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23 Cucamonga Valley Water District

24 SUPERIOR COURT OF THE STATE OF CALIFORNIA

25 COUNTY OF SAN BERNARDINO, SAN BERNARDINO JUSTICE CENTER

26 CHINO BASIN MUNICIPAL WATER
27 DISTRICT,

28 Plaintiff,

v.

29 CITY OF CHINO, et al.,

30 Defendant.

31 Case No. RCVRS 51010

32 **FONTANA WATER COMPANY'S AND
33 CUCAMONGA VALLEY WATER
34 DISTRICT'S RESPONSES TO
35 OBJECTIONS TO CITY OF ONTARIO'S
36 EVIDENTIARY OBJECTIONS TO JOINT
37 OPPOSITION'S EVIDENCE**

38 Date: February 20, 2026

39 Time: 10:00 a.m.

40 Dept.: R-17

41 [Assigned for All Purposes to:
42 Hon. Gilbert G. Ochoa]

43 Department R-17

44 Trial Date: NOT SET

1 The City of Ontario’s (“Ontario”) evidentiary objections to the Declarations of Amanda
 2 Coker (“Coker Decl.”) and Cris Fealy (“Fealy Decl.”) are meritless and should be overruled.
 3 These objections merely repackage Ontario’s legal arguments in an attempt to prevent the Court
 4 from understanding and considering the real-world impacts of adopting the remedy Ontario seeks,
 5 for the first time, in its proposed order. In brief, Ontario argues that Ms. Coker’s and Mr. Fealy’s
 6 testimony is irrelevant, lacks foundation, and that Ms. Coker and Mr. Fealy lack the qualification
 7 to offer opinions about the consequences and absurdity that will flow from adopting Ontario’s
 8 proposed order. These objections lack merit.

DECLARATION OF AMANDA COKER 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			
Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
<p>13 1. Declaration of Amanda Coker, ¶ 3, page 2, line 19—page 3, line 1:</p> <p>14 “CVWD intentionally uses imported water during normal and wet years to reduce stress on Chino Basin groundwater supplies and to preserve groundwater storage for droughts, emergencies, or times when imported water deliveries from MWD are reduced. Establishing a significant baseline of imported water usage is important to CVWD for ensuring access to imported water</p>	<p>15 Irrelevant. Evid. Code §§ 210, 350.</p> <p>16 CVWD’s historical use of water is irrelevant to the instant Motion, which seeks to enforce the Court Appeal’s Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u>. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “violated the Judgment and the agreements that created the DYY Program.”</p>	<p>17 Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Cucamonga makes decisions with respect to purchasing imported water versus producing groundwater. This is relevant to understanding Cucamonga’s participation in the DYY Program, and thus the effects on Cucamonga and the Chino Basin of adopting Ontario’s proposed remedy—which asserts that CVWD and FWC must be ordered to “put the water back” into the DYY account—a demand that will cause chaos in the Appropriative Pool for all of the reasons articulated in the joint Opposition of CVWD and FWC. Ms. Coker’s declaration rebuts portions</p>	<p>18 Sustained: _____</p> <p>19 Overruled: _____</p>

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<p>supplies during dry year allocations. This is because the amount of imported water an agency uses over time helps establish a higher baseline for future allocation years, when imported water access is often rationed. The higher the baseline of annual imported water use an agency establishes, the more that agency is able to purchase at the normal cost during years where Metropolitan does not have enough water to meet all demands. By buying imported water during normal and wet years, even at higher cost than other available options, CVWD reduces the risk of future shortages and cost overruns during drought years”.</p>	<p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant's testimony consists of inadmissible opinions, including without limitation, regarding the referenced water use, baselines, and effects.</p>	<p>of the declaration of Ontario's Courtney Jones, and the statement is directly relevant to calculating the appropriate remedy in this case—an issue which the Court of Appeals left largely unanswered. It is also relevant to demonstrate that CVWD would have simply purchased imported water had it not been asked by IEUA and Metropolitan to take DYY water, demonstrating the flaw of accepting Ontario's demand that the Court require Watermaster to recalculate DRO since Ontario's proposed order assumes that CVWD would have pumped native groundwater rather than taking deliveries of imported water in the absence of the 2019 Letter Agreement.</p> <p>Ms. Coker is, the Deputy Director of Engineering for Cucamonga Valley Water District. (Coker Decl. ¶ 1.) Although she does not go into this detail in her declaration, CVWD hereby makes an offer of proof that Ms. Coker would testify at an evidentiary hearing that, in her role as Deputy Director of Engineering, she manages the water resources portfolio of CVWD and in that capacity manages the Chino Basin Watermaster program for CVWD. She</p>	

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		<p>has been directly involved in Chino Basin Watermaster matters for sixteen years, and is CVWD's representative on the CVWD Appropriate Pool. Accordingly, She is highly qualified to provide this testimony because, as she states under oath in her declaration, it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for her opinions, such</p>	

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		<p>questions would, at best, go the weight to be extended Ms. Coker's testimony by the Court. Moreover, any questions as to Ms. Coker's qualifications to provide evidence, which Ontario disputes in conclusory fashion, further establishes why an evidentiary hearing is necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	
2. Declaration of Amanda Coker, ¶ 4, page 3, line 2– 18; Ex. A:	<p>Irrelevant. Evid. Code §§ 210, 350.</p> <p>CVWD's historical strategy, approach, and reasoning for water use and speculation as to future events and penalties is irrelevant to the instant Motion, which seeks to enforce the Court Appeal's Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u>. In its Opinion, the Court of Appeal found that Watermaster's interpretation and application of the</p>	<p>Relevant evidence tends "to prove or disprove any disputed fact that is of consequence to the determination of the action." (Evid. Code, § 210.) Here, the proffered evidence tends to show how Cucamonga made decisions to purchase imported water versus pumping groundwater—which is directly relevant to the issue of DRO recalculation found nowhere in the Court of Appeals decision, but nevertheless demanded by Ontario. For the reasons stated in Fontana and Cucamonga's Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario's proposed order</p>	Sustained: __ Overruled: __

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<p>1 during fiscal year 2 16/17 and 17/18, 3 MWD, the entity 4 which “owns” the 5 imported water stored 6 in the DYYP storage 7 account, made a 8 request to 9 Watermaster to deliver 10 45,000 acre-feet (AF) 11 of imported water to 12 the DYYP storage 13 account due to a series 14 of wet years and 15 excess water 16 availability in 17 Northern California., 18 Additionally, the 19 Chino Basin was 20 approaching 21 expiration of a 22 maximum 23 groundwater storage 24 limit on June 30, 2021 25 so there was a need 26 from Watermaster to 27 decrease the amount in 28 storage since water stored within the Chino Basin was nearly at capacity. CVWD was willing to assist Watermaster, IEUA and MWD by taking more water from stored DYY accounts during the 2021-22 and 2022-23 water years to draw down total storage under the authorized limit and because other parties, such as Ontario, were unable to withdraw the requisite amount of water prior to the end of the DYY Program</p>	<p>2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program.”</p> <p>Lacks foundation and personal knowledge; specu- lative. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of the reasons underlying CVWD and “other parties” conduct, , the alleged penalties, and the CVWD letter. The testimony consists of speculation as to the reasons for the parties’ stated conduct, the Watermaster’s “needs,” and the unspecified “significant penalties.”</p> <p>Hearsay. Evid. Code § 1200.</p> <p>CVWD’s testimony regarding the “deliberate strategy,” MWD’s “request,” and the Watermaster’s</p>	<p>are relevant to the Court’s decision whether to adopt Ontario’s premature plan—which CVWD and FWC contend is inconsistent with the Court of Appeals decision, and which will cause unintended and immediate adverse financial consequences on not only CVWD and FWC, but also other members of the Appropriative Pool.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p>	

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<p>in 2028, which would trigger significant penalties for parties that were unable to fully perform under the terms of the DYY Program. Attached hereto as Exhibit A is a true and correct copy of a letter CVWD sent to Watermaster regarding CVWD's reliance on Metropolitan and IEUA dated August 8, 2025."</p>	<p>"need" consists of hearsay from "information...obtained at recent IEUA meetings, and from recent communications..."</p> <p>Improper Opinion. Evid. Code §§ 800–804. Declarant's testimony consists of inadmissible opinions, including without limitation, regarding the referenced historical strategy, use, and Watermaster conduct.</p>	<p>This evidence is not inadmissible hearsay or an improper opinion because Ms. Coker's declaration establishes her qualification to provide this testimony based upon her duties at CVWD and her personal knowledge of the Chino Basin Watermaster Program (and its implications for CVWD), the evidence she relies on to offer this testimony is the sort of evidence that is the type that reasonably may be relied upon in this circumstance. (Evid. Code, § 801, subd. (b).)</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for her opinions, such questions would, at best, go the weight to be extended Ms. Coker's testimony by the Court. Moreover, any questions as to Ms. Coker's qualifications to provide evidence, which Ontario disputes in conclusory fashion, further establishes why an evidentiary hearing is necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which</p>	

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		opinions are based].)	
3. Declaration of Amanda Coker, ¶ 5, page 3, line 19– 23: “CVWD cannot sustainably increase groundwater pumping beyond certain levels because groundwater rights in the Chino Basin are finite. Producing more groundwater than allowed either depletes stored reserves or requires CVWD to incur significant additional costs to replace or replenish that water. As a result, CVWD has never historically relied on groundwater production at the elevated levels now being proposed by Ontario for assessment.”	Irrelevant. Evid. Code §§ 210, 350. CVWD’s reasons for its failure to comply is irrelevant to the instant Motion, which seeks to enforce the Court Appeal’s Opinion directing Watermaster to correct and amend the <u>FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the 2019 Letter <u>Agreement to approve the Assessment Packages</u> “violated the Judgment and the agreements that created the DYY Program.” Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a). Declarant fails to lay proper foundation or establish personal knowledge of the unsustainability of increased groundwater pumping, unspecified “certain levels,” the “finite” groundwater rights, and CVWD’s “historical reliance.”	Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Cucamonga made decisions to purchase imported water versus pumping groundwater. For the reasons stated in Fontana and Cucamonga’s Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario’s proposed approach are relevant to the Court’s decision whether to adopt Ontario’s proposed remedy. The assertion is relevant to illustrating the absurd nature of Ontario’s contention that CVWD and FWC must be ordered to “put the water back” into the DYY account, that such remedy was not within the contemplation of the Court of Appeals, and is otherwise a demand that will cause chaos in the Appropriative Pool for all of the reasons articulated in the joint Opposition of CVWD and FWC. Ms. Coker’s declaration also rebuts portions of the declaration of Ontario’s Courtney Jones, and the statement is directly relevant to	Sustained: __ Overruled: __

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	<p>The testimony consists of speculation as to the reasons for CVWD's failure to comply.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant's testimony consists of inadmissible opinions, including without limitation, regarding the sustainability, rights, and effects.</p>	<p>calculating the appropriate remedy in this case—an issue which the Court of Appeals left largely unanswered. It is also relevant to demonstrate that CVWD would have simply purchased imported water had it not been asked by IEUA and Metropolitan to take DYY water, demonstrating the flaw of accepting Ontario's demand that the Court require Watermaster to recalculate DRO since Ontario's proposed order assumes that CVWD would have pumped native DRO groundwater rather than taking deliveries of imported water in the absence of the 2019 Letter Agreement.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to</p>	

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		<p>offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for her opinions, such questions would, at best, go the weight to be extended Ms. Coker's testimony by the Court. Moreover, any questions as to Ms. Coker's qualifications to provide evidence, which Ontario disputes in conclusory fashion, further establishes why an evidentiary hearing is necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	
4. Declaration of Amanda Coker, ¶ 6, page 3, line 24- 27: “The DYY Program allows MWD to store imported water underground in the	Irrelevant. Evid. Code §§ 210, 350. CVWD's alleged ownership of the water is irrelevant to the instant Motion, which seeks to enforce the Court Appeal's	Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, in addition to refuting the evidence proffered by Ms. Jones on	Sustained: _____ Overruled: _____

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<p>Chino Basin during wet years so that it can be recovered during dry years. The water stored in the DYY account is owned by MWD. When local agencies produce DYY water, they are pumping MWD-owned imported water from the ground, not native groundwater.”</p>	<p>Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u>. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “<u>violated the Judgment and the agreements that created the DYY Program</u>.”</p> <p>Lacks foundation and personal knowledge. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of MWD’s storage authority, ownership, and local agency production.</p> <p>Secondary Evidence Rule. Evid. Code § 1523.</p> <p>Declarant’s oral testimony regarding the contents of the “DYY Program” is inadmissible, which supporting documents speak for themselves.</p> <p>Improper Opinion. Evid. Code §§ 800–</p>	<p>how Watermaster could correct and amend prior assessment packages, the proffered evidence tends to show how storage under the DYY program works and why Ontario’s proposed order is not consistent with the Court of Appeals decision. It is also relevant to how Cucamonga made decisions to participate in the DYY Program and how Ontario’s proposed order would need to make assumptions about extractions of native groundwater (rather than stored imported water) that are not supported by the evidence. For the reasons stated in Fontana and Cucamonga’s Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario’s proposed approach are relevant to the Court’s decision whether to adopt Ontario’s proposed order.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony];</p>	

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	804. Declarant's testimony consists of inadmissible opinions, including without limitation, regarding MWD's use, ownership, and local agencies' production.	<p>Coker Decl., ¶ 1.)</p> <p>Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>The secondary evidence rule does not apply here because Ms. Coker is not offering testimony to prove the contents of any writings related to the DYY Program; she is instead offering an opinion on the effect of Ontario's proposed remedy in light of numerous documents and policies that control. Moreover, relevant documents are attached to the moving papers, including Fontana and Cucamonga's Request for Judicial Notice.</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for her opinions, such questions would, at best, go the weight to be extended Ms. Coker's</p>	

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		testimony by the Court. Moreover, any questions as to Ms. Coker's qualifications to provide evidence, which Ontario disputes in conclusory fashion, further establishes why an evidentiary hearing is necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)	
5. Declaration of Amanda Coker, ¶ 7, page 3, line 28-page 4, line 4: "In 2019, a Letter Agreement authorized agencies such as CVWD to voluntarily produce water from the DYY storage account. When CVWD did so, it reduced its surface water purchases from Metropolitan via IEUA and instead accessed imported water through groundwater wells. Importantly, CVWD still paid MWD for this water at the normal imported water rates, including volumetric charges and readiness-to-serve charges."	Irrelevant. Evid. Code §§ 210, 350. The 2019 Letter Agreement is irrelevant to the instant Motion, which seeks to enforce the Court Appeal's Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster's interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> "violated the Judgment and the agreements that	Relevant evidence tends "to prove or disprove any disputed fact that is of consequence to the determination of the action." (Evid. Code, § 210.) Here, the proffered evidence tends to show how Cucamonga made decisions related to the 2019 Letter Agreement which are directly relevant to Ontario's proposed remedy (and why it is unworkable, inconsistent with the Court of Appeals decision and likely to lead to an absurd and unconscionable result—paying for the same imported water twice). For the reasons stated in Fontana and Cucamonga's Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario's proposed approach are relevant to	

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	<p><u>created the DYY Program.</u></p> <p>Lacks authentication, foundation, and personal knowledge. Evid. Code §§ 403, 702(a), and 1401.</p> <p>Declarant fails to authenticate, lay proper foundation, or establish personal knowledge for her testimony or authenticate the “Letter Agreement” or CVWD’s alleged rates and payments.</p> <p>Secondary Evidence Rule. Evid. Code § 1523.</p> <p>Declarant’s oral testimony regarding the contents of the “Letter Agreement” is inadmissible, which speaks for itself.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant’s testimony consists of inadmissible opinions, including without limitation, regarding the 2019 Letter Agreement and “normal” water rates.</p>	<p>the Court’s decision whether to adopt Ontario’s draconian proposed order.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>The secondary evidence rule does not apply here because Ms. Coker is not offering testimony to prove the contents of any writings related to the DYY Program, including the Letter Agreement; she is instead authenticating documents and properly</p>	

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		<p>offering an opinion on the effect of Ontario's proposed remedy in light of numerous documents and policies that control and on which Ms. Coker has indicated she has personal knowledge. To the extent the Court requires admission of the 2019 Letter Agreement, Fontana and Cucamonga hereby move for the court to take judicial notice of the Letter Agreement, which is a record of the Watermaster and filed with this court, thus subject to judicial notice. (Evid. Code, § 452, subd. (d).) The document is also a core document in this matter of which the Court and all the parties are familiar with, thus is a source of reasonably indisputable accuracy. (Evid. Code, § 452, subd. (h).)</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for her opinions, such questions would, at best, go the weight to be extended Ms. Coker's testimony by the Court. Moreover, any questions as to Ms. Coker's qualifications to provide evidence, which Ontario disputes in conclusory fashion, further establishes why an evidentiary hearing is</p>	

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		necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)	
6. Declaration of Amanda Coker, ¶ 8, page 4, line 5-9: "CVWD's participation in the DYY Program did not increase its overall reliance on groundwater. Instead, it changed the way CVWD physically received imported water, from delivery of surface water supplies at our treatment plant to groundwater extraction of MWD-owned stored water. Had CVWD not participated in the DYY Program, it would have continued purchasing and using similar amounts of imported water through its surface water facilities."	Irrelevant. Evid. Code §§ 210, 350. CVWD's participation and hypothetical consequences of non-participation is irrelevant to the instant Motion, which seeks to enforce the Court Appeal's Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster's interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> "violated the Judgment and the agreements that created the DYY Program."	Relevant evidence tends "to prove or disprove any disputed fact that is of consequence to the determination of the action." (Evid. Code, § 210.) Here, the proffered evidence tends to show how Cucamonga made decisions to purchase imported water versus pumping groundwater. For the reasons stated in Fontana and Cucamonga's Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario's proposed approach are relevant to the Court's decision whether to adopt Ontario's proposed order.	Sustained: _____ Overruled: _____

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	<p>Declarant fails to lay proper foundation or establish personal knowledge of the effects of CVWD's participation or hypothetical effects of non-participation. The testimony consists of speculation as to the reasons for CVWD's participation and hypothetical consequences.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant's testimony consists of inadmissible opinions, including without limitation, regarding the effects of CVWD's participation, reliance, and hypothetical non-participation.</p>	<p>will cause chaos in the Appropriative Pool for all of the reasons articulated in the joint Opposition of CVWD and FWC. Ms. Coker's declaration also rebuts portions of the declaration of Ontario's Courtney Jones, who herself is not qualified to opine upon Watermaster's method of calculating assessments, and the statement is directly relevant to calculating the appropriate remedy in this case—an issue which the Court of Appeals left largely unanswered. It is also relevant to demonstrate that CVWD would have simply purchased imported water had it not been asked by IEUA and Metropolitan to take DYY water, demonstrating the flaw of accepting Ontario's demand that the Court require Watermaster to recalculate DRO since Ontario's proposed order assumes that CVWD would have pumped native DRO groundwater rather than taking deliveries of imported water in the absence of the 2019 Letter Agreement.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering</p>	

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		for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)	
7. Declaration of Amanda Coker, ¶ 9, page 4, line 10- 20; Ex. B: “CVWD has already incurred MWD charges of approximately \$34.9 million for DYY imported water. If CVWD is now required to return that water to the DYY account, as Ontario requests in its proposed order, or if the same water is reclassified as groundwater production for assessment and replenishment purposes, CVWD	Irrelevant. Evid. Code §§ 210, 350. The effects on CVWD are irrelevant to the instant Motion, which seeks to enforce the Court Appeal's Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster's interpretation and application of the	Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario's proposed order will affect Cucamonga based on Cucamonga's own calculations of the projected impact of Ontario's proposed remedy, as reflected in its Proposed Order. For the reasons stated in Fontana and Cucamonga's Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting	Sustained: _____ Overruled: _____

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<p>would be charged again, this time as if the water were native groundwater. This results in CVWD paying twice for the same water supply, with a total additional cost to CVWD of approximately \$26.7 million if CVWD is required to “put the water back”, and Watermaster is required to recalculate CVWD’s Desalter Replenishment Obligation (DRO) as Ontario has requested. On that note, it is improper to include DYY water in DRO calculations because DYY withdrawals are exempt from DRO calculations per a 2019 amendment to the Peace II Agreement. A true and correct copy of the order of the Superior Court dated March 15, 2019 that amended the Peace II Agreement is enclosed herewith as Exhibit B.”</p>	<p><u>2019 Letter Agreement to approve the Assessment Packages “violated the Judgment and the agreements that created the DYY Program.”</u></p> <p>Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of the effects on CVWD, including its monetary claims, DRO recalculation, and the Peace II Agreement. The testimony consists of speculation as to the same.</p> <p>Secondary Evidence Rule. Evid. Code § 1523.</p> <p>Declarant’s oral testimony regarding the contents of the “Peace II Agreement” is inadmissible, which speaks for itself.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant’s testimony</p>	<p>Ontario’s proposed approach are highly relevant to the appropriate remedy and whether Ontario’s Proposed Order is consistent with the direction of the Court of Appeals. It also illustrates the absurd result that occurs from ignoring the four questions that the Court of Appeal remanded to Watermaster in the first instance to resolve—all of which go to the issue and amount of remedy.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion</p>	

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	<p>consists of inadmissible opinions, including without limitation, regarding the effects of CVWD's participation, effects of compliance, and DRO calculations.</p>	<p>testimony].)</p> <p>The secondary evidence rule does not apply here because Ms. Coker is not offering testimony to prove the contents of the Peace II Agreement; she is instead authenticating the document and offering an opinion on the effect of Ontario's proposed remedy in light of numerous documents and policies that control how DRO is to be calculated by Watermaster. To the extent the Court requires admission of the Peace II Agreement, Fontana and Cucamonga hereby move for the court to take judicial notice of the Peace II Agreement, which is a record of the Watermaster and filed with this court, thus subject to judicial notice. (Evid. Code, § 452, subd. (d).) The document is also a core document in this matter of which the Court and all the parties are familiar with, thus is a source of reasonably indisputable accuracy. (Evid. Code, § 452, subd. (h).)</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for her opinions, such questions would, at best, go the weight to be extended Ms. Coker's</p>	

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		testimony by the Court. Moreover, any questions as to Ms. Coker's qualifications to provide evidence, which Ontario disputes in conclusory fashion, further establishes why an evidentiary hearing is necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)	
8. Declaration of Amanda Coker, ¶ 10, page 4, line 21-28: "To date, CVWD has incurred approximately \$34.9 million in MWD charges related to its participation in the DYY Program. This amount reflects the cost of purchasing imported water from MWD and related charges, but it is a conservative estimate because some of those charges continue for up to ten years after the water is purchased and have not yet been fully paid. If CVWD is now also required to pay additional groundwater assessments,	Irrelevant. Evid. Code §§ 210, 350. CVWD's costs are irrelevant to the instant Motion, which seeks to enforce the Court Appeal's Opinion directing Watermaster to correct and amend the <u>FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster's interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> "violated the Judgment and the agreements that created the DYY	Relevant evidence tends "to prove or disprove any disputed fact that is of consequence to the determination of the action." (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario's proposed order on remedy will affect Cucamonga in a manner that is outside of the contemplation of the Court of Appeals opinion—which focused on the economic harm to Ontario. For the reasons stated in Fontana and Cucamonga's Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario's proposed approach are highly relevant to the appropriate remedy and further illustrate why Ontario's proposal that the Court	Sustained: __ Overruled: __

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<p>replenishment costs to replenish the DYY storage account, and desalter replacement charges for that same water, CVWD's total cost would rise to approximately \$61.6 million, even though the water was already purchased and paid for as imported water."</p>	<p><u>Program.</u>"</p> <p>Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of the effects on CVWD, including the monetary claims. The testimony consists of speculation as to the reasons for CVWD's participation and monetary claims.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant's testimony consists of inadmissible opinions, including without limitation, regarding the "conservative estimate" and effects of compliance with the Opinion.</p>	<p>simply ignore the four questions remanded to Watermaster for resolution would cause chaos and an unconscionable result not contemplated by the Court of Appeals decision. .</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.)</p> <p>Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for</p>	

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		her opinions, such questions would, at best, go the weight to be extended Ms. Coker's testimony by the Court. Moreover, any questions as to Ms. Coker's qualifications to provide evidence, which Ontario disputes in conclusory fashion, further establishes why an evidentiary hearing is necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)	
9. Declaration of Amanda Coker, ¶ 11, page 5, line 1- 4: “Requiring CVWD to return water to the DYY account would substantially reduce CVWD’s stored water reserves. These reserves function as a savings account that protects customers during droughts and periods of reduced imported water availability. Depleting these reserves would undermine long-term water reliability for the community CVWD serves.”	Irrelevant. Evid. Code §§ 210, 350. The effects on CVWD are irrelevant to the instant Motion, which seeks to enforce the Court Appeal’s Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “violated the Judgment and the	Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario’s proposed order will affect Cucamonga. For the reasons stated in Fontana and Cucamonga’s Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario’s proposed approach are relevant to the Court’s decision whether to adopt Ontario’s draconian Proposed Order that proposes a remedy that is entirely untethered from	Sustained: <u> </u> Overruled: <u> </u>

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	<p><u>agreements that created the DYY Program.”</u></p> <p>Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of the effects on CVWD’s charges, estimates, reserves, and long-term reliability. The testimony consists of speculation as to the long-term reliability.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant’s testimony consists of inadmissible opinions, including without limitation, regarding the effects of the reserves and effect of compliance with the Opinion such as availability and reliability.</p>	<p>the Court of Appeals Opinion. Additionally, on issues of remedy, the Court is authorized to consider equitable considerations, such as those raised in Ms. Coker’s declaration, and this is particularly so where the remedy sought has the potential to harm the public—which emptying out CVWD’s storage account has significant potential to cause.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion</p>	

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		<p>testimony].)</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for her opinions, such questions would, at best, go the weight to be extended Ms. Coker's testimony by the Court. Moreover, any questions as to Ms. Coker's qualifications to provide evidence, which Ontario disputes in conclusory fashion, further establishes why an evidentiary hearing is necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	
10. Declaration of Amanda Coker, ¶ 12, page 5, line 5-8:	Irrelevant. Evid. Code §§ 210, 350. <p>CVWD's reliance is irrelevant to the instant Motion, which seeks to enforce the Court Appeal's Opinion directing Watermaster to correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages. In its Opinion, the Court of Appeal found that</p>	<p>Relevant evidence tends "to prove or disprove any disputed fact that is of consequence to the determination of the action." (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario's proposed order will affect Cucamonga. For the reasons stated in Fontana and Cucamonga's Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario's proposed</p>	Sustained: <u> </u> Overruled: <u> </u>

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<p>those approvals. Retroactively changing how this water is treated imposes costs that CVWD could not have anticipated or avoided.”</p>	<p>Watermaster’s interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “violated the <u>Judgment and the agreements that created the DYY Program</u>.”</p> <p>Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a). Declarant fails to lay proper foundation or establish personal knowledge of CVWD’s “good faith” reliance or the unspecified “guidance” and CVWD’s monetary claims, including its vague references to the structure of its operations and finances. The testimony consists of speculation as to the hypothetical “costs” that CVWD complains of.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant’s testimony consists of inadmissible opinions, including without limitation, regarding CVWD’s</p>	<p>approach are relevant to the Court’s decision whether to adopt Ontario’s draconian Proposed Order that is untethered from the Court of Appeals opinion. Additionally, on issues of remedy, the Court is authorized to consider equitable considerations, such as those raised in Ms. Coker’s declaration, and this is particularly so where the remedy sought has the potential to harm the public—which emptying out CVWD’s storage account, and forcing CVWD to pay 27 million extra dollars, would certainly do. The behavior of the Parties, and what they reasonably believed at the time they took additional amounts per the DYY Program, is highly relevant to determination of the appropriate remedy, particularly where Ontario’s Proposed Order goes far beyond the economic “harm” it allegedly suffered as a result of Watermaster (and not CVWD’s) misinterpretation of the 2019 Letter Agreement.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid.</p>	

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	<p>“good faith” reliance and operations and finance structuring, and effect of compliance with the Opinion.</p>	<p>Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>To the extent that Ontario truly questions Ms. Coker’s qualifications, the foundation of her testimony, or the basis for her opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario’s motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	
11. Declaration of Amanda Coker, ¶ 13, page 5, line 9-12:	Irrelevant. Evid. Code §§ 210, 350. CVWD’s	<p>Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the</p>	Sustained: __ Overruled: __

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<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p> <p>“If CVWD had not participated in the DYY Program, it would have continued producing similar amounts of imported water through surface deliveries, with no increase in groundwater assessments. Treating DYY production differently now creates duplicative charges for the same imported water and causes substantial financial and operational harm to CVWD.”</p>	<p>hypothetical non-participation is irrelevant to the instant Motion, which seeks to enforce the Court Appeal’s Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u>. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “violated the Judgment and the agreements that created the DYY Program.”</p> <p>Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of CVWD’s hypothetical effects of non-participation. The testimony consists of speculation as to CVWD’s hypothetical effects</p>	<p>action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario’s proposed order will affect Cucamonga. For the reasons stated in Fontana and Cucamonga’s Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario’s proposed approach are relevant to the Court’s decision whether to adopt Ontario’s premature plan.</p> <p>The assertion is relevant to illustrating the absurd nature of Ontario’s contention that CVWD and FWC must be ordered to “put the water back” into the DYY account, that such remedy, which impacts parties not before the Court, was not within the contemplation of the Court of Appeals, and is otherwise a demand that will cause chaos in the Appropriative Pool for all of the reasons articulated in the joint Opposition of CVWD and FWC. Ms. Coker’s declaration also rebuts portions of the declaration of Ontario’s Courtney Jones, who herself is not qualified to opine upon Watermaster’s method of calculating assessments, and the statement is directly relevant to calculating the appropriate remedy in this case—an issue which the</p>	

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	<p>of non-participation.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant's testimony consists of inadmissible opinions, including without limitation, regarding CVWD's hypothetical non-compliance and effects of compliance with the Opinion.</p>	<p>Court of Appeals left largely unanswered. It is also relevant to demonstrate that CVWD would have simply purchased imported water had it not been asked by IEUA and Metropolitan to take DYY water, demonstrating the flaw of accepting Ontario's demand that the Court require Watermaster to recalculate DRO since Ontario's proposed order assumes that CVWD would have pumped native DRO groundwater rather than taking deliveries of imported water in the absence of the 2019 Letter Agreement.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise</p>	

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		<p>satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>To the extent that Ontario truly questions Ms. Coker's qualifications, the foundation of her testimony, or the basis for her opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	
12. Declaration of Amanda Coker, ¶ 14, page 5, line 13-23: “Ontario’s demand that Cucamonga and Fontana purchase and infiltrate approximately 45,913 AF of additional imported water into the ground, if even available from Metropolitan (which is constrained by available supplies from the State Water Project and available groundwater infiltration facilities) would create	Irrelevant. Evid. Code §§ 210, 350. CVWD’s and DYY Parties’ hardships are irrelevant to the instant Motion, which seeks to enforce the Court Appeal’s Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster’s interpretation and	Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario’s proposed order will affect Cucamonga. For the reasons stated in Fontana and Cucamonga’s Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario’s proposed approach are relevant to the Court’s decision whether to adopt	Sustained: <u> </u> Overruled: <u> </u>

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<p>significant hardship for other DYY Parties who are, based upon the information I have obtained at recent IEUA meetings, and from recent communications, regarding the DYY Program, unable to meet their requirements to fully “perform” by pumping out all DYY water prior to the end of the DYY Program in 2028 at the current DYY account balance at 63,808 AF. Ontario’s request that all DYY water extracted in 2022 and 2023 be “put back” would increase the total amount in the Watermaster DYY account to 109,721 AF—which will result in a violation of the 2003 Funding Agreement with Metropolitan since the DYY Account is not allowed to exceed 100,000 AF.”</p>	<p>application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “<u>violated the Judgment and the agreements that created the DYY Program.</u>”</p> <p>Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of the hardship of DYY Parties, including the unspecified constraints and water availability. The testimony consists of speculation as to the hypothetical effects on unspecified DYY Parties.</p> <p>Hearsay. Evid. Code §1200.</p> <p>CVWD’s testimony regarding hardship to DYY Parties consists of hearsay from “information...obtained at recent IEUA meetings, and from recent communications...” regarding DYY</p>	<p>Ontario’s draconian and punitive Proposed Order. The assertion is also relevant to illustrating the absurd nature of Ontario’s contention that CVWD and FWC must be ordered to “put the water back” into the DYY account, particularly where such remedy, as further illustrated in IEUA’s declarations, is likely to harm parties not currently participating in this dispute but who will experience even more difficulty complying with their respective obligations to Metropolitan should the Watermaster DYY Account be increased by an additional 46,000 acre feet per Ontario’s request that is not remotely contemplated in the Court of Appeals decision. And which will cause chaos in the Appropriative Pool for all of the reasons articulated in the joint Opposition of CVWD and FWC. Ms. Coker’s declaration also rebuts portions of the declaration of Ontario’s Courtney Jones, who herself is not qualified to opine upon Watermaster’s method of calculating assessments, and the statement is directly relevant to calculating the appropriate remedy in this case—an issue which the Court of Appeals left largely</p>	

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	<p>Parties' hardships resulting from, and ability to comply with, the Opinion.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant's testimony consists of inadmissible opinions, including without limitation, regarding the alleged hardships and effects of compliance with the Opinion, and interpretation of the secret information and communications.</p>	<p>unanswered.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.) Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>This evidence is not inadmissible hearsay because Ms. Coker's declaration establishes her qualification to provide this testimony, the evidence she relies on to offer this testimony is the sort of evidence that is the type that reasonably may be relied upon in this circumstance. (Evid. Code, § 801, subd. (b).)</p>	

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		<p>To the extent that Ontario truly questions Ms. Coker's qualifications or the foundation of her testimony, or the basis for her opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	
13. Declaration of Amanda Coker, ¶ 15, page 5, line 24-28: <p>“Additionally, given the difficulty that DYY Program participants other than Cucamonga will experience in fully performing prior to the end of the program on March 1, 2028, the 45,913 AF previously withdrawn by Cucamonga and Fontana significantly benefitted the other DYY Parties as there is now less water in the DYY Account that they will need to withdraw prior to the end of the DYY Program.”</p>	Irrelevant. Evid. Code §§ 210, 350. <p>The hypothetical difficulties are irrelevant to the instant Motion, which seeks to enforce the Court Appeal's Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u>. In its Opinion, the Court of Appeal found that Watermaster's interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “violated the Judgment and the agreements that</p>	<p>Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario's proposed order will affect Cucamonga. For the reasons stated in Fontana and Cucamonga's Joint Opposition Brief, the manner in which the DYY water was taken and the effect of adopting Ontario's proposed approach are relevant to the Court's decision whether to adopt Ontario's premature plan.</p> <p>Ms. Coker is qualified to provide this testimony because it is based on her personal knowledge or rationally based on her perception as Deputy</p>	Sustained: _____ Overruled: _____

DECLARATION OF AMANDA COKER 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			
Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
	<p><u>created the DYY Program.”</u></p> <p>Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of the referenced “difficulty” with compliance DYY Program Participants. The testimony consists of speculation as to the unspecified “difficulties” allegedly suffered by unspecified DYY Program Participants.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant’s testimony consists of inadmissible opinions, including without limitation, regarding the alleged difficulty of DYY Program Participants and benefits conferred.</p>	<p>Director of Engineering for Cucamonga. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Coker Decl., ¶ 1.)</p> <p>Moreover, as Deputy Director of Engineering for Cucamonga, Ms. Coker has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>To the extent that Ontario truly questions Ms. Coker’s qualifications, the foundation of her testimony, or the basis for her opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario’s motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	

DECLARATION OF CRIS FEALY 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			
Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
14. Declaration of Cris Fealy, ¶ 6, page 2, line 15-24: “All of the steps and calculations in the Jones Declaration rely on the faulty assumption that Watermaster must assess all of the water Fontana withdrew from the DYY Program. However, water extracted under the DYY Program is a withdrawal of imported water previously stored in the Chino Basin by Metropolitan Water District (“Metropolitan”). If Watermaster assesses any of the water Fontana withdrew from the DYY Program, it should assess only the amount of water produced, without a corresponding reduction in imported water. (Request for Judicial Notice in Support of Opposition to City of Ontario’s Motion for Order Directing Watermaster to Correct and Amend the FY 2021/2022 and FY 2022/2023 Assessment Packages (“RJN”),	Secondary Evidence Rule. Evid. Code § 1523. Declarant’s oral testimony that is directly contradicted by the Court of Appeal Opinion is inadmissible, which speaks for itself. Lacks foundation and personal knowledge; speculative. Evid. Code §§ 403 and 702(a). Declarant fails to lay proper foundation or establish personal knowledge of the Watermaster’s assessment. The testimony consists of speculation as to what he believes that Watermaster <i>should</i> do, without factual or legal support. Improper Opinion. Evid. Code §§ 800–804. Declarant’s testimony consists of inadmissible opinions, including without limitation, regarding implementation and compliance with the Opinion, the Watermaster’s	The secondary evidence rule does not apply here because Mr. Fealy is not offering testimony to prove the contents of the Court of Appeal Opinion; he is instead offering an opinion on the effect of Ontario’s proposed remedy in light of the Opinion. Mr. Fealy is qualified to provide this testimony because it is based on his personal knowledge or rationally based on her perception as Director of Water Resources for Fontana. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Fealy Decl., ¶ 3.) Moreover, as Director of Water Resources for Fontana, Mr. Fealy has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].) To the extent that Ontario truly questions Mr. Fealy’s qualifications, the foundation of his	Sustained: _____ Overruled: _____

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Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
Ex. I at pp. 19-20 [Excerpts of Groundwater Storage Program Funding Agreement, Agreement No. 49960, dated March 1, 2003].”	assessment.	testimony, or the basis for his opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)	
15. Declaration of Cris Fealy, ¶ 7, page 2, line 25- page 3, line 12: “The steps outlined in the Jones Declaration fail to consider all of the impacts associated with “zeroing out” Fontana’s DYY Production. Specifically, Jones states in “Step 2” of her declaration that Watermaster must “make corresponding adjustments to Metropolitan’s storage account on an acre-foot by acre-foot basis for water produced from the account - reversing the amounts shown as transfers from the Metropolitan’s Dry Year Yield / Conjunctive Use Program” However, Step 2 omits any	Irrelevant. Evid. Code §§ 210, 350. Unspecified “impacts” of Ontario’s request are irrelevant to the instant Motion, which seeks to enforce the Court Appeal’s Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “violated the Judgment and the agreements that created the DYY Program.” Lacks foundation	Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario’s proposed order will affect Fontana. For the reasons stated in Fontana and Cucamonga’s Joint Opposition Brief, the effect of adopting Ontario’s proposed approach are relevant to the Court’s decision whether to adopt Ontario’s premature plan. Likewise, the waiver argument is merely another argument disguised as an evidentiary objection. The testimony does not go to the issues that could have been or were decided by the Court of Appeal, but rather responds to the effect of Ontario’s interpretation of the Opinion and Ontario’s novel multi-step plan.	Sustained: __ Overruled: __

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Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
<p>analysis of how crediting Metropolitan's storage account would affect the Readiness to Serve Charge, a charge imposed by Metropolitan for purchase of imported water stored in the Basin. The Readiness to Serve Charge is based on a rolling 10-year average of all imported water purchased through Metropolitan's member agency Inland Empire Utility Agency and this average currently includes all imported water Fontana has withdrawn from the DYY Program. (See Ontario's Request for Judicial Notice, filed on Jan. 12, 2026, Ex. C at pp. 13.1, 27.3; id., Ex. D at pp. 13.1, 27.3.) Removing Fontana's withdrawal of DYY Program water would increase the Readiness to Serve Charge for all parties who purchased imported water during FY 2021/2022, FY 2022/2023, and in subsequent fiscal years. Since Ms. Jones did not consider</p>	<p>and personal knowledge; speculative. Evid. Code §§ 403 and 702(a).</p> <p>Declarant fails to lay proper foundation or establish personal knowledge of the hardship of Metropolitan or associated "impacts." The testimony consists of speculation as to the hypothetical effects on Metropolitan and other parties.</p> <p>Waiver. <i>Ayyad v. Sprint Spectrum, L.P.</i> (2012) 210 Cal.App.4th 851, 859–860 "The issues the trial court may address...are therefore limited to those specified in the reviewing court's directions"; <i>Butler v. Superior Court</i> (2002) 104 Cal.App.4th 979, 982" The lower court cannot reopen the case on the facts...nor retry the case."</p> <p>Declarant's testimony cannot be used to raise new issues for the first time that were</p>	<p>Mr. Fealy is qualified to provide this testimony because it is based on his personal knowledge or rationally based on her perception as Director of Water Resources for Fontana. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Fealy Decl., ¶ 3.) Moreover, as Director of Water Resources for Fontana, Mr. Fealy has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>To the extent that Ontario truly questions Mr. Fealy's qualifications, the foundation of his testimony, or the basis for his opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject</p>	

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Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
the increased Readiness to Serve Charge, the “total net impact” overestimates the alleged damages to the affected parties.”	<p>either not raised or were disposed of by the Court of Appeal (here, the Opinion).</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant’s testimony consists of inadmissible opinions, including without limitation, regarding implementation and compliance with the Opinion and the corresponding accounting, adjustments, and credits.</p>	of the testimony, and the matter upon which opinions are based].)	
<p>16. Declaration of Cris Fealy, ¶ 8, page 3, line 13-26:</p> <p>“Additionally, Ms. Jones ignores Exhibit H to the Judgment which states that an Appropriative Pool member who overproduces groundwater is only required to fund 85% of the costs associated with obtaining replenishment water, and the remaining 15% of those costs are recovered through a uniform assessment issued against the other 85/15</p>	<p>Irrelevant. Evid. Code §§ 210, 350.</p> <p>The 85/15 Rule and the effects of compliance is irrelevant to the instant Motion, which seeks to enforce the Court Appeal’s Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u>. In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the <u>2019 Letter Agreement to</u></p>	<p>Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario’s proposed order will affect Fontana. For the reasons stated in Fontana and Cucamonga’s Joint Opposition Brief, the effect of adopting Ontario’s proposed approach are relevant to the Court’s decision whether to adopt Ontario’s premature plan.</p> <p>Likewise, the waiver argument is merely another argument disguised as an evidentiary objection. The testimony does not go to</p>	<p>Sustained: __</p> <p>Overruled: __</p>

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Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
members of the Appropriative Pool, referred to as the "85/15 Rule." (RJN, Ex. F [Restated Judgment] at Ex. H.) In her Declaration and Exhibits A and B thereto, Ms. Jones fails to apply the 85/15 Rule to Fontana's extraction of DYY Program water during FY 2021/2022 and FY 2022/2023. As presented in "Step 6" of the Jones Declaration, if Watermaster must assess all of the DYY Program water extracted by Fontana (even the amounts of water extracted with a corresponding reduction in imported water), there must be corresponding changes to the "85/15" column of the FY 2021/2022 and FY 2022/2023 Assessment Packages, as the 85/15 Rule would apply to Fontana's withdrawal from the DYY Program and to its other groundwater production in the Chino Basin. By failing to apply the 85/15 Rule to its	<u>approve the Assessment Packages</u> <u>"violated the Judgment and the agreements that created the DYY Program."</u> <u>Waiver. <i>Ayyad v. Sprint Spectrum, L.P. (2012) 210 Cal.App.4th 851, 859–860—</i>"The issues the trial court may address...are therefore limited to those specified in the reviewing court's directions"; <i>Butler v. Superior Court (2002) 104 Cal.App.4th 979, 982—</i>"The lower court cannot reopen the case on the facts...nor retry the case."</u> Declarant's testimony cannot be used to raise new issues for the first time that were either not raised or were disposed of by the Court of Appeal (here, the Opinion). <u>Secondary Evidence Rule. Evid. Code § 1523.</u> Declarant's oral	the issues that could have been or were decided by the Court of Appeal, but rather responds to the effect of Ontario's interpretation of the Opinion and Ontario's novel multi-step plan. Mr. Fealy is qualified to provide this testimony because it is based on his personal knowledge or rationally based on her perception as Director of Water Resources for Fontana. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Fealy Decl., ¶ 3.) Moreover, as Director of Water Resources for Fontana, Mr. Fealy has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].) The secondary evidence rule does not apply here because Mr. Fealy is not offering testimony to prove the contents of the Judgment; he is instead offering an opinion on the	

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Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
proposed changes, Ontario's analysis is incomplete and incorrect, which results in an inflated "total net impact."“	<p>testimony regarding the Judgment is inadmissible, which speaks for itself.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant's testimony consists of inadmissible opinions, including without limitation, regarding implementation and compliance with the Opinion and the corresponding accounting, adjustments, and credits, the 85/15 Rule, and corresponding analysis.</p>	<p>effect of Ontario's proposed remedy in light of numerous documents and policies that control. Moreover, the Judgment is attached to Fontana and Cucamonga's Request for Judicial Notice. (RJN Ex. F.)</p> <p>To the extent that Ontario truly questions Mr. Fealy's qualifications, the foundation of his testimony, or the basis for his opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	
<p>17. Declaration of Cris Fealy, ¶ 9, page 3, line 27–page 4, line 7:</p> <p>"I also reviewed Exhibit C attached to the Jones Declaration, which addresses changes to each party's Desalter Replenishment Obligation ("DRO"). Under Exhibit C, Ontario assumes that Fontana will use its stored water to satisfy its</p>	<p>Irrelevant. Evid. Code §§ 210, 350.</p> <p>The DRO and replenishment issues are irrelevant to the instant Motion, which seeks to enforce the Court Appeal's Opinion directing Watermaster to correct and amend the <u>FY 2021/2022 and 2022/2023 Assessment Packages</u>. In its Opinion, the Court of Appeal found that Watermaster's interpretation and</p>	<p>Relevant evidence tends "to prove or disprove any disputed fact that is of consequence to the determination of the action." (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario's proposed order will affect Fontana. For the reasons stated in Fontana and Cucamonga's Joint Opposition Brief, the effect of adopting Ontario's proposed approach are relevant to the Court's decision whether to adopt Ontario's premature plan.</p>	<p>Sustained: __</p> <p>Overruled: __</p>

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<p>recalculated DRO. However, parties may satisfy their DRO with water in storage, water it could produce under its water rights, or purchase replenishment water. (RJN, Ex. H [Peace Agreement I] at pp. 46-47; id. at Ex. I [Peace Agreement II] at p. 8.) Thus, Fontana could choose to purchase replenishment water to satisfy its DRO, and this replenishment water would be subject to the 85/15 Rule discussed in the preceding paragraph. Because Ontario's analysis only considers one of Fontana's options to satisfy its recalculated DRO, the conclusions in Exhibit C and the Jones Declaration are erroneous."</p>	<p>application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> "violated the Judgment and the agreements that created the DYY Program."</p> <p>Waiver. <i>Ayyad v. Sprint Spectrum, L.P. (2012) 210 Cal.App.4th 851, 859-860</i> "The issues the trial court may address...are therefore limited to those specified in the reviewing court's directions"; <i>Butler v. Superior Court (2002) 104 Cal.App.4th 979, 982</i>—" The lower court cannot reopen the case on the facts...nor retry the case."</p> <p>Declarant's testimony cannot be used to raise new issues for the first time that were either not raised or were disposed of by the Court of Appeal (here, the Opinion).</p> <p>Lacks foundation and personal knowledge; speculative. <i>Evid. Code §§ 403 and 702(a).</i></p> <p>Declarant fails to lay</p>	<p>Likewise, the waiver argument is merely another argument disguised as an evidentiary objection. The testimony does not go to the issues that could have been or were decided by the Court of Appeal, but rather responds to the effect of Ontario's interpretation of the Opinion and Ontario's novel multi-step plan.</p> <p>Mr. Fealy is qualified to provide this testimony because it is based on his personal knowledge or rationally based on her perception as Director of Water Resources for Fontana. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Fealy Decl., ¶ 3.)</p> <p>Moreover, as Director of Water Resources for Fontana, Mr. Fealy has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code, §§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>The secondary evidence</p>	

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Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
	<p>proper foundation or establish personal knowledge of the DRO and replenishment issues. The testimony consists of speculation as to the hypothetical effects of compliance.</p> <p>Secondary Evidence Rule. Evid. Code § 1523.</p> <p>Declarant's oral testimony regarding the "Peace II Agreement" is inadmissible, which speaks for itself.</p> <p>Improper Opinion. Evid. Code §§ 800–804.</p> <p>Declarant's testimony consists of inadmissible opinions, including without limitation, regarding implementation and compliance with the Opinion and the corresponding accounting, adjustments, and credits, the DRO, and parties' abilities to comply.</p>	<p>rule does not apply here because Mr. Fealy is not offering testimony to prove the contents of the Peace II Agreement; he is instead offering an opinion on the effect of Ontario's proposed remedy in light of numerous documents and policies that control. To the extent the Court requires admission of the Peace II Agreement, Fontana and Cucamonga hereby move for the court to take judicial notice of the Peace II Agreement, which is a record of the Watermaster and filed with this court, thus subject to judicial notice. (Evid. Code, § 452, subd. (d).) The document is also a core document in this matter of which the Court and all the parties are familiar with, thus is a source of reasonably indisputable accuracy. (Evid. Code, § 452, subd. (h).)</p> <p>To the extent that Ontario truly questions Mr. Fealy's qualifications, the foundation of his testimony, or the basis for his opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject</p>	

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Material Objected to:	Grounds for Objection:	Response:	Ruling on Objection:
		of the testimony, and the matter upon which opinions are based].)	
18. Declaration of Cris Fealy, ¶ 10, page 4, line 8-13: “Through my position at Fontana, I am aware that in production year 2020-2021 and in production year 2021-2022 Fontana paid Metropolitan’s service rates amounts in full when withdrawing DYY Program water. These service rates include Metropolitan’s Tier 1 Untreated water rates and the Readiness to Serve Charge. Fontana paid Metropolitan approximately \$2.9 million for the water Fontana purchased from the DYY Program in production years 2020-2021 and 2021-2022.”	Irrelevant. Evid. Code §§ 210, 350. Fontana’s prior conduct irrelevant to the instant Motion, which seeks to enforce the Court Appeal’s Opinion directing Watermaster to <u>correct and amend the FY 2021/2022 and 2022/2023 Assessment Packages</u> . In its Opinion, the Court of Appeal found that Watermaster’s interpretation and application of the <u>2019 Letter Agreement to approve the Assessment Packages</u> “violated the Judgment and the agreements that created the DYY Program.” Lacks foundation and personal knowledge. Evid. Code §§ 403 and 702(a). Declarant fails to lay proper foundation or establish personal knowledge of Fontana’s payment to Metropolitan.	Relevant evidence tends “to prove or disprove any disputed fact that is of consequence to the determination of the action.” (Evid. Code, § 210.) Here, the proffered evidence tends to show how Ontario’s proposed order will affect Fontana. For the reasons stated in Fontana and Cucamonga’s Joint Opposition Brief, the effect of adopting Ontario’s proposed approach are relevant to the Court’s decision whether to adopt Ontario’s premature plan. Mr. Fealy is qualified to provide this testimony because it is based on his personal knowledge or rationally based on her perception as Director of Water Resources for Fontana. (Evid. Code, §§ 702 [requirement that testimony be based on personal knowledge], 800 [regarding admissibility of lay opinion testimony]; Fealy Decl., ¶ 3.) Moreover, as Director of Water Resources for Fontana, Mr. Fealy has the requisite scientific, technical, or other specialized knowledge necessary to offer expert opinion and the testimony otherwise satisfies the requirements for such testimony. (Evid. Code,	Sustained: __ Overruled: __

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		<p>§§ 801 [regarding admissibility of expert opinion testimony] 720 [regarding qualifications to provide expert opinion testimony].)</p> <p>To the extent that Ontario truly questions Mr. Fealy's qualifications, the foundation of his testimony, or the basis for his opinions, this just further establishes why an evidentiary hearing would be necessary before granting Ontario's motion. (See Evid. Code, § 721, subd. (a) [providing that an expert witness can be cross-examined on their qualifications, the subject of the testimony, and the matter upon which opinions are based].)</p>	

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DATED: February 19, 2026

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By: 

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DATED: February 19, 2026

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SCOTT COOPER
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CHINO BASIN WATERMASTER
Case No. RCVRS 51010
Chino Basin Municipal Water District v. City of Chino, et al.

PROOF OF SERVICE

I declare that:

I am employed in the County of San Bernardino, California. I am over the age of 18 years and not a party to the action within. My business address is Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California 91730; telephone (909) 484-3888.

On February 19, 2026, I served the following:

1. FONTANA WATER COMPANY'S AND CUCAMONGA VALLEY WATER DISTRICT'S RESPONSES TO OBJECTIONS TO CITY OF ONTARIO'S EVIDENTIARY OBJECTIONS TO JOINT OPPOSITION'S EVIDENCE

/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 19, 2026, in Rancho Cucamonga, California.



By: Ruby Favela Quintero
Chino Basin Watermaster

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