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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

CITY OF BARSTOW, et al.,
Plaintiffs,
vs.
CITY OF ADELANTO, et al.,
Defendants.

AND RELATED CROSS-ACTIONS.

ORIGINAL

CASE NO. 208568

REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS

Proceedings had before the Honorable E. Michael Kaiser, Judge of the Superior Court of the State of California, County of Riverside, Department 3, on Friday, May 12, 2006.

APPEARANCES OF COUNSEL:

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SUSAN L. NORRIS, CSR NO. 5167
OFFICIAL COURT REPORTER

RIVERSIDE, CALIFORNIA, FRIDAY, MAY 12, 2006

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THE COURT: City of Barstow versus City of Adelanto.

MR. BRUNICK: Bill Brunick for Mojave Water District.

MR. HAWKINS: Good morning, your Honor. Robert Hawkins for Baja Lake Owners Association.

MR. DAVIS: Good morning, your Honor. Michael Davis, Gresham, Savage, Nolan & Tilden, for Silver Lakes, Mitsubishi Cement, TXI, Specialty Minerals, and I know I'm missing one. Sorry.

THE COURT: Well, I've read the notice of motion and the papers submitted by the Mojave Water Agency. I received no opposition, and it is my intent to sign the proposed order. But I did have a question, Mr. Brunick, on -- where is my note? -- on the Afton Canyon issue.

The declaration indicates that -- apparently the Alto Subarea Advisory Committee has indicated that trying to determine the flow would be extremely expensive and probably of little use.

Is there any way to do some minimal investigation there to determine what is happening in Afton Canyon without drilling a whole bunch of wells?

MR. BRUNICK: Yes, your Honor, there is, and we can present that study done by the engineers to the Court. The real problem is the cost of constructing any type of facility down to the end of Afton Canyon, which is out near Zzyzx -- that's how far it is -- to meet that obligation. It's

almost -- I mean, it's impossible to do from a financing standpoint, but we can present an investigation and report -- further report to the Court next year.

THE COURT: Why don't we just submit -- you know, without going out and drilling a whole bunch of wells, why don't we do whatever the engineers say we can do to come up with some, I guess, determination as to what the flows are.

MR. BRUNICK: We can do that, and we will present what we come up with to the Court.

THE COURT: Okay.

MR. BRUNICK: Mr. Hawkins has requested a change, suggested change, to the order in Baja, indicating that -- if the Court recalls, if there was a change in use in the Baja area, then rampdown would continue to occur. Mr. Hawkins wishes that if the watermaster determines that there is a change in place or type of use, that we report that to the Court prior to the second step of the rampdown, and he submitted language.

I don't know if you submitted this to the Court.

I think that's acceptable to the Mojave Water Agency.

THE COURT: Okay.

MR. BRUNICK: I will add that to the -- I will submit a new order to the Court for signature.

THE COURT: Okay.

MR. BRUNICK: I don't have that in my proposed order, but I will submit a new order.

THE COURT: That's fine. Then just report on Afton

Canyon next year.

MR. BRUNICK: Yes, we will do so.

THE COURT: Thank you.

MR. BRUNICK: Thank you, your Honor.

THE COURT: It looks like we're making progress.

MR. BRUNICK: Thanks to the Court and the clerk of this Court. She deserves more than we do, I think.

(Whereupon the proceedings were concluded.)

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REPORTER'S CERTIFICATE

CITY OF BARSTOW, et al.,)
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 Plaintiffs,)
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 vs.)
)
 CITY OF ADELANTO, et al.,)
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 Defendants.)
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 AND RELATED CROSS-ACTIONS.)
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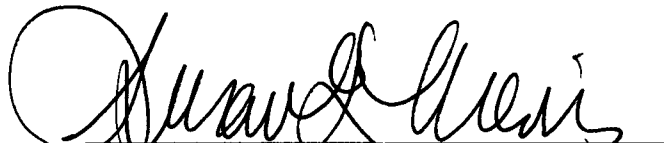
CASE NO. 208568

STATE OF CALIFORNIA)
) ss.
 COUNTY OF RIVERSIDE)

I, SUSAN L. NORRIS, Certified Shorthand Reporter of the Superior Court of the State of California, County of Riverside, do hereby certify:

That on May 12, 2006, in the County of Riverside, State of California, I took in shorthand a true and correct report of the proceedings had in the above-entitled case, and that the foregoing pages, 1 through 3, inclusive, are a true and accurate transcription of my shorthand notes.

DATED: Riverside, California, May 12, 2006.


SUSAN L. NORRIS, CSR NO. 5167