32	(311,046.42)	1,684,595.44	(93,770.30)	1,805,869.72	27,503.98
Pomona, City of	853,006.03	775,059.87	(77,946.16)	775,059.87	(77,946.16)	582,049.75	(270,956.28)	582,049.75	(270,956.28)	702,410.51	(150,595.52)	702,410.51	(150,595.52)	542,002.13	(311,003.90)
San Antonio Water Company	91,144.48	83,846.70	(7,297.78)	85,606.94	(5,537.54)	67,439.31	(23,705.17)	69,202.98	(21,941.50)	77,081.20	(14,063.28)	85,641.70	(5,502.78)	72,009.47	(19,135.01)
San Bernardino, County of (Shooting Park)	15,183.94	14,885.99	(297.95)	14,930.67	(253.27)	14,592.92	(591.02)	14,637.69	(546.25)	14,604.54	(579.40)	14,821.84	(362.10)	14,578.32	(605.62)
Santa Ana River Water Company	46,638.04	43,558.93	(3,079.11)	44,015.55	(2,622.49)	100,049.76	53,411.72	100,507.28	53,869.24	40,697.15	(5,940.89)	42,917.83	(3,720.21)	95,785.02	49,146.98
Upland, City of	239,320.57	218,989.94	(20,330.63)	224,472.11	(14,848.46)	173,829.04	(65,491.53)	179,321.91	(59,998.66)	200,156.74	(39,163.83)	226,817.96	(12,502.61)	189,294.55	(50,026.02)
West End Consolidated Water Co	22,932.07	21,697.60	(1,234.47)	21,697.60	(1,234.47)	18,640.01	(4,292.06)	18,640.01	(4,292.06)	20,545.61	(2,386.46)	20,545.61	(2,386.46)	18,005.77	(4,926.30)
West Valley Water District	16,068.81	15,229.39	(839.42)	15,229.39	(839.42)	13,150.30	(2,918.51)	13,150.30	(2,918.51)	14,446.07	(1,622.74)	14,446.07	(1,622.74)	12,719.03	(3,349.78)
Western Municipal Water District	0.00	0.00	0.00	0.00	0.00	187,560.32	187,560.32	187,560.32	187,560.32	0.00	0.00	0.00	0.00	173,302.99	173,302.99
Overlying (Non-Agricultural) Pool	319,570.34	292,717.38	(26,852.96)	292,717.38	(26,852.96)	226,228.02	(93,342.32)	226,228.02	(93,342.32)	267,696.18	(51,874.16)	267,696.18	(51,874.16)	212,431.25	(107,139.09)
Total	9,190,534.80	9,173,635.34	(16,899.46)	9,173,635.34	(16,899.46)	9,173,648.42	(16,886.38)	9,173,648.42	(16,886.38)	9,158,300.64	(32,234.16)	9,158,300.67	(32,234.13)	9,157,388.98	(33,145.82)
Total Desalter Replenishment Assessment	200,504.62	183,774.67	(16,729.95)	183,774.67	(16,729.95)	183,774.67	(16,729.95)	183,774.67	(16,729.95)	167,679.07	(32,825.55)	167,679.07	(32,825.55)	167,679.07	(32,825.55)
Total Change in Assessments Minus DRO			169.51		169.51		156.43		156.43		(591.39)		(591.42)		320.27
Judgment Administration Assessment / AF	22.27	20.10	(2.17)	20.10	(2.17)	14.71	(7.56)	14.71	(7.56)	18.07	(4.20)	18.07	(4.20)	13.59	(8.68)
OBMP Assessment / AF	48.25	43.53	(4.72)	43.53	(4.72)	31.86	(16.39)	31.86	(16.39)	39.14	(9.11)	39.14	(9.11)	29.44	(18.81)
Total Assessment / AF	70.52	63.63	(6.89)	63.63	(6.89)	46.57	(23.95)	46.57	(23.95)	57.21	(13.31)	57.21	(13.31)	43.03	(27.49)

¹ Based on feedback from City of Ontario during Workshop #1.
² Based on feedback from Cucamonga Valley Water District during Workshop #1.
³ Based on feedback from Fontana Water Company during Workshop #1.
⁴ Based on feedback from Cucamonga Valley Water District during Workshop #2.
⁵ Based on a hypothetical \$500/AF replenishment, subject to change.



Assessment Year 2022-2023 (Production Year 2021-2022)

Assessment Fee Summary (Revised)

DYY Details			
Party	Take	Transaction	Total
CVWD	17,912.778	0.000	17,912.778
FWC	1,573.333	3,426.667	5,000.000
	19,486.111	3,426.667	22,912.778

**** DRAFT ****

		COA Interpretation													
Party	Approved FY 2022/23 Assessment Package	DYY Partial Performance FWC 3,427 AF DYY Takes of 19,486.1 AF DYY 3,426.7 AF Transacted		DYY Partial Performance FWC 3,427 AF DYY Take of 19,486.1 AF DYY 3,426.7 AF Transacted 85/15 Rule Applied (\$500/AF) CDA NOT Assessed Footnotes 3, 4, 5		DYY Partial Performance FWC 3,427 AF DYY Take of 19,486.1 AF DYY 3,426.7 AF Transacted 85/15 Rule NOT Applied CDA Assessed Footnotes 1, 2, 3, 4		DYY Partial Performance FWC 3,427 AF DYY Take of 19,486.1 AF DYY 3,426.7 AF Transacted 85/15 Rule Applied (\$500/AF) CDA Assessed Footnotes 1, 2, 3, 4, 5		DYY Assessed CVWD 17,913 AF / FWC 5,000 AF DYY 22,912.8 AF Transacted 85/15 Rule NOT Applied CDA NOT Assessed Footnote 1		DYY Assessed CVWD 17,913 AF / FWC 5,000 AF DYY 22,912.8 AF Transacted 85/15 Rule Applied (\$500/AF) CDA NOT Assessed Footnotes 1, 4, 5		DYY Assessed CVWD 17,913 AF / FWC 5,000 AF DYY 22,912.8 AF Transacted 85/15 Rule Applied (\$500/AF) CDA Assessed Footnotes 1, 2, 4, 5	
		Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference
BlueTriton Brands, Inc.	30,365.95	29,641.44	(724.51)	29,641.44	(724.51)	23,694.34	(6,671.61)	23,694.34	(6,671.61)	26,290.53	(4,075.42)	26,290.53	(4,075.42)	21,888.08	(8,477.87)
CalMat Co. (Appropriative)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Chino Hills, City of	376,041.19	371,403.79	(4,637.40)	375,822.78	(218.41)	580,675.00	204,633.81	585,093.99	209,052.80	314,644.81	(61,396.38)	355,039.52	(21,001.67)	549,529.40	173,488.21
Chino, City of	721,798.95	707,828.56	(13,970.39)	712,971.96	(8,826.99)	888,764.25	166,965.30	893,907.65	172,108.70	602,123.60	(119,675.35)	649,140.30	(72,658.65)	830,199.96	108,401.01
Cucamonga Valley Water District	1,095,496.55	1,084,949.40	(10,547.15)	1,100,696.58	5,200.03	843,124.89	(252,371.66)	858,872.07	(236,624.48)	2,420,376.72	1,324,880.17	1,758,236.89	662,740.34	1,252,691.23	157,194.68
Desalter Authority	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fontana Union Water Company	205,829.86	202,504.15	(3,325.71)	202,504.15	(3,325.71)	175,205.06	(30,624.80)	175,205.06	(30,624.80)	187,125.69	(18,704.17)	187,125.69	(18,704.17)	166,906.78	(38,923.08)
Fontana Water Company	253,365.74	404,034.65	150,668.91	318,396.54	65,030.80	47,003.72	(206,362.02)	(38,634.39)	(292,000.13)	274,834.64	21,468.90	298,090.30	44,724.56	39,191.61	(214,174.13)
Fontana, City of	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Golden State Water Company	73,949.81	72,817.83	(1,131.98)	74,609.79	659.98	45,859.55	(28,090.26)	47,651.51	(26,298.30)	53,262.74	(20,687.07)	69,643.36	(4,306.45)	49,176.35	(24,773.46)
Jurupa Community Services District	1,714,299.56	1,688,025.57	(26,273.99)	1,707,526.89	(6,772.67)	2,092,733.33	378,433.77	2,112,234.65	397,935.09	1,410,683.61	(303,615.95)	1,588,948.27	(125,351.29)	1,997,021.19	282,721.63
Marygold Mutual Water Company	103,809.97	100,749.87	(3,060.10)	100,749.87	(3,060.10)	75,631.54	(28,178.43)	75,631.54	(28,178.43)	86,597.25	(17,212.72)	86,597.25	(17,212.72)	68,001.83	(35,808.14)
Monte Vista Irrigation Company	21,788.98	21,436.92	(352.06)	21,436.92	(352.06)	18,547.06	(3,241.92)	18,547.06	(3,241.92)	19,808.97	(1,980.01)	19,808.97	(1,980.01)	17,668.61	(4,120.37)
Monte Vista Water District	876,017.79	867,379.38	(8,638.41)	879,137.17	3,119.38	680,553.33	(195,464.46)	692,311.12	(183,706.67)	733,470.02	(142,547.77)	840,949.85	(35,067.94)	699,294.23	(176,723.56)
NCL Co, LLC	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Niagara Bottling, LLC	409,787.98	399,457.32	(10,330.66)	399,457.32	(10,330.66)	359,647.54	(50,140.44)	359,647.54	(50,140.44)	350,862.76	(58,925.22)	350,862.76	(58,925.22)	321,392.74	(88,395.24)
Nicholson Family Trust	123.61	121.61	(2.00)	121.61	(2.00)	105.22	(18.39)	105.22	(18.39)	112.38	(11.23)	112.38	(11.23)	100.23	(23.38)
Norco, City of	6,497.83	6,392.85	(104.98)	6,392.85	(104.98)	74,794.88	68,297.05	74,794.88	68,297.05	5,907.36	(590.47)	5,907.36	(590.47)	66,266.38	59,768.55
Ontario, City of	2,009,742.60	1,985,871.88	(23,870.72)	2,010,060.12	317.52	2,142,459.97	132,717.37	2,166,648.21	156,905.61	1,682,186.54	(327,556.06)	1,903,295.10	(106,447.50)	2,095,259.37	85,516.77
Pomona, City of	1,177,222.01	1,142,057.27	(35,164.74)	1,142,057.27	(35,164.74)	853,412.60	(323,809.41)	853,412.60	(323,809.41)	979,425.65	(197,796.36)	979,425.65	(197,796.36)	765,732.57	(411,489.44)
San Antonio Water Company	89,806.79	88,676.22	(1,130.57)	89,352.74	(454.05)	72,726.29	(17,080.50)	73,402.81	(16,403.98)	78,041.82	(11,764.97)	84,226.01	(5,580.78)	72,223.82	(17,582.97)
San Bernardino, County of (Shooting Park)	18,660.00	18,578.86	(81.14)	18,612.18	(47.82)	18,110.31	(549.69)	18,143.63	(516.37)	17,925.51	(734.49)	18,230.05	(429.95)	17,873.71	(786.29)
Santa Ana River Water Company	53,579.33	52,813.48	(765.85)	52,986.87	(592.46)	127,929.50	74,350.17	128,102.89	74,523.56	47,886.55	(5,692.78)	49,471.49	(4,107.84)	116,693.58	63,114.25
Upland, City of	226,473.99	223,859.78	(2,614.21)	226,065.79	(408.20)	180,652.52	(45,821.47)	182,858.53	(43,615.46)	194,141.73	(32,332.26)	214,307.16	(12,166.83)	181,689.82	(44,784.17)
West End Consolidated Water Co	30,511.63	30,018.64	(492.99)	30,018.64	(492.99)	25,971.91	(4,539.72)	25,971.91	(4,539.72)	27,738.98	(2,772.65)	27,738.98	(2,772.65)	24,741.79	(5,769.84)
West Valley Water District	21,289.48	20,954.25	(335.23)	20,954.25	(335.23)	18,202.57	(3,086.91)	18,202.57	(3,086.91)	19,404.14	(1,885.34)	19,404.14	(1,885.34)	17,366.12	(3,923.36)
Western Municipal Water District	0.00	0.00	0.00	0.00	0.00	244,776.12	244,776.12	244,776.12	244,776.12	0.00	0.00	0.00	0.00	215,562.48	215,562.48
Overlying (Non-Agricultural) Pool	284,649.59	275,970.92	(8,678.67)	275,970.92	(8,678.67)	204,733.31	(79,916.28)	204,733.31	(79,916.28)	235,831.96	(48,817.63)	235,831.96	(48,817.63)	183,096.86	(101,552.73)
Total	9,801,109.19	9,795,544.64	(5,564.55)	9,795,544.65	(5,564.54)	9,795,314.81	(5,794.38)	9,795,314.82	(5,794.37)	9,768,683.96	(32,425.23)	9,768,683.97	(32,425.22)	9,769,568.74	(31,540.45)
Total Desalter Replenishment Assessment	199,422.47	193,877.66	(5,544.81)	193,877.66	(5,544.81)	193,877.66	(5,544.81)	193,877.66	(5,544.81)	167,405.81	(32,016.66)	167,405.81	(32,016.66)	167,405.81	(32,016.66)
Total Change in Assessments Minus DRO			19.74		19.73		249.57		249.56		408.57		408.56		(476.21)
Judgment Administration Assessment / AF	33.44	32.33	(1.11)	32.33	(1.11)	23.21	(10.23)	23.21	(10.23)	27.19	(6.25)	27.19	(6.25)	20.44	(13.00)
OBMP Assessment / AF	53.24	51.47	(1.77)	51.47	(1.77)	36.95	(16.29)	36.95	(16.29)	43.29	(9.95)	43.29	(9.95)	32.54	(20.70)
Total Assessment / AF	86.68	83.80	(2.88)	83.80	(2.88)	60.16	(26.52)	60.16	(26.52)	70.48	(16.20)	70.48	(16.20)	52.98	(33.70)

¹ Based on feedback from City of Ontario during Workshop #1.

² Based on feedback from Cucamonga Valley Water District during Workshop #1.

³ Based on feedback from Fontana Water Company during Workshop #1.

⁴ Based on feedback from Cucamonga Valley Water District during Workshop #2.

⁵ Based on a hypothetical \$500/AF replenishment, subject to change.



Assessment Fee Summary (Revised)

**** DRAFT ****

Party	Approved FY 2023/24 Assessment Package	No DYY This Year CDA NOT Assessed		No DYY This Year CDA Assessed	
		Footnotes 1, 2, 4			
		Assessment	Difference	Assessment	Difference
BlueTriton Brands, Inc.	36,845.39	36,845.39	0.00	28,370.85	(8,474.54)
CalMat Co. (Appropriative)	0.00	0.00	0.00	0.00	0.00
Chino Hills, City of	345,403.61	345,403.61	0.00	576,207.95	230,804.34
Chino, City of	719,171.56	719,171.56	0.00	907,708.06	188,536.50
Cucamonga Valley Water District	1,532,818.27	1,532,818.27	0.00	1,097,148.03	(435,670.24)
Desalter Authority	0.00	0.00	0.00	0.00	0.00
Fontana Union Water Company	201,190.20	201,190.20	0.00	171,496.10	(29,694.10)
Fontana Water Company	300,180.58	300,180.58	0.00	26,322.48	(273,858.10)
Fontana, City of	0.00	0.00	0.00	0.00	0.00
Golden State Water Company	97,329.98	97,329.98	0.00	67,177.72	(30,152.26)
Jurupa Community Services District	1,269,852.48	1,269,852.48	0.00	1,803,954.41	534,101.93
Marygold Mutual Water Company	76,188.29	76,188.29	0.00	55,993.68	(20,194.61)
Monte Vista Irrigation Company	21,297.82	21,297.82	0.00	18,154.43	(3,143.39)
Monte Vista Water District	739,552.80	739,552.80	0.00	558,033.36	(181,519.44)
NCL Co, LLC	0.00	0.00	0.00	0.00	0.00
Niagara Bottling, LLC	439,828.43	439,828.43	0.00	396,888.86	(42,939.57)
Nicholson Family Trust	120.80	120.80	0.00	102.98	(17.82)
Norco, City of	6,351.37	6,351.37	0.00	81,008.38	74,657.01
Ontario, City of	1,930,359.16	1,930,359.16	0.00	2,090,645.45	160,286.29
Pomona, City of	1,280,291.36	1,280,291.36	0.00	915,740.61	(364,550.75)
San Antonio Water Company	99,410.02	99,410.02	0.00	78,347.69	(21,062.33)
San Bernardino, County of (Shooting Park)	19,225.71	19,225.71	0.00	18,685.31	(540.40)
Santa Ana River Water Company	42,224.30	42,224.30	0.00	126,887.51	84,663.21
Upland, City of	150,950.17	150,950.17	0.00	121,151.92	(29,798.25)
West End Consolidated Water Co	29,823.85	29,823.85	0.00	25,422.08	(4,401.77)
West Valley Water District	20,905.88	20,905.88	0.00	17,912.78	(2,993.10)
Western Municipal Water District	0.00	0.00	0.00	267,148.19	267,148.19
Overlying (Non-Agricultural) Pool	305,899.38	305,899.39	0.01	214,135.16	(91,764.22)
Total	9,665,221.41	9,665,221.42	0.01	9,664,643.99	(577.42)
Total Desalter Replenishment Assessment	185,682.80	185,682.80	0.00	185,682.80	0.00
Total Change in Assessments Minus DRO			(0.01)		577.42
Judgment Administration Assessment / AF	42.39	42.39	0.00	29.06	(13.33)
OBMP Assessment / AF	55.08	55.08	0.00	37.77	(17.31)
Total Assessment / AF	97.47	97.47	0.00	66.83	(30.64)

¹ Based on feedback from City of Ontario during Workshop #1.

² Based on feedback from Cucamonga Valley Water District during Workshop #1.

³ Based on feedback from Fontana Water Company during Workshop #1.

⁴ Based on feedback from Cucamonga Valley Water District during Workshop #2.

⁵ Based on a hypothetical \$500/AF replenishment, subject to change.

EXHIBIT 3

John Bosler
Secretary/General Manager/CEO

October 23, 2025

Mr. Todd Corbin
General Manager
Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730
Email: tcorbin@cbwm.org

Re: Proposed Assessment Package Revisions to Implement the Court of Appeals Opinion

Dear Mr. Corbin,

The Cucamonga Valley Water District (CVWD) appreciates Watermaster's efforts to prepare alternative assessment package revisions reflecting the Parties' input through the collaborative workshop process. CVWD has reviewed the seven options and provided feedback to Watermaster staff on the application of the 85/15 rule,¹ which is triggered in the event of production of groundwater by members of the Appropriative Pool above and beyond their allocated operational safe yield and has been applied to certain assessment scenarios identified by Watermaster. We emphasize that correct application of the 85/15 rule to total overproduction is essential, and mandatory, and we appreciate Watermaster staff's willingness to revise the scenarios to properly apply the 85/15 rule to CVWD's total over-production, which is identified in Attachment 1.

CVWD reiterates the points made in our letter dated August 6, 2025, and strongly maintains that CVWD in good faith proceeded with voluntary takes that were specifically authorized by the 2019 Letter Agreement for the Dry Year Yield Program (DYYP) by shifting importing water purchases to groundwater production. We also underscore the point that CVWD paid the Metropolitan Water District (MWD) at the full Tier 1 treated water rate for the voluntary takes it was asked to make, since DYYP stored water is owned by MWD and is, for purposes of the Judgment, imported water. This means CVWD already paid MWD Tier 1 volumetric rates plus the share of MWD Readiness to Serve (RTS) charges which are factored into the ten-year rolling average calculation. CVWD has accordingly paid MWD a total of \$15 million for water purchased through MWD under the DYYP, plus CVWD's RTS share which has thus far resulted in an additional \$1.3 million with an estimated total of \$5.2 million over the ten-year period. That means the total cost to CVWD for participating during the two years in question is about \$20 million for total DYY production, inclusive of the credit provided by MWD but not factoring in pumping and transmission costs, which is intended to be offset by the MWD O&M credit.

With that stated, and while CVWD believes that Option Four is the most equitable approach which most closely adheres to the plain language and intent of the Judgment,² CVWD can support Option Two as presented in Attachment 1. Option Two considers

¹ The 85/15 Rule arises out of paragraph 7 in Exhibit H to the Judgment. It reads, in pertinent part:

For production, other than for increased export, within CBMWD or WMWD:

(1) Gross Assessment. 15% of such replenishment water costs shall be recovered by a uniform assessment against all production of each appropriator producing in said area during the preceding year.

(2) Net Assessment. The remaining 85% of said costs shall be recovered by a uniform assessment on each acre foot of production from said area by each such appropriator in excess of his allocated share of Operating Safe Yield during said preceding year.

² As CVWD has stated in prior comment letters, and as Ontario recently asserted numerous times to the Court of Appeal in the DYY litigation, if all water pumped must be assessed, then there is no legal basis for treating desalter water any differently

DYY partial performance by CVWD with 8,196 acre-feet considered overproduction in assessment year 2021/22 and no overproduction in assessment year 2022/23. CVWD can agree to pay production assessments on the calculated overproduction if the 85/15 rule is applied, as it must be, in accordance with Exhibit H, Paragraph 7 of the Restated Judgment (Appropriative Pool Pooling Plan). As discussed above, CVWD paid MWD tier 1 volumetric rates plus the MWD RTS rate for the overproduction, which must be considered in the calculation of the 85/15 pro rata share, as paragraph 7 of Exhibit H appears to have been crafted to deal with situations exactly like the one at hand where an appropriator has produced water above its safe yield allocation for use within the Chino Basin. CVWD calculates a total of \$7,308,637 to purchase 8,195 AF of MWD tier 1 untreated water to satisfy the Watermaster calculated over production, with a detailed breakdown included in Attachment 2. CVWD requests that Option Two be updated by Watermaster to accurately consider CVWD's actual water purchase costs.

While CVWD is open to compromise, it is important to highlight that Ontario, as part of their arguments to the Court of Appeal, argued that "all groundwater production should be assessed," among other claims of alleged cost shifting, financial harm, and windfalls. It should be noted that the Chino Basin desalters, which produce groundwater for direct beneficial use to certain parties, are not assessed and there is no reason nor rule that prohibits their assessment. Ontario used a broad argument to apply to one issue: the DYY. They can't have it both ways. Therefore, CVWD sees the most appropriate scenario that would satisfy Ontario's arguments would also include the desalters being assessed retroactively for the subject assessment packages. However, as it affects parties who did not make the argument, we will forgo recommending this option and reserve our right to compel Watermaster to assess desalter production going forward consistent with the principle of equitable cost allocation and pursuant to Exhibit H, Paragraph 6 of the Restated Judgment.

We appreciate Watermaster's consideration of this request and look forward to finalizing an assessment structure that equitably reflects DYY performance and actual water supply costs.

Sincerely,



John Bosler, PE
General Manager/CEO
Cucamonga Valley Water District

than DYY water. If Ontario truly wants all water assessed, then Watermaster should consider giving them the relief they requested—as memorialized in Option Four of Attachment 1.

ATTACHMENT 1



Assessment Year 2021-2022 (Production Year 2020-2021)

Assessment Fee Summary (Revised)

DYY Details			
Party	Take	Transaction	Total
CVWD	12,304.333	8,195.667	20,500.000
FWC	0.000	2,500.000	2,500.000
	12,304.333	10,695.667	23,000.000

**** DRAFT ****

COA Interpretation

Option 2

Option 4

Party	Approved FY 2021/22 Assessment Package	DYY Partial Performance CVWD 8,196 AF / FWC 2,500 AF DYY Take of 12,304.3 AF DYY 10,695.7 AF Transacted		DYY Partial Performance CVWD 8,196 AF / FWC 2,500 AF DYY Take of 12,304.3 AF DYY 10,695.7 AF Transacted 85/15 Rule Applied (\$500/AF) CDA NOT Assessed Footnotes 3, 4, 5		DYY Partial Performance CVWD 8,196 AF / FWC 2,500 AF DYY Take of 12,304.3 AF DYY 10,695.7 AF Transacted 85/15 Rule NOT Applied CDA Assessed Footnotes 1, 2, 3, 4		DYY Partial Performance CVWD 8,196 AF / FWC 2,500 AF DYY Take of 12,304.3 AF DYY 10,695.7 AF Transacted 85/15 Rule Applied (\$500/AF) CDA Assessed Footnotes 1, 2, 3, 4, 5		DYY Assessed CVWD 20,500 AF / FWC 2,500 AF DYY 23,000 AF Transacted 85/15 Rule NOT Applied CDA NOT Assessed Footnote 1		DYY Assessed CVWD 20,500 AF / FWC 2,500 AF DYY 23,000 AF Transacted 85/15 Rule Applied (\$500/AF) CDA NOT Assessed Footnotes 1, 4, 5		DYY Assessed CVWD 20,500 AF / FWC 2,500 AF DYY 23,000 AF Transacted 85/15 Rule Applied (\$500/AF) CDA Assessed Footnotes 1, 2, 4, 5	
		Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference
BlueTriton Brands, Inc.	26,513.32	24,644.26	(1,869.06)	24,644.26	(1,869.06)	20,016.37	(6,496.95)	20,016.37	(6,496.95)	22,902.70	(3,610.62)	22,902.70	(3,610.62)	19,056.07	(7,457.25)
CalMat Co. (Appropriative)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Chino Hills, City of	281,469.18	257,633.02	(23,836.16)	279,589.70	(1,879.48)	424,122.94	142,653.76	446,079.61	164,610.43	232,856.09	(48,613.09)	278,514.23	(2,954.95)	437,591.31	156,122.13
Chino, City of	543,691.51	496,456.62	(47,234.89)	521,115.91	(22,575.60)	647,777.37	104,085.86	672,436.66	128,745.15	449,532.79	(94,158.72)	500,810.93	(42,880.58)	651,247.13	107,555.62
Cucamonga Valley Water District	565,137.66	1,040,177.67	475,040.01	708,651.86	143,514.20	787,422.03	222,284.37	455,896.22	(109,241.44)	1,732,674.06	1,167,536.40	840,877.99	275,740.33	456,323.91	(108,813.75)
Desalter Authority	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fontana Union Water Company	154,698.57	146,370.87	(8,327.70)	146,370.87	(8,327.70)	125,744.58	(28,953.99)	125,744.58	(28,953.99)	138,599.69	(16,098.88)	138,599.69	(16,098.88)	121,466.02	(33,232.55)
Fontana Water Company	285,003.67	385,758.38	100,754.71	319,353.61	34,349.94	149,344.82	(135,658.85)	82,940.05	(202,063.62)	277,263.61	(7,740.06)	341,576.92	56,573.25	145,076.28	(139,927.39)
Fontana, City of	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Golden State Water Company	96,783.31	88,384.80	(8,398.51)	97,975.66	1,192.35	68,728.67	(28,054.64)	78,319.53	(18,463.78)	79,440.77	(17,342.54)	99,384.65	2,601.34	83,047.48	(13,735.83)
Jurupa Community Services District	1,283,339.04	1,166,282.63	(117,056.41)	1,260,995.43	(22,343.61)	1,510,352.35	227,013.31	1,605,065.15	321,726.11	1,046,119.45	(237,219.59)	1,243,071.41	(40,267.63)	1,586,892.73	303,553.69
Marygold Mutual Water Company	75,922.34	69,274.96	(6,647.38)	69,274.96	(6,647.38)	52,815.00	(23,107.34)	52,815.00	(23,107.34)	63,079.82	(12,842.52)	63,079.82	(12,842.52)	49,399.65	(26,522.69)
Monte Vista Irrigation Company	16,376.26	15,494.70	(881.56)	15,494.70	(881.56)	13,311.21	(3,065.05)	13,311.21	(3,065.05)	14,672.04	(1,704.22)	14,672.04	(1,704.22)	12,858.29	(3,517.97)
Monte Vista Water District	727,374.74	665,777.32	(61,597.42)	732,936.44	5,561.70	521,232.88	(206,141.86)	588,392.00	(138,982.74)	600,546.47	(126,828.27)	740,201.52	12,826.78	620,066.80	(107,307.94)
NCL Co, LLC	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Niagara Bottling, LLC	1,747,020.73	1,718,384.34	(28,636.39)	1,718,384.34	(28,636.39)	1,688,500.93	(58,519.80)	1,688,500.93	(58,519.80)	1,691,199.27	(55,821.46)	1,691,199.27	(55,821.46)	1,666,360.66	(80,660.07)
Nicholson Family Trust	90.77	85.77	(5.00)	85.77	(5.00)	73.38	(17.39)	73.38	(17.39)	81.10	(9.67)	81.10	(9.67)	70.82	(19.95)
Norco, City of	4,883.68	4,620.78	(262.90)	4,620.78	(262.90)	57,043.23	52,159.55	57,043.23	52,159.55	4,375.46	(508.22)	4,375.46	(508.22)	52,873.78	47,990.10
Ontario, City of	1,778,365.74	1,626,616.10	(151,749.64)	1,779,899.81	1,534.07	1,721,920.79	(56,444.95)	1,875,204.50	96,838.76	1,467,319.32	(311,046.42)	1,786,067.46	7,701.72	1,907,341.73	128,975.99
Pomona, City of	853,006.03	775,059.87	(77,946.16)	775,059.87	(77,946.16)	582,049.75	(270,956.28)	582,049.75	(270,956.28)	702,410.51	(150,595.52)	702,410.51	(150,595.52)	542,002.13	(311,003.90)
San Antonio Water Company	91,144.48	84,230.25	(6,914.23)	90,269.50	(874.98)	67,826.29	(23,318.19)	73,865.54	(17,278.94)	77,081.20	(14,063.28)	89,639.61	(1,504.87)	76,007.38	(15,137.10)
San Bernardino, County of (Shooting Park)	15,183.94	14,895.72	(288.22)	15,049.02	(134.92)	14,602.74	(581.20)	14,756.04	(427.90)	14,604.54	(579.40)	14,923.32	(260.62)	14,679.80	(504.14)
Santa Ana River Water Company	46,638.04	43,658.43	(2,979.61)	45,225.07	(1,412.97)	100,150.15	53,512.11	101,716.79	55,078.75	40,697.15	(5,940.89)	43,954.93	(2,683.11)	96,822.11	50,184.07
Upland, City of	239,320.57	220,184.47	(19,136.10)	238,993.39	(327.18)	175,034.27	(64,286.30)	193,843.19	(45,477.38)	200,156.74	(39,163.83)	239,269.24	(51.33)	201,745.83	(37,574.74)
West End Consolidated Water Co	22,932.07	21,697.60	(1,234.47)	21,697.60	(1,234.47)	18,640.01	(4,292.06)	18,640.01	(4,292.06)	20,545.61	(2,386.46)	20,545.61	(2,386.46)	18,005.77	(4,926.30)
West Valley Water District	16,068.81	15,229.39	(839.42)	15,229.39	(839.42)	13,150.30	(2,918.51)	13,150.30	(2,918.51)	14,446.07	(1,622.74)	14,446.07	(1,622.74)	12,719.03	(3,349.78)
Western Municipal Water District	0.00	0.00	0.00	0.00	0.00	187,560.32	187,560.32	187,560.32	187,560.32	0.00	0.00	0.00	0.00	173,302.99	173,302.99
Overlying (Non-Agricultural) Pool	319,570.34	292,717.38	(26,852.96)	292,717.38	(26,852.96)	226,228.02	(93,342.32)	226,228.02	(93,342.32)	267,696.18	(51,874.16)	267,696.18	(51,874.16)	212,431.25	(107,139.09)
Total	9,190,534.80	9,173,635.33	(16,899.47)	9,173,635.32	(16,899.48)	9,173,648.40	(16,886.40)	9,173,648.38	(16,886.42)	9,158,300.64	(32,234.16)	9,158,300.66	(32,234.14)	9,157,388.95	(33,145.85)
Total Desalter Replenishment Assessment	200,504.62	183,774.67	(16,729.95)	183,774.67	(16,729.95)	183,774.67	(16,729.95)	183,774.67	(16,729.95)	167,679.07	(32,825.55)	167,679.07	(32,825.55)	167,679.07	(32,825.55)
Total Change in Assessments Minus DRO			169.52		169.53		156.45		156.47		(591.39)		(591.41)		320.30
Judgment Administration Assessment / AF	22.27	20.10	(2.17)	20.10	(2.17)	14.71	(7.56)	14.71	(7.56)	18.07	(4.20)	18.07	(4.20)	13.59	(8.68)
OBMP Assessment / AF	48.25	43.53	(4.72)	43.53	(4.72)	31.86	(16.39)	31.86	(16.39)	39.14	(9.11)	39.14	(9.11)	29.44	(18.81)
Total Assessment / AF	70.52	63.63	(6.89)	63.63	(6.89)	46.57	(23.95)	46.57	(23.95)	57.21	(13.31)	57.21	(13.31)	43.03	(27.49)

¹ Based on feedback from City of Ontario during Workshop #1.

² Based on feedback from Cucamonga Valley Water District during Workshop #1.

³ Based on feedback from Fontana Water Company during Workshop #1.

⁴ Based on feedback from Cucamonga Valley Water District during Workshop #2.

⁵ Based on a hypothetical \$500/AF replenishment, subject to change.



Assessment Year 2022-2023 (Production Year 2021-2022)

Assessment Fee Summary (Revised)

DYY Details			
Party	Take	Transaction	Total
CVWD	17,912.778	0.000	17,912.778
FWC	1,573.333	3,426.667	5,000.000
	19,486.111	3,426.667	22,912.778

** DRAFT **

		COA Interpretation		Option 2		Option 4									
Party	Approved FY 2022/23 Assessment Package	DYY Partial Performance FWC 3,427 AF DYY Takes of 19,486.1 AF DYY 3,426.7 AF Transacted		DYY Partial Performance FWC 3,427 AF DYY Take of 19,486.1 AF DYY 3,426.7 AF Transacted 85/15 Rule Applied (\$500/AF) CDA NOT Assessed Footnotes 3, 4, 5		DYY Partial Performance FWC 3,427 AF DYY Take of 19,486.1 AF DYY 3,426.7 AF Transacted 85/15 Rule NOT Applied CDA Assessed Footnotes 1, 2, 3, 4		DYY Partial Performance FWC 3,427 AF DYY Take of 19,486.1 AF DYY 3,426.7 AF Transacted 85/15 Rule Applied (\$500/AF) CDA Assessed Footnotes 1, 2, 3, 4, 5		DYY Assessed CVWD 17,913 AF / FWC 5,000 AF DYY 22,912.8 AF Transacted 85/15 Rule NOT Applied CDA NOT Assessed Footnote 1		DYY Assessed CVWD 17,913 AF / FWC 5,000 AF DYY 22,912.8 AF Transacted 85/15 Rule Applied (\$500/AF) CDA NOT Assessed Footnotes 1, 4, 5		DYY Assessed CVWD 17,913 AF / FWC 5,000 AF DYY 22,912.8 AF Transacted 85/15 Rule Applied (\$500/AF) CDA Assessed Footnotes 1, 2, 4, 5	
		Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference	Assessment	Difference
BlueTriton Brands, Inc.	30,365.95	29,641.44	(724.51)	29,641.44	(724.51)	23,694.34	(6,671.61)	23,694.34	(6,671.61)	26,290.53	(4,075.42)	26,290.53	(4,075.42)	21,888.08	(8,477.87)
CalMat Co. (Appropriative)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Chino Hills, City of	376,041.19	371,403.79	(4,637.40)	375,822.78	(218.41)	580,675.00	204,633.81	585,093.99	209,052.80	314,644.81	(61,396.38)	363,123.43	(12,917.76)	558,870.76	182,829.57
Chino, City of	721,798.95	707,828.56	(13,970.39)	712,971.96	(8,826.99)	888,764.25	166,965.30	893,907.65	172,108.70	602,123.60	(119,675.35)	658,549.42	(63,249.53)	841,072.67	119,273.72
Cucamonga Valley Water District	1,095,496.55	1,084,949.40	(10,547.15)	1,100,696.58	5,200.03	843,124.89	(252,371.66)	858,872.07	(236,624.48)	2,420,376.72	1,324,880.17	1,579,991.69	484,495.14	1,087,494.88	(8,001.67)
Desalter Authority	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fontana Union Water Company	205,829.86	202,504.15	(3,325.71)	202,504.15	(3,325.71)	175,205.06	(30,624.80)	175,205.06	(30,624.80)	187,125.69	(18,704.17)	187,125.69	(18,704.17)	166,906.78	(38,923.08)
Fontana Water Company	253,365.74	404,034.65	150,668.91	318,396.54	65,030.80	47,003.72	(206,362.02)	(38,634.39)	(292,000.13)	274,834.64	21,468.90	348,480.10	95,114.36	56,644.68	(196,721.06)
Fontana, City of	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Golden State Water Company	73,949.81	72,817.83	(1,131.98)	74,609.79	659.98	45,859.55	(28,090.26)	47,651.51	(26,298.30)	53,262.74	(20,687.07)	72,921.49	(1,028.32)	52,964.40	(20,985.41)
Jurupa Community Services District	1,714,299.56	1,688,025.57	(26,273.99)	1,707,526.89	(6,772.67)	2,092,733.33	378,433.77	2,112,234.65	397,935.09	1,410,683.61	(303,615.95)	1,624,623.13	(89,676.43)	2,038,245.26	323,945.70
Marygold Mutual Water Company	103,809.97	100,749.87	(3,060.10)	100,749.87	(3,060.10)	75,631.54	(28,178.43)	75,631.54	(28,178.43)	86,597.25	(17,212.72)	86,597.25	(17,212.72)	68,001.83	(35,808.14)
Monte Vista Irrigation Company	21,788.98	21,436.92	(352.06)	21,436.92	(352.06)	18,547.06	(3,241.92)	18,547.06	(3,241.92)	19,808.97	(1,980.01)	19,808.97	(1,980.01)	17,668.61	(4,120.37)
Monte Vista Water District	876,017.79	867,379.38	(8,638.41)	879,137.17	3,119.38	680,553.33	(195,464.46)	692,311.12	(183,706.67)	733,470.02	(142,547.77)	862,459.03	(13,558.76)	724,149.16	(151,868.63)
NCL Co, LLC	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Niagara Bottling, LLC	409,787.98	399,457.32	(10,330.66)	399,457.32	(10,330.66)	359,647.54	(50,140.44)	359,647.54	(50,140.44)	350,862.76	(58,925.22)	350,862.76	(58,925.22)	321,392.74	(88,395.24)
Nicholson Family Trust	123.61	121.61	(2.00)	121.61	(2.00)	105.22	(18.39)	105.22	(18.39)	112.38	(11.23)	112.38	(11.23)	100.23	(23.38)
Norco, City of	6,497.83	6,392.85	(104.98)	6,392.85	(104.98)	74,794.88	68,297.05	74,794.88	68,297.05	5,907.36	(590.47)	5,907.36	(590.47)	66,266.38	59,768.55
Ontario, City of	2,009,742.60	1,985,871.88	(23,870.72)	2,010,060.12	317.52	2,142,459.97	132,717.37	2,166,648.21	156,905.61	1,682,186.54	(327,556.06)	1,947,544.00	(62,198.60)	2,146,391.18	136,648.58
Pomona, City of	1,177,222.01	1,142,057.27	(35,164.74)	1,142,057.27	(35,164.74)	853,412.60	(323,809.41)	853,412.60	(323,809.41)	979,425.65	(197,796.36)	979,425.65	(197,796.36)	765,732.57	(411,489.44)
San Antonio Water Company	89,806.79	88,676.22	(1,130.57)	89,352.74	(454.05)	72,726.29	(17,080.50)	73,402.81	(16,403.98)	78,041.82	(11,764.97)	85,463.60	(4,343.19)	73,653.92	(16,152.87)
San Bernardino, County of (Shooting Park)	18,660.00	18,578.86	(81.14)	18,612.18	(47.82)	18,110.31	(549.69)	18,143.63	(516.37)	17,925.51	(734.49)	18,291.00	(369.00)	17,944.14	(715.86)
Santa Ana River Water Company	53,579.33	52,813.48	(765.85)	52,986.87	(592.46)	127,929.50	74,350.17	128,102.89	74,523.56	47,886.55	(5,692.78)	49,788.68	(3,790.65)	117,060.11	63,480.78
Upland, City of	226,473.99	223,859.78	(2,614.21)	226,065.79	(408.20)	180,652.52	(45,821.47)	182,858.53	(43,615.46)	194,141.73	(32,332.26)	218,342.72	(8,131.27)	186,353.11	(40,120.88)
West End Consolidated Water Co	30,511.63	30,018.64	(492.99)	30,018.64	(492.99)	25,971.91	(4,539.72)	25,971.91	(4,539.72)	27,738.98	(2,772.65)	27,738.98	(2,772.65)	24,741.79	(5,769.84)
West Valley Water District	21,289.48	20,954.25	(335.23)	20,954.25	(335.23)	18,202.57	(3,086.91)	18,202.57	(3,086.91)	19,404.14	(1,885.34)	19,404.14	(1,885.34)	17,366.12	(3,923.36)
Western Municipal Water District	0.00	0.00	0.00	0.00	0.00	244,776.12	244,776.12	244,776.12	244,776.12	0.00	0.00	0.00	0.00	215,562.48	215,562.48
Overlying (Non-Agricultural) Pool	284,649.59	275,970.92	(8,678.67)	275,970.92	(8,678.67)	204,733.31	(79,916.28)	204,733.31	(79,916.28)	235,831.96	(48,817.63)	235,831.96	(48,817.63)	183,096.86	(101,552.73)
Total	9,801,109.19	9,795,544.64	(5,564.55)	9,795,544.65	(5,564.54)	9,795,314.81	(5,794.38)	9,795,314.82	(5,794.37)	9,768,683.96	(32,425.23)	9,768,683.96	(32,425.23)	9,769,568.74	(31,540.45)
Total Desalter Replenishment Assessment	199,422.47	193,877.66	(5,544.81)	193,877.66	(5,544.81)	193,877.66	(5,544.81)	193,877.66	(5,544.81)	167,405.81	(32,016.66)	167,405.81	(32,016.66)	167,405.81	(32,016.66)
Total Change in Assessments Minus DRO			19.74		19.73		249.57		249.56		408.57		408.57		(476.21)
Judgment Administration Assessment / AF	33.44	32.33	(1.11)	32.33	(1.11)	23.21	(10.23)	23.21	(10.23)	27.19	(6.25)	27.19	(6.25)	20.44	(13.00)
OBMP Assessment / AF	53.24	51.47	(1.77)	51.47	(1.77)	36.95	(16.29)	36.95	(16.29)	43.29	(9.95)	43.29	(9.95)	32.54	(20.70)
Total Assessment / AF	86.68	83.80	(2.88)	83.80	(2.88)	60.16	(26.52)	60.16	(26.52)	70.48	(16.20)	70.48	(16.20)	52.98	(33.70)

¹ Based on feedback from City of Ontario during Workshop #1.
² Based on feedback from Cucamonga Valley Water District during Workshop #1.
³ Based on feedback from Fontana Water Company during Workshop #1.
⁴ Based on feedback from Cucamonga Valley Water District during Workshop #2.
⁵ Based on a hypothetical \$500/AF replenishment, subject to change.

ATTACHMENT 2

CVWD DYY Certified Purchases FY 2020/21

FY2020/2021	DYY Take AF	Tier 1 Rate	Total Paid	WM Claimed Overproduction	Eligible for 85/15
July-2020	-	\$755	\$-		
August-2020	5,200	\$755	\$3,926,000	5,200	\$3,926,000
September-2020	2,500	\$755	\$1,887,500	2,500	\$1,887,500
October-2020	2,500	\$755	\$1,887,500	495	\$373,725
November-2020	1,500	\$755	\$1,132,500		
December-2020	2,000	\$755	\$1,510,000		
January-2021	-	\$777	\$-		
February-2021	-	\$777	\$-		
March-2021	-	\$777	\$-		
April-2021	2,000	\$777	\$1,554,000		
May-2021	2,600	\$777	\$2,020,200		
June-2021	2,200	\$777	\$1,709,400		
Subtotal FY20/21	20,500		\$15,627,100	8,195	\$6,187,225
RTS Estimate					\$1,121,412
Total Cost to Purchase MWD Water to meet CVWD Overproduction					\$7,308,637

EXHIBIT 4



PAUL S. LEON
MAYOR

SHEILA MAUTZ
CITY CLERK

ALAN D. WAPNER
MAYOR PRO TEM

JAMES R. MILHISER
CITY TREASURER

July 24, 2025

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

Chino Basin Watermaster Board

Marty Zvirbulis or alternate, Fontana Water Company appointed Board Member

Chair James Curatalo or alternate, Cucamonga Valley Water District appointed Board Member

Steve Elie or alternate, Inland Empire Utilities Agency appointed Board Member

Bob Kuhn or alternate, Three Valleys Municipal Water District appointed Board Member

9641 San Bernardino Road

Rancho Cucamonga, CA 91730

Re: *Chino Basin Municipal Water District v. City of Ontario* (E080457, E082127) (Dry Year Yield Program Litigation) – Renewed Request for Recusal

Dear Chino Basin Watermaster Board,

As you are aware, the Court of Appeal (COA) issued its final decision in the Dry Year Yield Program (DYY Program) litigation and ruled in favor of the City of Ontario (Ontario). The COA directed the superior court to enter new orders (1) granting Ontario's challenges and (2) directing Chino Basin Watermaster (Watermaster) to correct and amend its FY 2021/2022 and 2022/2023 Assessment Packages (Assessment Packages). As previously addressed in Ontario's January 22, 2025 letter to Watermaster, attached, the correction and amendment of the Assessment Packages in a manner that is consistent with the COA opinion stands to directly impact the financial and other interests of Fontana Water Company (Fontana), Cucamonga Valley Water District (CVWD), Inland Empire Utilities Agency (IEUA), and Three Valleys Municipal Water District (TVMWD). Each agency was a party to the DYY Program litigation, each opposed Ontario's challenges, and representatives appointed by each of these agencies currently serve as members of the Watermaster Board.

Watermaster serves as an arm of the court and in that capacity must ensure its neutrality - free from conflicts of interest or bias – in its decision making. Fontana, CVWD, and IEUA zealously opposed Ontario in the DYY Litigation and have substantial pecuniary and other interests that stand to be affected by the amendment of the Assessment Packages. As an arm of the court, Watermaster cannot credibly maintain its neutrality while allowing interested Board members to participate in closed session conferences on matters regarding the DYY Program litigation and implementation of the COA decision. For this reason, Ontario renews its request that the conflicted Board members representing Fontana, CVWD, IEUA, and TVMWD recuse themselves from any and all closed sessions relating to the DYY

Program litigation and also abstain from votes, if any, concerning the correction and amendment of the Assessment Packages.

Ontario reserves its rights to seek appropriate relief with the trial court under its continuing jurisdiction if these issues are not resolved. Ontario appreciates Watermaster's consideration of these requests.

Sincerely,



Courtney Jones, P.E.
Deputy General Manager
City of Ontario

cc: City of Ontario City Council Members
Scott Ochoa, City of Ontario City Manager
Scott Burton, City of Ontario Utilities General Manager
Elizabeth Ewens, City of Ontario Legal Counsel
Josh Swift, Fontana Water Company General Manager
CVWD Board of Directors
IEUA Board of Directors
TVMWD Board of Directors
Todd Corbin, Watermaster General Manager
Scott Slater, Watermaster Counsel

Encl.: January 22, 2025, City of Ontario Letter to Chino Basin Watermaster "Re: *Chino Basin Municipal Water District v. City of Ontario* (E080457, E082127) (Dry Year Yield Program Litigation)"

EXHIBIT 5



PAUL S. LEON
MAYOR

ALAN WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA PORADA
DAISY MACIAS

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
CITY TREASURER

SCOTT OCHOA
CITY MANAGER

1/22/2025

Re: Chino Basin Municipal Water District v. City of Ontario (E080457, E082127) (Dry Year Yield Program Litigation)

Dear Mr. Corbin,

As Watermaster is aware, the Court of Appeal recently issued a tentative opinion in the Dry Year Yield Program (DYY Program) litigation. Final resolution of the appeal, including Watermaster's ultimate implementation of a final order or negotiation of potential compromise solutions, is of considerable import to Ontario and others throughout the basin. Indeed, while there undoubtedly is a financial component to the DYY Program issues involved, these issues also encompass the structure and operation of a significant storage and recovery program as well as foundational procedural processes required to be utilized by Watermaster in the conduct of its business.

Given the import of the issues before Watermaster, Ontario urges Watermaster to conduct its discussions concerning the DYY Program in open session. Fundamentally, given Watermaster's position as an arm of the court, it is critically important that Watermaster preserve its neutrality and act in an open and transparent manner. Accordingly, Ontario requests that Watermaster reconsider its decision to deliberate on matters impacting the future of the DYY Program, and/or the interpretation or compliance with a final Court order, in closed session.

Alternatively, representatives of parties to the DYY Program litigation who also serve on the Watermaster Board should recuse themselves from all closed session discussions and otherwise abstain from any other Watermaster actions or decisions involving the DYY Program. Specifically, as parties to the DYY Program litigation, Cucamonga Valley Water District, Fontana Water Company, and Inland Empire Utilities Agency have financial and other interests in the outcome of the litigation and implementation of a final order. In short, it is foreseeable that Watermaster recommendations or actions relating to the DYY Program litigation, and any future orders stemming from that litigation, will have a material impact on the individual interests of these agencies. Accordingly, the best course to protect and preserve the neutrality of the Watermaster Board is for these parties to recuse themselves.

Ontario appreciates Watermaster's consideration of these requests.

Sincerely,

Courtney Jones
Deputy General Manager
City of Ontario

cc: Scott Slater, Watermaster Counsel
Scott Burton, City of Ontario Utilities General Manager

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 October 29, 2025, I served the following:

1. CITY OF ONTARIO'S SUPPLEMENTAL STATUS CONFERENCE STATEMENT AND OBJECTION TO WATERMASTER'S PROPOSED ORDER

/ 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 October 29, 2025, in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

PAUL HOFER
11248 S TURNER AVE
ONTARIO, CA 91761

JEFF PIERSON
2 HEXHAM
IRVINE, CA 92603

Ruby Favela Quintero

Contact Group Name Master Email Distribution

Categories: Main Email Lists

Members:

Aimee Zhao	azhao@ieua.org
Alan Frost	Alan.Frost@dpw.sbcounty.gov
Alberto Mendoza	Alberto.Mendoza@cmc.com
Alejandro R. Reyes	arreyes@sgvwater.com
Alex Padilla	Alex.Padilla@wsp.com
Alexis Mascarinas	AMascarinas@ontarioca.gov
Alfonso Ruiz	alfonso.ruiz@cmc.com
Alonso Jurado	ajurado@cbwm.org
Alyssa Coronado	acoronado@sarwc.com
Amanda Coker	amandac@cvwdwater.com
Andrew Gagen	agagen@kidmanlaw.com
Andy Campbell	acampbell@ieua.org
Andy Malone	amalone@westyost.com
Angelica Todd	angelica.todd@ge.com
Anna Nelson	atruongnelson@cbwm.org
Anthony Alberti	aalberti@sgvwater.com
April Robitaille	arobitaille@bhfs.com
Art Bennett	citycouncil@chinohills.org
Arthur Kidman	akidman@kidmanlaw.com
Ashley Zapp	ashley.zapp@cmc.com
Ashok Dhingra	ash@akdconsulting.com
Ben Lewis	benjamin.lewis@gswater.com
Ben Markham	bmarkham@bhfs.com
Ben Orosco	Borosco@cityofchino.org
Ben Roden	BenR@cvwdwater.com
Benjamin M. Weink	ben.weink@tetrattech.com
Beth.McHenry	Beth.McHenry@hoferranch.com
Bill Schwartz	bschwartz@mvwd.org
Bill Velto	bvelto@uplandca.gov
Board Support Team IEUA	BoardSupportTeam@ieua.org
Bob Bowcock	bbowcock@irmwater.com
Bob DiPrimio	rjdiprimio@sgvwater.com
Bob Feenstra	bobfeenstra@gmail.com
Bob Kuhn	bkuhn@tvmwd.com
Bob Kuhn	bgkuhn@aol.com
Bob Page	Bob.Page@rov.sbcounty.gov
Brad Herrema	bherrema@bhfs.com
Bradley Jensen	bradley.jensen@cao.sbcounty.gov
Brandi Belmontes	BBelmontes@ontarioca.gov
Brandi Goodman-Decoud	bgdecoud@mvwd.org
Brandon Howard	brahoward@niagarawater.com
Brenda Fowler	balee@fontanawater.com
Brent Yamasaki	byamasaki@mwdh2o.com
Brian Dickinson	bdickinson65@gmail.com
Brian Geye	bgeye@autoclubspeedway.com
Brian Hamilton	bhamilton@downeybrand.com
Brian Lee	blee@sawaterco.com
Bryan Smith	bsmith@jcsd.us
Carmen Sierra	carmens@cvwdwater.com
Carol Boyd	Carol.Boyd@doj.ca.gov
Carolina Sanchez	csanchez@westyost.com

Casey Costa	ccosta@chinodesalter.org
Cassandra Hooks	chooks@niagarawater.com
Chad Nishida	CNishida@ontarioca.gov
Chander Letulle	cletulle@jcsd.us
Charles Field	cdfield@att.net
Charles Moorrees	cmoorrees@sawaterco.com
Chino Hills City Council	citycouncil@chinohills.org
Chris Berch	cberch@jcsd.us
Chris Diggs	chris.diggs@pomonaca.gov
Christen Miller	Christen.Miller@cao.sbcounty.gov
Christensen, Rebecca A	rebecca_christensen@fws.gov
Christopher M. Sanders	cms@eslawfirm.com
Christopher R. Guillen	cguillen@bhfs.com
Cindy Cisneros	cindyc@cvwdwater.com
Cindy Li	Cindy.li@waterboards.ca.gov
City of Chino, Administration Department	administration@cityofchino.org
Courtney Jones	cjjones@ontarioca.gov
Craig Miller	CMiller@wmwd.com
Craig Stewart	craig.stewart@wsp.com
Cris Fealy	cifealy@fontanawater.com
Curtis Burton	CBurton@cityofchino.org
Dan McKinney	dmckinney@douglascountylaw.com
Dana Reeder	dreeder@downeybrand.com
Daniel Bobadilla	dbobadilla@chinohills.org
Daniela Uriarte	dUriarte@cbwm.org
Danny Kim	dkim@linklogistics.com
Dave Argo	daveargo46@icloud.com
Dave Crosley	DCrosley@cityofchino.org
Dave Schroeder	DSchroeder@cbwcd.org
David Barnes	DBarnes@geoscience-water.com
David De Jesus	ddejesus@tvmwd.com
Dawn Varacchi-Ives	dawn.varacchi@ge.com
Deanna Fillon	dfillon@DowneyBrand.com
Denise Garzaro	dgarzaro@ieua.org
Dennis Mejia	dmejia@ontarioca.gov
Dennis Williams	dwilliams@geoscience-water.com
Derek Hoffman	dhoffman@fennemorelaw.com
Derek LaCombe	dlacombe@ci.norco.ca.us
Ed Diggs	ediggs@uplandca.gov
Ed Means	edmeans@icloud.com
Eddie Lin	elin@ieua.org
Edgar Tellez Foster	etellezfoster@cbwm.org
Eduardo Espinoza	EduardoE@cvwdwater.com
Elena Rodrigues	erodrigues@wmwd.com
Elizabeth M. Calciano	ecalciano@hensleylawgroup.com
Elizabeth P. Ewens	elizabeth.ewens@stoel.com
Elizabeth Willis	ewillis@cbwcd.org
Eric Fordham	eric_fordham@geopentech.com
Eric Garner	eric.garner@bbklaw.com
Eric Grubb	ericg@cvwdwater.com
Eric Lindberg PG,CHG	eric.lindberg@waterboards.ca.gov
Eric N. Robinson	erobinson@kmtg.com

Eric Papathakis	Eric.Papathakis@cdcr.ca.gov
Eric Tarango	edtarango@fontanawater.com
Erick Jimenez	Erick.Jimenez@nucor.com
Erik Vides	evides@cbwm.org
Erika Clement	Erika.clement@sce.com
Eunice Ulloa	eulloa@cityofchino.org
Evette Ounanian	EvetteO@cvwdwater.com
Frank Yoo	FrankY@cbwm.org
Fred Fudacz	ffudacz@nossaman.com
Fred Galante	fgalante@awattorneys.com
G. Michael Milhiser	directormilhiser@mvwd.org
G. Michael Milhiser	Milhiser@hotmail.com
Garrett Rapp	grapp@westyost.com
Geoffrey Kamansky	gkamansky@niagarawater.com
Geoffrey Vanden Heuvel	geoffreyvh60@gmail.com
Gerald Yahr	yahrj@koll.com
Gina Gomez	ggomez@ontarioca.gov
Gina Nicholls	gnicholls@nossaman.com
Gino L. Filippi	Ginoffvine@aol.com
Gracie Torres	gtorres@wmwd.com
Grant Mann	GMann@dpw.sbcounty.gov
Greg Zarco	Greg.Zarco@airports.sbcounty.gov
Ha T. Nguyen	ha.nguyen@stoel.com
Heather Placencia	heather.placencia@parks.sbcounty.gov
Henry DeHaan	Hdehaan1950@gmail.com
Hvianca Hakim	HHakim@linklogistics.com
Hye Jin Lee	HJLee@cityofchino.org
Imelda Cadigal	Imelda.Cadigal@cdcr.ca.gov
Irene Islas	irene.islas@bbklaw.com
Ivy Capili	ICapili@bhfs.com
James Curatalo	jamesc@cvwdwater.com
Jasmin A. Hall	jhall@ieua.org
Jason Marseilles	jmarseilles@ieua.org
Jayne Joy	Jayne.Joy@waterboards.ca.gov
Jean Cihigoyenetché	Jean@thejclawfirm.com
Jeff Evers	jevers@niagarawater.com
Jeff Mosher	jmosher@sawpa.org
Jeffrey L. Pierson	jpierson@intexcorp.com
Jennifer Hy-Luk	jhyluk@ieua.org
Jeremy N. Jungries	jjungreis@rutan.com
Jesse Pompa	jpompa@jcsd.us
Jessie Ruedas	Jessie@thejclawfirm.com
Jill Keehnen	jill.keehnen@stoel.com
Jim Markman	jmarkman@rwglaw.com
Jim Van de Water	jimvdw@thomashardercompany.com
Jim W. Bowman	jbowman@ontarioca.gov
Jimmie Moffatt	jimmiem@cvwdwater.com
Jimmy Gutierrez - Law Offices of Jimmy Gutierrez	jimmylaredo@gmail.com
Jimmy L. Gutierrez	Jimmy@City-Attorney.com
Jimmy Medrano	Jaime.medrano2@cdcr.ca.gov
Jiwon Seung	JiwonS@cvwdwater.com
Joanne Chan	jchan@wwd.org

Joao Feitoza	joao.feitoza@cmc.com
Jody Roberto	jroberto@tvmwd.com
Joe Graziano	jgraz4077@aol.com
Joel Ignacio	jignacio@ieua.org
John Bosler	johnb@cvwdwater.com
John Harper	jrharper@harperburns.com
John Hughes	jhughes@mvwd.org
John Huitsing	johnhuitsing@gmail.com
John Lopez	jlopez@sarwc.com
John Lopez and Nathan Cole	customerservice@sarwc.com
John Mendoza	jmendoza@tvmwd.com
John Partridge	jpartridge@angelica.com
John Russ	jruss@ieua.org
John Schatz	jschatz13@cox.net
Jordan Garcia	jgarcia@cbwm.org
Jose A Galindo	Jose.A.Galindo@linde.com
Jose Ventura	jose.ventura@linde.com
Josh Swift	jmswift@fontanawater.com
Joshua Aguilar	jaguilar1@wmwd.com
Justin Brokaw	jbrokaw@marygoldmutualwater.com
Justin Castruita	jacastruita@fontanawater.com
Justin Nakano	JNakano@cbwm.org
Justin Scott-Coe Ph. D.	jscottcoe@mvwd.org
Kaitlyn Dodson-Hamilton	kaitlyn@tdaenv.com
Karen Williams	kwilliams@sawpa.org
Kassandra Lopez	klopez@cbwcd.org
Kathleen Brundage	kathleen.brundage@californiasteel.com
Kati Parker	kparker@katithewaterlady.com
Keith Lemieux	klemieux@awattorneys.com
Keith Person	keith.person@waterboards.ca.gov
Kelly Alhadeff-Black	kelly.black@lewisbrisbois.com
Kelly Ridenour	KRIDENOUR@fennemorelaw.com
Ken Waring	kwaring@jcsd.us
Kevin Alexander	kalexander@ieua.org
Kevin O'Toole	kotoole@ocwd.com
Kevin Sage	Ksage@IRMwater.com
Kirk Richard Dolar	kdolar@cbwm.org
Kurt Berchtold	kberchtold@gmail.com
Kyle Brochard	KBrochard@rwglaw.com
Kyle Snay	kylesnay@gswater.com
Laura Roughton	lroughton@wmwd.com
Laura Yraceburu	lyraceburu@bhfs.com
Lauren V. Neuhaus, Esq.	lauren.neuhaus@stoel.com
Lee McElhaney	lmcclhaney@bmkclawplc.com
Lewis Callahan	Lewis.Callahan@cdcr.ca.gov
Linda Jadeski	ljadeski@wvwd.org
Liz Hurst	ehurst@ieua.org
Mallory Gandara	MGandara@wmwd.com
Manny Martinez	DirectorMartinez@mvwd.org
Marcella Correa	MCorrea@rwglaw.com
Marco Tule	mtule@ieua.org
Maria Ayala	mayala@jcsd.us
Maria Insixiengmay	Maria.Insxiengmay@cc.sbcounty.gov

Maria Mendoza	mmendoza@westyost.com
Maribel Sosa	Maribel.Sosa@pomonaca.gov
Marilyn Levin	Marilynhlevin@gmail.com
Marissa Turner	mturner@tvmwd.com
Mark D. Hensley	mhensley@hensleylawgroup.com
Mark Wiley	mwiley@chinohills.org
Marlene B. Wiman	mwiman@nossaman.com
Martin Cihigoyenetché	marty@thejclawfirm.com
Martin Rauch	martin@rauchcc.com
Martin Zvirbulis	mezvirbulis@sgvwater.com
Matthew H. Litchfield	mlitchfield@tvmwd.com
Maureen Snelgrove	Maureen.snelgrove@airports.sbcounty.gov
Maureen Tucker	mtucker@awattorneys.com
Megan N. Sims	mnsims@sgvwater.com
Melanie Trevino	Mtrevino@jcsd.us
Meredith Nikkel	mnikkel@downeybrand.com
Michael Adler	michael.adler@mcmcnet.net
Michael B. Brown, Esq.	michael.brown@stoel.com
Michael Blay	mblay@uplandca.gov
Michael Cruikshank	mcruikshank@wsc-inc.com
Michael Fam	mfam@dpw.sbcounty.gov
Michael Hurley	mhurley@ieua.org
Michael Maeda	michael.maeda@cdcr.ca.gov
Michael Mayer	Michael.Mayer@dpw.sbcounty.gov
Michael P. Thornton	mthornton@tkeengineering.com
Michele Hinton	mhinton@fennemorelaw.com
Michelle Licea	mlicea@mvwd.org
Mikayla Coleman	mikayla@cvstrat.com
Mike Gardner	mgardner@wmwd.com
Mike Maestas	mikem@cvwdwater.com
Miriam Garcia	mgarcia@ieua.org
Monica Nelson	mnelson@ieua.org
Moore, Toby	TobyMoore@gswater.com
MWDProgram	MWDProgram@sdca.org
Nabil B. Saba	Nabil.Saba@gswater.com
Nadia Aguirre	naguirre@tvmwd.com
Natalie Avila	navila@cityofchino.org
Natalie Costaglio	natalie.costaglio@mcmcnet.net
Natalie Gonzaga	ngonzaga@cityofchino.org
Nathan deBoom	n8deboom@gmail.com
Neetu Gupta	ngupta@ieua.org
Nicholas Miller	Nicholas.Miller@parks.sbcounty.gov
Nichole Horton	Nichole.Horton@pomonaca.gov
Nick Jacobs	njacobs@somachlaw.com
Nicole deMoet	ndemoet@uplandca.gov
Nicole Escalante	NEscalante@ontarioca.gov
Noah Golden-Krasner	Noah.goldenkrasner@doj.ca.gov
Norberto Ferreira	nferreira@uplandca.gov
Paul Hofer	farmerhofer@aol.com
Paul Hofer	farmwatchtoo@aol.com
Paul S. Leon	pleon@ontarioca.gov
Pete Vicario	PVicario@cityofchino.org
Peter Dopulos	peterdopulos@gmail.com

Peter Dopulos	peter@egoscuelaw.com
Peter Hettinga	peterhettinga@yahoo.com
Peter Rogers	progers@chinohills.org
Rebekah Walker	rwalker@jcsd.us
Richard Anderson	horsfly1@yahoo.com
Richard Rees	richard.rees@wsp.com
Robert DeLoach	robertadeloach1@gmail.com
Robert E. Donlan	rdonlan@wjhattorneys.com
Robert Neufeld	robneu1@yahoo.com
Robert S. (RobertS@cbwcd.org)	RobertS@cbwcd.org
Robert Wagner	rwagner@wbecorp.com
Ron Craig	Rcraig21@icloud.com
Ron LaBrucherie, Jr.	ronLaBrucherie@gmail.com
Ronald C. Pietersma	rcpietersma@aol.com
Ruben Llamas	rllamas71@yahoo.com
Ruby Favela	rfavela@cbwm.org
Ryan Shaw	RShaw@wmwd.com
Sam Nelson	snelson@ci.norco.ca.us
Sam Rubenstein	srubenstein@wpcarey.com
Sandra S. Rose	directorrose@mvwd.org
Scott Burton	sburton@ontarioca.gov
Scott Slater	sslater@bhfs.com
Seth J. Zielke	sjzielke@fontanawater.com
Shawnda M. Grady	sgrady@wjhattorneys.com
Sherry Ramirez	SRamirez@kmtg.com
Shivaji Deshmukh	sdeshmukh@ieua.org
Sonya Barber	sbarber@ci.upland.ca.us
Sonya Zite	szite@wmwd.com
Stephanie Reimer	SReimer@mvwd.org
Stephen Deitsch	stephen.deitsch@bbklaw.com
Stephen Parker	sparker@uplandca.gov
Steve Kennedy	skennedy@bmklawplc.com
Steve M. Anderson	steve.anderson@bbklaw.com
Steve Riboli	steve.riboli@riboliwines.com
Steve Smith	ssmith@ieua.org
Steven Andrews	sandrews@sandrewsengineering.com
Steven J. Elie	s.elie@mpglaw.com
Steven J. Elie	selie@ieua.org
Steven Popelar	spopelar@jcsd.us
Steven Raughley	Steven.Raughley@isd.sbcounty.gov
Susan Palmer	spalmer@kidmanlaw.com
Sylvie Lee	slee@tvmwd.com
Tammi Ford	tford@wmwd.com
Tariq Awan	Tariq.Awan@cdcr.ca.gov
Taya Victorino	tayav@cvwdwater.com
Teri Layton	tlayton@sawaterco.com
Terri Whitman	TWhitman@kmtg.com
Terry Watkins	Twatkins@geoscience-water.com
Thomas S. Bunn	tombunn@lagerlof.com
Tim Barr	tbarr@wmwd.com
Timothy Ryan	tjryan@sgvwater.com
Toby Moore	tobymoore@gswater.com
Todd M. Corbin	tcorbin@cbwm.org

Tom Barnes	tbarnes@esassoc.com
Tom Bunn	TomBunn@Lagerlof.com
Tom Cruikshank	tcruikshank@linklogistics.com
Tom Dodson	tda@tdaenv.com
Tom Harder	tharder@thomashardercompany.com
Tom O'Neill	toneill@chinodesalter.org
Tony Long	tlong@angelica.com
Toyasha Sebbag	tsebbag@cbwcd.org
Tracy J. Egoscue	tracy@egoscuelaw.com
Trevor Leja	Trevor.Leja@cao.sbcounty.gov
Veva Weamer	vweamer@westyost.com
Victor Preciado	victor.preciado@pomonaca.gov
Vivian Castro	vcastro@cityofchino.org
Wade Fultz	Wade.Fultz@cmc.com
WestWater Research, LLC	research@waterexchange.com
William Brunick	bbrunick@bmklawplc.com
William McDonnell	wmcdonnell@ieua.org
William Urena	wurena@emeraldus.com