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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO, SAN BERNARDINO JUSTICE CENTER

CHINO BASIN MUNICIPAL WATER
DISTRICT,

Plaintiff,

v.

CITY OF CHINO, et al.,

Defendant.

Case No. RCVRS 51010

**OBJECTIONS TO EVIDENCE IN
SUPPORT OF JOINT OPPOSITION TO
CITY OF ONTARIO'S MOTION FOR
ORDER DIRECTING WATERMASTER
TO CORRECT AND AMEND THE
FY2021/2022 AND 2022/2023
ASSESSMENT PACKAGES**

Hearing:

Date: February 6, 2026

Time: 10:00 a.m.

Dept.: R-17

Fontana Water Company ("Fontana") and Cucamonga Valley Water District
("Cucamonga") objects to the evidence submitted by the City of Ontario ("Ontario") with its
Motion for Order Directing Watermaster to Correct and Amend the FY 2021/2022 and 2022/2023

1 Assessment Packages (the “Motion”), as follows:

2 **Objection to Declaration of Courtney Jones**

3 **OBJECTION NO. 1**

4 **Material:** “The years covered by the FY 2021/2022 and FY 2022/2023 Assessment Packages
5 were not call years. For this reason, pursuant to the terms of the original DYY Program
6 agreements and court orders, no party was authorized to produce or claim DYY Program
7 Production in FY 2021/2022 and FY 2022/2023.” (Jones Decl. at ¶ 7, 2:25-28.)

8 **Grounds:** Vague and ambiguous; legal conclusion; improper lay opinion; secondary evidence
9 rule. (Evid. Code, §§ 765; 803; 1523, subd. (a).) Ms. Jones does not state what “court orders”
10 support her opinion that “no party was authorized to produce or claim DYY Program Production
11 in FY 2021/2022 and FY 2022/2023.” To the extent that Ms. Jones’ declaration is based on her
12 interpretation of the legal documents, this is improper opinion testimony and the documents speak
13 for themselves.
14

15 **Court’s Ruling on Objection:**

Sustained: _____ Overruled: _____

16
17 **OBJECTION NO. 2**

18 **Material:** “Because FY 2021/2022 and FY 2022/2023 were not call years, correcting and
19 amending the FY 2021/2022 and FY 2022/2023 Assessment Packages must begin with zeroing
20 out the claimed DYY Program production, shown in the Storage and Recovery Program column,
21 for CVWD and Fontana (column 10J).” (Jones Decl. at ¶ 8, 3:1-4.)

22 **Grounds:** Legal conclusion; improper lay opinion; secondary evidence rule. (Evid. Code, §§ 800-
23 803; 1523, subd. (a).) Ms. Jones does not state the foundation or basis in support of her improper
24 opinion that “correcting and amending the . . . Assessment Packages begins with zeroing out the
25 claimed DYY Program production . . .” To the extent that Ms. Jones’ declaration is based on her
26 interpretation of the legal documents, this is improper opinion testimony and the documents speak
27 for themselves.
28

Court's Ruling on Objection:

Sustained: _____ Overruled: _____

OBJECTION NO. 3

Material: “Additionally, water must go back into, and be accounted for, in Metropolitan’s DYY Program storage account. Again, the ‘original DYY Program agreements, the Judgment, and prior court orders’ . . . do not allow for stored water deliveries from the DYY Program except in call years, and FY 2021/2022 and FY 2022/2023 were not call years.” (Jones Decl. at ¶ 9, 3:6-9.)

Grounds: Legal conclusion; improper lay opinion; secondary evidence rule. (Evid. Code, §§ 800-803; 1523, subd. (a).) Ms. Jones does not state the foundation or basis in support of her improper opinion that “water must go back into, and be accounted for, in Metropolitan’s DYY Program storage account,” other than the Court of Appeal Opinion. To the extent that Ms. Jones’ declaration is based on her interpretation of the Court of Appeal Opinion, this is improper opinion testimony and the documents speak for themselves.

Court's Ruling on Objection:

Sustained: _____ Overruled: _____

OBJECTION NO. 4

Material: “The correction of the Assessment Package is purely a matter of accounting and can be boiled down to seven steps described below.” (Jones Decl. at ¶ 11, 3:13-18; *id.* at ¶ 12-15.)

Grounds: Foundation; lacks personal knowledge; legal conclusion; improper lay opinion. (Evid. Code, §§ 403; 702; 800-803; 1523, subd. (a).) Ms. Jones does not provide any foundation for her claimed expertise in accounting or her opinion that the “correction of the Assessment Package is purely a matter of accounting and can be boiled down to seven steps described below.”

Accordingly, her opinion in Paragraph 11, and the subsequent seven-step correction proposal in Paragraphs 12 through 15 lack foundation and are based on improper opinion testimony that goes

beyond Ms. Jones’ personal experience or qualification as an expert.¹ Moreover, all of the steps and calculations in Paragraphs 12 through 15 rely on the faulty and unsupported assumption that Watermaster must assess all of the water withdrawn under the DYY Program. This is a pure legal conclusion that is at the core of the legal arguments addressed in the parties’ moving papers—the trial court should reject Ms. Jones’ effort to couch that argument as a fact that she is qualified to testify on.

Court’s Ruling on Objection:

Sustained: _____ Overruled: _____

Objection to Declaration of Elizabeth P. Ewens

OBJECTION NO. 5

Material: “The Court also instructed the parties to meet and confer to stipulate to a proposed order, and to have third-party neutral mediator assist them in those meet and confer efforts.” (Ewens Decl. at ¶ 10, 3:9-11.)

Grounds: Misleading; misstates evidence. (Evid. Code, § 352; Cal. Rules Prof. Conduct, rule 3.3, 3.4.) The Court never instructed the parties to meet and confer to stipulate to a proposed order. Instead, the Court stated “get together and try to select another mutually agreeable date.” (Declaration of Meredith E. Nikkel in Support of Joint Opposition to Ontario’s Motion at Ex. A [Oct. 31, 2025 Hearing Tr.] at 33:24-25.) The Court went on to state that “with regards to filing any oppositions or objects to it, just comply with the code 1005.” (*Id.* at 34:5-7.)

Court’s Ruling on Objection:

Sustained: _____ Overruled: _____

¹ Legal argument addressing Ms. Jones’ seven-step formula are included in Fontana and Cucamonga’s Opposition to Ontario’s Motion, filed herewith. The Declaration of Cris Fealy in Support of Fontana and Cucamonga’s Opposition to Ontario’s Motion, also filed herewith, addresses factual shortcomings with Ms. Jones’ approach.

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 5, 2026, I served the following:

1. OBJECTIONS TO EVIDENCE IN SUPPORT OF JOINT OPPOSITION TO CITY OF ONTARIO'S MOTION FOR ORDER DIRECTING WATERMASTER TO CORRECT AND AMEND THE FY2021/2022 AND 2022/2023 ASSESSMENT PACKAGES

/ 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 5, 2026, in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

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