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EXEMPT FROM FILING FEES  
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN BERNARDINO

11  
12 CHINO BASIN MUNICIPAL WATER  
13 DISTRICT,  
14  
15 Plaintiff,  
16 v.  
17 CITY OF CHINO, et al.,  
18 Defendants.  
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CASE NO. RCVRS 51010

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

**CITY OF ONTARIO’S RESPONSE TO  
CHINO BASIN WATERMASTER’S  
OPPOSITION TO REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
ONTARIO’S OPPOSITION TO  
WATERMASTER’S MOTION FOR  
COURT APPROVAL OF CORRECTED  
AND AMENDED FISCAL YEARS  
2021/22 AND 2022/23 ASSESSMENT  
PACKAGES**

Date: June 12, 2026  
Time: 11:00 a.m.  
Department: R17

1 **I. INTRODUCTION**

2 City of Ontario (“Ontario”) respectfully submits this Response to Chino Basin  
3 Watermaster’s Opposition to Request for Judicial Notice in Support of Ontario’s Opposition to  
4 Watermaster’s Motion for Court Approval of Corrected and Amended Fiscal Years 2021/22 and  
5 2022/23 Assessment Packages.

6 **II. ARGUMENT**

7 **A. Ontario’s Request for Judicial Notice is Proper.**

8 Watermaster’s motion turns on the Court’s interpretation of the Court of Appeal’s Opinion  
9 and whether the corrected assessment packages (“CAA Packages”) comply with the original DYY  
10 Program agreements, the Judgment and prior court orders. Ontario’s Opposition contends they do  
11 not. The exhibits for which Ontario seeks judicial notice provide essential context and background  
12 information following the Remittitur. This includes Watermaster’s official actions and engagement  
13 in the stakeholder process with respect to the development of the CAA Packages and Court  
14 proceedings leading up to the motion presently before this Court.

15 Watermaster objects to the requests primarily on the ground that the documents are not  
16 properly the subject of judicial notice under Evidence Code section 452(h) and that many of the  
17 Court records are not relevant. Watermaster’s objections are without merit.

18 **B. Documents Prepared and Utilized by Watermaster as Part of the Stakeholder**  
19 **Process in Developing the CAA Packages are Properly the Subject of Judicial**  
20 **Notice.**

21 Watermaster contends that Exhibits 1-8 are not properly noticeable under Evidence Code  
22 section 452(h) because they contain facts that are the subject of a reasonable dispute. These exhibits  
23 include Watermaster’s workshop materials relating to the development of the CAA Packages  
24 during the stakeholder process including staff reports, meeting minutes, a Board presentation and  
25 amendments to the DYY Program. These Watermaster documents were prepared and/or utilized  
26 by Watermaster as part of the stakeholder process and are properly the subject of judicial notice  
27 under section 452(h). Indeed, Watermaster included as evidence in support of its Motion the same  
28 type of documents including the staff report for the March 26, 2026 board meeting when the CAA  
Packages were approved. (See Exh. A to the Declaration of Todd M. Corbin in Support of Motion

1 for Court Approval of the CAA Packages, dated April 1, 2026 (“Corbin Delc.”).) In requesting  
2 that the Court take judicial notice of Watermaster’s materials that were prepared as part of the  
3 stakeholder process, Ontario is simply requesting that the Court have access to the entire record  
4 rather than only selected excerpts. Notably, Watermaster’s own motion repeatedly relies on the  
5 workshop process and its actions during that process (including without limitation, submitting the  
6 final Watermaster board packet to the Court, and citing to the workshop and review process as  
7 evidence supporting its own brief; evidence to which it now objects when Ontario offers it). (See  
8 Watermaster Motion, §§ III, IV; 4:12–15, 5:6–10, 6:2-11, 9:21–10:3, fn. 11; Corbin Decl., ¶¶ 4, 6,  
9 8, 9, 28.) Watermaster cannot point the Court to incomplete and selective portions of the workshop  
10 process in support of its motion and at the same deny Ontario’s attempts to provide additional  
11 materials prepared by Watermaster and other parties to ensure that the record of those proceedings  
12 is complete. What Watermaster disputes is not the content of these documents, but rather the legal  
13 significance and interpretation of that content. The Court may take judicial notice of the documents’  
14 existence and contents while reserving for itself the determination of the truth of the matters therein.  
15 (*Joslin v. H.A.S. Ins. Brokerage* (1986) 184 Cal. App. 3d 369, 374.)

16 Exhibits 1 through 8 are also properly noticed under section 452(c) as official acts of  
17 Watermaster as a governmental or administrative agency or Watermaster’s actions as an arm of the  
18 Court under section 452(d)<sup>1</sup> (*Estate of Will* (2009) 170 Cal.App.4th 902, 908; *Rodas v. Spiegel*  
19 (2001) 87 Cal.App.4th 513, 518 (noting that “official act” includes records, reports, and orders of  
20 governmental agencies).) The statutory category of official acts is not limited to formal adjudicatory  
21 decisions or narrow categories of agency action. Rather, it encompasses the full range of records,  
22 reports, and documents that agencies create and disseminate in their official capacity as part of their  
23 administrative functions. (See *San Mateo Cty. Coastal Landowners’ Ass’n v. Cty. of San Mateo*  
24 (1995) 38 Cal.App.4th 523, 552-553.)

25 The exhibits at issue here all flow from Watermaster’s official actions as an agency acting  
26 as an arm of the Court to comply with the Opinion and Order on Remittitur. Accordingly, exhibits

27 \_\_\_\_\_  
28 <sup>1</sup> *Dow v. Honey Lake Valley Res. Conservation Dist.* (2021) 63 Cal.App.5th 901, 911 [observing  
that Watermaster is “considered an arm of the Court” (internal quotation marks omitted)].

1 1-8 may be properly noticed under sections 452(c), 452(d) or section 452(h) so that the Court has  
2 a complete record of the stakeholder process in developing the CAA Packages.

3 C. **Watermaster Does Not Dispute that the Court may Judicially Notice Its**  
4 **Court Files under Evidence Code Section 452(d).**

5 Exhibits 9 through 45 request that the Court judicially notice court filings following the  
6 Remittitur through the present motion. Ontario does not request that the Court accept the truth of  
7 the materials included within the filed Court documents. Moreover, Ontario included a reference  
8 to all the Court filings relating to the Remittitur so that there is accurate and complete record of the  
9 proceeding following the Remittitur. (Evid. Code § 452(d); see *People v. Woodell* (1998) 17 Cal.4th  
10 448, 455.)

11 Ontario's use of the court record exhibits falls within the permissible scope of judicial  
12 notice. Ontario cites these exhibits to, among other things, establish what occurred procedurally in  
13 this case, what positions parties have taken, what relief has been requested, and what the procedural  
14 history has been. Watermaster argues that Ontario is asking the Court to accept the truth and  
15 persuasive force of Ontario's own prior advocacy papers and declarations. However, there is a  
16 difference between noticing that certain arguments were made and accepting those arguments as  
17 correct. The Court may take judicial notice that Ontario filed certain motions, made certain  
18 arguments, and proposed certain forms of relief without thereby accepting that those arguments  
19 were correct or that the proposed relief was appropriate.

20 Further, Watermaster objects to judicial notice of proposed orders, arguing that they are  
21 advocacy drafts and not operative rulings. However, the Court may take judicial notice that  
22 proposed orders were submitted and what relief they requested, even if the Court did not adopt  
23 them. The fact that a party proposed certain language or requested certain relief is relevant to  
24 understanding the procedural history and the positions taken by parties. The Court may notice the  
25 existence and content of proposed orders for these limited purposes without treating them as  
26 adjudicated facts or accepted legal conclusions.

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Finally, Watermaster contends that many exhibits should be denied judicial notice because Ontario does not cite them in its opposition. Ontario references the filings so that there is a complete record of the Court proceedings and filings following the Remittitur.

**III. CONCLUSION**

For the aforementioned reasons, Ontario’s request for judicial notice should be granted.

Dated: June 10, 2026

STOEL RIVES LLP

By:   
\_\_\_\_\_  
ELIZABETH P. EWENS  
MICHAEL B. BROWN  
Attorneys for  
City of Ontario

CHINO BASIN WATERMASTER

Case No. RCVRS 51010

Chino Basin Municipal Water District v. City of Chino, et al.

**PROOF OF SERVICE**

I declare that:

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

On June 10, 2026, I served the following:

1. CITY OF ONTARIO'S RESPONSE TO CHINO BASIN WATERMASTER'S OPPOSITION TO REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ONTARIO'S OPPOSITION TO WATERMASTER'S MOTION FOR COURT APPROVAL OF CORRECTED AND AMENDED FISCAL YEARS 2021/22 AND 2022/23 ASSESSMENT PACKAGES

/ X / BY MAIL: in said cause, by placing a true copy thereof enclosed with postage thereon fully prepaid, for delivery by the United States Postal Service mail at Rancho Cucamonga, California, addresses as follows:  
**See attached service list:** Mailing List 1

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

/ \_\_\_ / BY FACSIMILE: I transmitted said document by fax transmission from (909) 484-3890 to the fax number(s) indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting fax machine.

/ X / BY ELECTRONIC MAIL: I transmitted notice of availability of electronic documents by electronic transmission to the email address indicated. The transmission was reported as complete on the transmission report, which was properly issued by the transmitting electronic mail device.  
**See attached service list:** Master Email Distribution List

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

Executed on June 10, 2026, in Rancho Cucamonga, California.



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By: Ruby Favela Quintero  
Chino Basin Watermaster

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