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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF SAN BERNARDINO

17 CHINO BASIN MUNICIPAL WATER
18 DISTRICT,

19 Plaintiff,

20 v.

21 CITY OF CHINO, ET AL.,

22 Defendants.

Case No. RCVRS51010

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

**DECLARATION OF TODD M. CORBIN IN
SUPPORT OF WATERMASTER'S
RESPONSE TO ONTARIO'S
SUPPLEMENTAL BRIEF**

Date: August 14, 2026
Time: 10:00 a.m.
Dept: R17

DECLARATION OF TODD M. CORBIN

I, Todd M. Corbin, declare:

1. I am the General Manager for Chino Basin Watermaster (“Watermaster”). I have served as the General Manager since April 2024. I make this declaration in support of Watermaster’s Response to the City of Ontario’s (“Ontario’s”) Supplemental Brief. I have personal knowledge of the facts stated in this declaration, except where stated on information and belief, and if called as a witness, I could and would competently testify to them under oath.

2. As General Manager, I am familiar with all aspects of Watermaster operations, including the preparation and content of the Corrected and Amended Assessment (“CAA”) Packages for Fiscal Years (“FY”) 2021/22 and 2022/23 that are the subject of this proceeding. The purpose of this declaration is to explain how Watermaster implemented the Court of Appeal’s directives in the CAA Packages, including how Watermaster treated the Dry Year Yield (“DYY”) withdrawals of Cucamonga Valley Water District (“CVWD”) and Fontana Water Company (“FWC”) for purposes of both production assessments and Desalter Replenishment Obligation (“DRO”) calculations.

3. The staff report from the March 26, 2026 Board Meeting (“Staff Report”) and attached CAA Packages were attached as **Exhibit A** to my prior declaration in support of Watermaster’s Motion for Court Approval of the Corrected and Amended Fiscal Years 2021/22 and 2022/23 Assessment Packages, filed April 1, 2026.

4. In preparing the CAA Packages, Watermaster understood the Court of Appeal’s Opinion to require correction of the economic consequences arising from Watermaster’s prior application of the 2019 Letter Agreement. Specifically, Watermaster recalculated the production-assessment treatment of certain DYY withdrawals by CVWD and FWC, including: (1) FWC’s withdrawal of DYY water without a Local Agency Agreement; and (2) CVWD’s withdrawal of DYY water without satisfying the imported-water-delivery reduction requirements contained in Exhibit G to Amendment No. 8 to Groundwater Storage Program Funding Agreement No. 49960. Watermaster did not understand the Opinion to require recharacterization of DYY Stored Water as Basin Water or Safe Yield, nor to require modification of the existing DRO allocation methodology.

5. The calculation applicable to CVWD is described in the “Imported Water Baseline - Exhibit G” spreadsheet appearing on page 3 of Watermaster’s March 26, 2026 Staff Report. That spreadsheet does not appear as a standalone table within the CAA Packages themselves. Rather, it is a narrative and explanatory calculation showing how Watermaster determined the specific acre-foot adjustment ultimately reflected in the CAA Packages. The output of that calculation is the “Net Over/(Under) Imported Water Baseline Performance” figure, which Watermaster used to determine the Storage and Recovery Adjustment entered for CVWD in column 20G of page 20.1 of the applicable CAA Package. The Exhibit G analysis applies only to CVWD because CVWD was subject to the imported-water-delivery performance criteria contained in Exhibit G. FWC was not subject to that calculation. Instead, FWC’s correction was based on the separate determination that FWC lacked a Local Agency Agreement authorizing withdrawal from the DYY storage account without assessment. The Exhibit G calculation proceeds in a series of steps.

6. First, Watermaster established CVWD’s “Imported Water Baseline.” For FY 2021, the baseline consisted of the average imported-water deliveries for FY 2017 through FY 2019, excluding the immediately preceding year. CVWD’s imported-water deliveries were 15,288 acre-feet in FY 2017, 30,559 acre-feet in FY 2018, and 26,691 acre-feet in FY 2019, resulting in a three-year average baseline of 24,179.333 acre-feet. For FY 2022, the baseline consisted of the average imported-water deliveries for FY 2018 through FY 2020, including the FY 2020 DYY withdrawal. That calculation produced an imported-water baseline of 29,662.667 acre-feet.

7. Second, Watermaster identified CVWD’s production from the DYY storage account. Under Exhibit G, that withdrawal amount represents the expected reduction in imported-water deliveries attributable to the use of stored groundwater. The DYY withdrawal amount was 20,500.000 acre-feet for FY 2021 and 17,912.800 acre-feet for FY 2022.

8. Third, Watermaster calculated the “Goal for Reduced Imported Water Deliveries” by subtracting the DYY withdrawal amount from the Imported Water Baseline. This yielded a target of 3,679.333 acre-feet for FY 2021 and 11,749.867 acre-feet for FY 2022.

9. Fourth, Watermaster applied the plus-or-minus ten-percent performance tolerance permitted by Exhibit G. The allowable tolerance was 2,050.000 acre-feet for FY 2021 and 1,791.280 acre-feet for FY 2022.

10. Fifth, Watermaster added the tolerance amount to the reduction goal to produce the “Adjusted Performance Target.” The resulting target was 5,729.333 acre-feet for FY 2021 and 13,541.147 acre-feet for FY 2022.

11. Sixth, Watermaster compared those targets against CVWD’s actual imported-water deliveries. CVWD reported imported-water deliveries of 13,925.000 acre-feet in FY 2021 and 9,951.000 acre-feet in FY 2022.

12. Finally, Watermaster determined the “Net Over/(Under) Imported Water Baseline Performance” by comparing the Adjusted Performance Target to CVWD’s actual imported-water deliveries. For FY 2021, the calculation produced a result of negative 8,195.667 acre-feet. This indicated that CVWD’s imported-water deliveries exceeded the amount permitted under the Exhibit G performance criteria by 8,195.667 acre-feet. Under Watermaster’s application of Exhibit G, that negative result required a correction. For FY 2022, the calculation produced a positive 3,590.147 acre-feet, demonstrating compliance with the Exhibit G performance criteria and therefore requiring no correction.

13. The resulting FY 2021 shortfall of 8,195.667 acre-feet, rounded to 8,196 acre-feet, is the precise amount Watermaster added back to CVWD’s assessable production. That same figure appears in the FY 2021/22 CAA Package on page 20.1, column 20G, as a negative Storage and Recovery Adjustment of approximately 8,195.7 acre-feet. Because CVWD achieved a compliant result in FY 2022, no Storage and Recovery Adjustment was applied in column 20G of the FY 2022/23 CAA Package, and the corresponding entry is zero.

14. Ontario has characterized the “Storage and Recovery Adjustments” entry appearing in column 20G of page 20.1 as a column that Watermaster invented for purposes of this proceeding. That characterization is not accurate. Watermaster added this column, and gave it a distinct label, so that the parties and the Court could readily identify, within the existing Adjusted Physical Production calculation, the specific increment of water attributable to the correction required by

the Court of Appeal's Opinion. The addition of the column did not change the underlying water accounting. This is illustrated by CVWD's FY 2021/22 figures: CVWD's Storage and Recovery Programs entry in column 20E of the FY 2021/22 CAA Package is (12,304.3) acre-feet, representing the portion of CVWD's DYY withdrawal that remained within the Exhibit G performance criteria and continued to be recognized in the manner it always had been. When that amount is added to CVWD's Storage and Recovery Adjustment of (8,195.7) acre-feet in column 20G, the result is (20,500.0) acre-feet, which is the full amount of water CVWD withdrew from the DYY storage account in FY 2021/22. Columns 20E and 20G therefore together account for the entirety of CVWD's FY 2021/22 DYY withdrawal: the portion that satisfied the Exhibit G performance criteria continues to be reflected, as before, in column 20E, while the portion that exceeded those criteria, and that the Court of Appeal identified as improperly exempted from assessment, is now separately identified in column 20G.

15. The March 26, 2026 Staff Report confirms this interpretation, stating that CVWD's FY 2021 withdrawal exceeded the limits permitted by the Exhibit G performance criteria and therefore resulted in 8,196 acre-feet being added to CVWD's assessable production, while no revision was required for FY 2022 because CVWD satisfied the applicable criteria. The Staff Report likewise explains that FWC's correction was based on the Court of Appeal's determination that FWC lacked a Local Agency Agreement authorizing withdrawal from the DYY storage account without assessment. Consequently, Watermaster added 2,500 acre-feet to FWC's assessable production in FY 2021 and 5,000 acre-feet to FWC's assessable production in FY 2022.

16. These corrections affected assessable production but did not alter the DRO calculations appearing on pages 19.1 through 21.1 of the CAA Packages. Understanding why requires an explanation of the purpose and operation of those pages.

17. Pages 19.1 through 21.1 do not calculate production assessments. Rather, they allocate the annual Desalter Replenishment Obligation ("DRO") among Appropriative Pool parties. In addressing this issue, the Peace II Agreement Section 6.2(b) established a formula for distributing the obligation among members of the Overlying (Non-Agricultural) Pool and the Appropriative Pool based upon the combined total share of Operating Safe Yield plus the previous

year's actual production. 16.17. In 2019 this formula was modified by agreement and Court Order to incorporate the concept of "Total Adjusted Physical Production" which is more inclusive in that it adds a party's reliance upon Land Use Conversions and Voluntary Agreements that enable it to pump Safe Yield other than by the share of Operating Safe Yield to the formula. The total annual DRO is determined by subtracting Court-approved Reoperation Water from total desalter production. Page 19.1 allocates the first 10,000 acre-feet of replenishment obligation through the Desalter Replenishment Obligation Contribution ("DROC") formula, while page 20.1 allocates the remaining replenishment obligation through the Remaining Desalter Replenishment Obligation ("RDRO") formula. Page 21.1 combines those amounts to identify each party's total DRO allocation for the applicable fiscal year.

18. A critical point is that the "Total Adjusted Physical Production" figure appearing on page 20.1 is not the same as assessable production. Total Adjusted Physical Production is a separate calculation first developed through the negotiated 2015 Safe Yield process and is used solely for purposes of allocating RDRO. As reflected on page 20.1, it is generally calculated from Physical Production (excluding desalter production), subject to adjustments for Voluntary Agreements, assignments involving Non-Agricultural Pool parties, other specified adjustments, and production attributable to storage-and-recovery programs.

19. The treatment of Voluntary Agreements in the RDRO calculation further illustrates that Total Adjusted Physical Production is a distinct concept. For RDRO purposes, only fifty percent of the Voluntary Agreement offset that may be recognized in production-assessment calculations is credited in the page 20.1 formula. This methodology was adopted as part of the negotiated Safe Yield resolution and was intended to allocate a greater share of replenishment obligations to parties benefiting from Voluntary Agreements, which enable them to produce Safe Yield available to appropriators.

20. In summary, Watermaster added 8,196 acre-feet to CVWD's FY 2021/22 assessable production under the Exhibit G analysis, made no corresponding adjustment for CVWD in FY 2022/23, and added 2,500 acre-feet and 5,000 acre-feet to FWC's assessable production in FY 2021/22 and FY 2022/23, respectively. For CVWD, the FY 2021/22 adjustment is reflected as a

1 Storage and Recovery Adjustment in column 20G of page 20.1 of the FY 2021/22 CAA Package
2 and is carried forward into the resulting assessable-production and production-assessment
3 calculations reflected in the revised assessment pages. The resulting revised assessment allocations
4 are reflected on page 8.1(a) of the Appropriative Pool section and page 2.1(a) of the Overlying
5 Non-Agricultural Pool section of the CAA Packages. Similarly, the FWC adjustments are
6 incorporated into the revised assessable-production and production-assessment calculations
7 reflected in those assessment pages.

8 21. Watermaster did not modify the separate DRO allocation methodology reflected on
9 pages 19.1, 20.1, and 21.1 of the CAA Packages. It is my opinion that this approach faithfully
10 implemented the Court of Appeal's directives, corrected the specific economic consequences
11 identified by the Court of Appeal, and avoided resolving broader issues expressly reserved for
12 future determination.

13 22. I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.

15 Executed on August 3, 2026, at Rancho Cucamonga, California.

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18 TODD M. CORBIN
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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 August 3, 2026, I served the following:

1. DECLARATION OF TODD M. CORBIN IN SUPPORT OF WATERMASTER'S RESPONSE TO ONTARIO'S SUPPLEMENTAL BRIEF

/ 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 August 3, 2026, in Rancho Cucamonga, California.

Noemi Medrano

By: Noemi Medrano
Chino Basin Watermaster

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