

SEP 20 2011

SUPERIOR COURT OF CALIFORNIA

**Brunick, McElhaney, Beckett,  
Dolen & Kennedy**

COUNTY OF RIVERSIDE

CITY OF BARSTOW, et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 CITY OF ADELANTO, et al., )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )  
 AND RELATED CROSS-ACTIONS. )  
 )

No. CIV208568

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Proceedings of July 19, 22, 2011, before  
the Honorable Gloria Connor Trask, Judge,  
Department 3.

APPEARANCES:

For Defendant/  
Cross-Complainant:  
Mojave Water Agency

BRUNICK, McELHANEY & BECKETT  
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**COPY**

1 PROCEEDINGS OF TUESDAY, JULY 19, 2011

2 \* \* \*

3 (A discussion is held off the record.)

4 So, Charniece, the hearing that this is going to be is  
5 the motion to adjust Free Production Allowance by Mojave  
6 Water Agency.

7 Apparently there was a stip and order. Is that how it  
8 got continued to today?

9 MR. BRUNICK: The State filed a motion -- It was set in  
10 the commissioner's court. The State filed a motion. They  
11 didn't want the commissioner to hear it. And then it came to  
12 lucky you. And from that point the -- the minute orders were  
13 issued, and this matter along with the other matter were  
14 continued to this date. And then there was an ex parte  
15 motion in the other matter set on the 19th. But there was no  
16 stipulation. But we served each -- each time it was  
17 continued, we served all 450 parties.

18 THE COURT: Okay.

19 There was an ex parte where?

20 MR. BRUNICK: Ex parte in the other case, the motion to  
21 review the Watermaster's decision. And that -- it was set on  
22 one of the attorney's for Bank of America or somebody  
23 vacation, and then it was kicked over to Friday, next Friday.

24 THE COURT: That's what it is. That's Bank of America's  
25 saying --

26 MR. BRUNICK: Correct. Right.

27 THE COURT: That's on for Friday.

28 MR. BRUNICK: That's right.

1 THE COURT: Does it have the same case number? It's the  
2 same case, right?

3 MR. BRUNICK: It's in the same -- It's in the -- It's a  
4 review of a Watermaster's decision under the big case, yes.

5 THE COURT: Right. But it's the issue of water rights  
6 between Bank of America and some --

7 MR. BRUNICK: And another party.

8 THE COURT: -- the previous landowner.

9 MR. BRUNICK: Landowner, correct.

10 THE COURT: Got it. Okay.

11 In the matter of City of Barstow versus City of  
12 Adelanto.

13 Counsel, state your appearance, please.

14 MR. HUGHES: Good morning, Your Honor.

15 Michael Hughes with the Attorney General's office for  
16 the Department of Fish and Game.

17 MR. BRUNICK: Bill Brunick appearing for Mojave Water  
18 Agency, Your Honor.

19 THE COURT: The matter was added onto our calendar. It  
20 was not previously on our calendar due to some inadvertence  
21 somewhere. It is on calendar for a motion to adjust the Free  
22 Production Allowance for water year 2011 through 2012 by the  
23 Mojave Water Agency.

24 I have before me a copy of a minute order continuing the  
25 matter to 7-19, in Department 3. That was a continuance from  
26 an ex parte.

27 I do not have proof of service. But based upon  
28 Mr. Brunick's representation as an officer of the court,

1 notice was given to all parties.

2 I note, and I have received a workup from our research  
3 attorneys that there is no opposition. This is not a  
4 controversial year.

5 The recommended Free Production Allowance for Alto,  
6 Centro, and Este subareas remain unchanged from the previous  
7 court order of the year 2010 through 2011.

8 Department of Fish and Game has no real opposition  
9 although maybe some grumbling about overproduction.

10 Did you wish to be heard on that?

11 MR. HUGHES: No, Your Honor. Thank you.

12 THE COURT: All right.

13 The court will grant Mojave Water Agency's unopposed  
14 motion to adjust the Free Production Allowance for water year  
15 2011 through 2012.

16 And I will ask, Mr. Brunick, if you'll please give  
17 notice.

18 MR. BRUNICK: I will.

19 MR. HUGHES: Your Honor, would you like Mr. Brunick to  
20 prepare an order? Or how would you like that to work?

21 THE COURT: Yes. We need an order as we have every  
22 year.

23 MR. BRUNICK: Right. We -- We -- We will submit an  
24 order, along with our -- I will, in addition, make sure the  
25 court has a proof of service for the 19th, also.

26 THE COURT: Excellent.

27 MR. BRUNICK: And I appreciate the court's  
28 accommodation.

1 THE COURT: Have a nice -- Have a nice vacation.  
2 MR. BRUNICK: My wife appreciates it a little bit more  
3 than I do.  
4 THE COURT: All right.  
5 MR. BRUNICK: Thank you.  
6 THE COURT: You were trying to get out of going to  
7 Russia. I get that feeling. But I won't tell her.  
8 MR. BRUNICK: I would rather go fishing, but this is a  
9 tradeoff.  
10 THE COURT: All right. Thank you.  
11 MR. BRUNICK: Thank you.  
12 THE COURT: Uh-huh.  
13 Good day.  
14 (Proceedings are adjourned.)  
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