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NO FEE PER GOV'T. CODE SEC. 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 27 2006

Attorneys for Defendant/Cross-Complainant
MOJAVE WATER AGENCY



**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE**

CITY OF BARSTOW, et al.)
Plaintiff,)
vs.)
CITY OF ADELANTO, et al.,)
Defendant.)

AND RELATED CROSS ACTIONS)

CASE NO. 208568
[Proposed]
**ORDER GRANTING MOTION TO
ADJUST FREE PRODUCTION
ALLOWANCE FOR WATER YEAR
2006-2007**
Assigned for All Purposes to:
Judge Michael E. Kaiser, Dept. 3

The above-entitled action came on regularly for hearing on May 12, 2006, before the Honorable E. Michael Kaiser, Judge of the Superior Court, on the motion of Defendant/Cross-Complainant, MOJAVE WATER AGENCY, acting in its capacity as Watermaster, pursuant to the Judgment entered January 10, 1996, Paragraph 24(o), seeking an adjustment in Free Production Allowance (FPA). The court having reviewed and considered the moving, opposing, and reply papers, and the arguments of counsel, and good cause appearing, hereby GRANTS the motion on the following terms as to the Subareas defined in the Judgment of January 10, 1996 for the Water Year 2006-2007:

1 **ATLTO SUBAREA**

2 1. Rampdown to occur reducing FPA to 60% of Base Annual Production
3 (BAP) for Municipal and Industrial (M&I) water producers.

4 2. FPA shall remain at 80% of BAP for Agricultural producers, i.e. those
5 who produce water for the irrigation of crops, or as otherwise determined by
6 Watermaster.

7 **BAJA SUBAREA**

8 FPA shall remain at 75% for all Producers pursuant to the Court's Order of
9 December 29, 2005. A change in use or any change inconsistent with the December
10 29, 2005 Order will result in further rampdown to 70% for the 2006-2007 water year.
11 Pursuant to the Court's December 29, 2005 Order, if Watermaster believes that any
12 Producer has changed its type of use or place of use, Watermaster shall place the
13 name of such Producer on a list of Producers which are removed from the ten (10)
14 year rampdown moratorium and present the names of any such Producers to the
15 Court at the next rampdown hearing, if any, for approval by the Court for further
16 rampdown, if appropriate, for such Producers. Pursuant to the December 29, 2005
17 Order, Watermaster shall continue to maintain and publish the list of producers
18 subject to the ten (10) year rampdown moratorium. Finally, Watermaster shall
19 commence the studies set forth in Paragraph 6 of the December 29, 2005 Order and
20 shall report its progress to the Court annually. Watermaster is relieved of evaluation
21 of the subsurface flow from BAJA across the Mojave Water Agency administrative
22 boundary about six miles upstream of Afton. The Watermaster shall submit a report
23 within twelve months from the date of this Order identifying the engineering
24 problems related to such an evaluation.

25 **CENTRO SUBAREA**

26 FPA shall remain at 80% of BAP for both M & I and Agricultural producers.

27 **ESTE SUBAREA**

28 Rampdown is deferred and FPA shall continue to remain at 80% of BAP for

1 both M & I and Agricultural producers. However, if the pending hydrologic study
2 reaches the same conclusions established by the January 10, 1996 Judgment, deferred
3 rampdown would be implemented upon further order of the court following the
4 Watermaster's report and motion seeking court approval which could result in FPA
5 being reduced to the level required by the Judgment at the time the Motion is made.

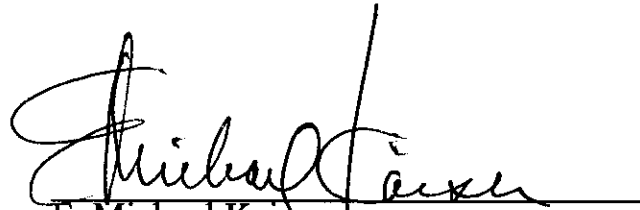
6 **OESTE SUBAREA**

7 FPA shall remain at 80% of BAP for both M & I and Agricultural producers.
8

9 **ORDER**

10 IT IS SO ORDERED.

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12 Date: 6-5-, 2006

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15 E. Michael Kaiser,
16 Judge of the Superior Court
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