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FEE EXEMPT

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13 **CHINO BASIN WATERMASTER**

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 FOR THE COUNTY OF SAN BERNARDINO

16 CHINO BASIN MUNICIPAL WATER
17 DISTRICT,

18 Plaintiff,

19 v.

20 CITY OF CHINO, ET AL.,

21 Defendants.

Case No. RCVRS51010

[Assigned for All Purposes to the
Honorable Gilbert G. Ochoa]

**[PROPOSED] ORDER ON
REMITTITUR**

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

23 **PLEASE TAKE NOTICE** that the Court, having received the remittitur from the
24 California Court of Appeal, and having considered the record, the decision of the Court of
25 Appeal, and the arguments of the parties, hereby orders as follows:

26 **I. ENTRY OF JUDGMENT**

27 The Court grants the City of Ontario’s challenges to the Chino Basin Watermaster’s
28 (“Watermaster”) 2021-2022 and 2022-2023 Assessment Packages as provided in the opinion and
remittitur of the California Court of Appeal in *Chino Basin Municipal Water Dist. v. City of
Ontario* (April 18, 2025 Nos. E080457, E082127) ___ Cal.App.5th ___ [2025 Cal. App. Unpub.

1 LEXIS 2362.) (“Opinion”). Ontario is the prevailing party. As noted previously by this Court,
2 specifically, the gravamen of Ontario’s challenges “center[ed] around the 2019 Letter Agreement
3 and, importantly, although multiple issues were raised on appeal, the Court of Appeal explicitly
4 stated some of those issues were [to] be left in the ‘hands of the parties.’ What the Court of
5 Appeal focused on, and what the reversal applied to, was the ‘interpretation and application of the
6 2019 Letter Agreement. (Id. at *31.)” (Court Order February 6.)

7 **II. CORRECTIONS**

8 Watermaster is directed to correct and amend the FY 2021/2022 and FY 2022/2023
9 Assessment Packages consistent with the original DYY Program agreements, the Judgment, and
10 prior court orders. (Opinion, p. 39.) Watermaster’s correction and revisions shall account for it
11 having previously: (a) allowed FWC to voluntarily extract water from the program storage
12 account without a Local Agency Agreement; (b) exempted withdrawals/production by CVWD
13 from the DYY Program storage account “in excess of the Exhibit G performance criteria”; and (c)
14 exempted voluntary extractions from assessments without ensuring there had been corresponding
15 reductions in imported water (Id at *30) because it “would create an imbalance between the use
16 of imported surface water and stored water” within the DYY Program. (Id at *34).

17 **III. PROCEDURE**

18 Watermaster shall: (i) prepare draft revised Assessment Packages in accordance with
19 historical practice; (ii) enable stakeholder review; and (iii) present the Assessment Packages to
20 the Pool Committees, Advisory Committee, and Watermaster Board and file with the Court for its
21 review no later than March 31, 2026 and subject to further proceedings as may be directed by the
22 Court.

23 Dated: _____

Judge of the Superior Court

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 23, 2026, I served the following:

1. [PROPOSED] ORDER ON REMITTITUR

/ 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

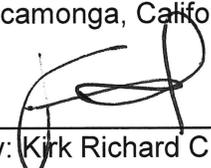
/ BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the addressee.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 23, 2026, in Rancho Cucamonga, California.



By: Kirk Richard C. Dolar
Chino Basin Watermaster

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