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NO FEE PER GOV'T. CODE SEC. 6103

FILED
Superior Court of California
County of Riverside

5/18/2020

T. Davis

Electronically Filed

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,

CASE NO. CIV 208568

**NOTICE OF MOTION AND MOTION
TO ADJUST FREE PRODUCTION
ALLOWANCE FOR WATER YEAR
2020-2021; MEMORANDUM OF
POINTS AND AUTHORITIES AND
DECLARATION OF ROBERT C.
WAGNER IN SUPPORT THEREOF**

Assigned for All Purposes to:
Judge Craig Riemer
Dept. 1

DATE: June 11, 2020
TIME: ~~1:30 p.m.~~ 8:30 AM
DEPT: 1
RES101824

AND RELATED CROSS ACTIONS

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

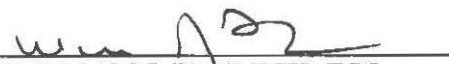
Please take notice that on June 11, 2020 at 1:30 p.m., or as soon thereafter as counsel may be heard, in Department 1 of the above entitled court located at 4050 Main Street, Riverside, California,

1 Defendant/Cross-Complainant, Mojave Water Agency, acting in its capacity as the Mojave Basin Area
2 Watermaster, will respectfully move, pursuant to paragraph 24(o) and Exhibit H of the Judgment in the
3 above entitled case, for the court's approval of the Watermaster's recommendation in its Twenty-Sixth
4 Annual Report to adjust the Free Production Allowance (FPA) for each of the five (5) Subareas (Alto,
5 Baja, Centro, Este and Oeste) of the Mojave Basin as set forth herein for the 2020-21 Water Year.

6 This motion is based upon this notice, the Memorandum of Points and Authorities, the Twenty-
7 Sixth Annual Report of the Watermaster lodged with the court concurrently with this motion, the
8 Declaration of Robert C. Wagner, the pleadings, papers and records on file and upon such other further
9 evidence, both oral and documentary, that may be presented at the hearing on this motion.

10
11 Dated: May 18, 2020

BRUNICK, McELHANEY & KENNEDY PLC

12
13 BY: 
14 WILLIAM J. BRUNICK, ESQ.
15 LELAND P. McELHANEY, ESQ.
16 Attorneys for Defendant/Cross-Complainant,
17 MOJAVE WATER AGENCY
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **BACKGROUND**

4 The original complaint was filed by the City of Barstow et al. on May 30, 1990 and alleged that
5 the cumulative water production upstream of the City of Barstow had over drafted the Mojave River
6 System and it requested that the Mojave Water Agency (MWA) be ordered to obtain and provide
7 supplemental water for use within the Mojave Basin Area (Basin). MWA filed its First Amended
8 Cross-Complaint naming substantially all producers of water within the Basin, including parties
9 downstream of the City of Barstow, and requested a determination of all the water production from
10 whatever source within the Basin.

11 After extensive negotiations, parties representing over 80% of the verified water production in
12 the Basin agreed to a stipulated Judgment which established a physical solution to the water supply
13 problems. A trial of the claims of non-stipulating parties was held and the final Judgment after trial
14 adopted the physical solution set forth in the stipulated Judgment.

15 The Cardozo Group of the non-stipulating parties appealed the Judgment that was entered by
16 the Superior Court. Following opinions by the Court of Appeal and Supreme Court, the Judgment as to
17 the stipulating parties was affirmed but reversed as to the Cardozo Group of non-stipulating parties.
18 This essentially excluded the Cardozo Group from the stipulated Judgment, including the assessment
19 provisions. As of August 23, 2002, Jess Ranch Water Co. (JRWC), previously a non-stipulating party,
20 entered into a settlement agreement in which it stipulated to the Judgment. An amendment to the
21 Judgment was filed on December 5, 2002 which incorporated the changes with respect to the Cardozo
22 Group and JRWC.

23 **II.**

24 **THE JUDGMENT'S PHYSICAL SOLUTION**

25 On January 10, 1996 the court entered a Judgment which addressed the overdraft situation
26 existing in the Basin by the creation of a Physical Solution for the Basin's five distinct, but
27 hydrologically interrelated Subareas (Alto, Baja, Centro, Este, and Oeste). The court determined that

1 all five Subareas of the Basin had been in a state of overdraft since at least the 1950's, that the
2 economy and population overlying the Basin had dramatically grown in reliance upon the overdraft,
3 and that all producers had contributed to the overdraft. The court's Physical Solution established a
4 limit on the amount of water each Subarea could produce in one year before having to purchase
5 replacement water. This is known as the Free Production Allowance (FPA). The Judgment also
6 established each producer's Base Annual Production (BAP). A producer's BAP is based upon that
7 producer's highest year of water production during the base period of 1986-1990. A producer's BAP
8 serves as the basis for the producer's Base Annual Production Right (BAPR). BAPR is the right of
9 each producer to a percentage of the FPA within a given Subarea.

10 Although the serious nature of the overdraft warranted an immediate reduction for all water
11 production within the Basin, the Court approved a gradual reduction in production in order to soften
12 the economic impact upon producers. Therefore, the Judgment sets forth the terms for a gradual
13 reduction or Rampdown of the FPA for all parties. After the first five years of the Judgment, the FPA
14 for all parties was set at eighty percent (80%) of their original BAP. The Judgment also provides that
15 the court can review and adjust, as necessary, the FPA for each Subarea on an annual basis.

16 Since entry of Judgment in January of 1996, the Parties to the Adjudication and the Court have
17 attempted to achieve sustainability in the Mojave Basin Area by use of the tools within the Judgment to
18 finance the importation of supplemental water in implementing the Physical Solution. The Physical
19 Solution mandates the definition of the individual rights of all Producers within the Basin Area which
20 will equitably allocate the natural water supplies and will provide sharing of costs for supplemental
21 water in each Subarea.

22 The waters derived from the Mojave River constitutes a common source of supply for the five
23 Subareas. Each Party has a declared production right in his or her respective Subarea to produce water
24 for his or her use against other producers located in the Subarea. In addition, Producers within certain
25 Subareas have rights as against those in adjoining upstream Subareas to receive average annual water
26 supplies and in any one year to receive minimum annual water supplies equal to the amounts set forth in
27 Exhibit G of the Judgment in addition to any storm flows. Exhibit G establishes these Subarea rights

1 and obligations to insure historical flows to each Subarea within the basin area. Producers in the
2 respective Subareas shall have the obligation to provide the following minimum annual subsurface
3 flows and/or base flow per year:

4 Subsurface Obligations

5 Este to Alto 200 acre-feet

6 Oeste to Alto 800 acre-feet

7 Alto to Centro 2,000 acre-feet (21,000 acre-feet surface obligation)

8 Centro to Baja 1,462 acre-feet

9 Baja to Afton 0 acre-feet (400 acre-feet obligation was relieved by Court, 2006)

10 In summary, a Party's existing Production Right would be exercised within the respective
11 Subarea and the Parties guaranteed subsurface flows, are set forth above. Sixty-year average (1931-
12 1990) storm flow is assumed to be available to the Subareas from the Mojave River system. The water
13 supply is episodic and assumed to repeat in the future as in the past. Each respective Subarea is
14 assumed to receive the historic storm flow, as supply, on a long-term average basis, but not in any
15 given year. The Subarea rights and obligations were decreed by the Judgment. A fundamental premise
16 of the Physical Solution is that all Parties will be allowed, subject to the Judgment, to produce sufficient
17 water to meet their reasonable beneficial use requirements. To the extent that production by a Producer
18 in any Subarea exceeds such Producer's share of the Free Production Allowance of that Subarea,
19 Watermaster will provide replacement water to replace such excess production at the current
20 replacement water rate. To the extent that any Subarea incurs a Makeup Obligation, Watermaster will
21 provide supplemental water to satisfy such Makeup Obligation at the current makeup water rate.

22 Since approximately 2000, the Parties have attempted to deal with overdraft within each Subarea
23 and the future availability of supplemental water within the Subarea in which each Producer is located.
24 As a result, each Subarea has been affected differently and in some Subareas the condition of overdraft
25 has resulted in increased overdraft pursuant to the Judgment. It is the responsibility of the Producers in
26 each Subarea to address the overdraft through purchases of supplemental water.

27 Since 1996, the Court, the Parties in certain Subareas and Watermaster have conducted many

1 meetings, public hearings and workshops and have considered a variety of options within the mandates
2 of the Judgment to alleviate the costs, allow flexible management and implement creative solutions but
3 not jeopardize the Judgment which now forms the basis for water supply for approximately 440,000
4 individuals living in the Mojave Basin Area. The Watermaster has been presented alternatives to
5 Rampdown proposed by certain Producers in a variety of Subareas, however, most do not comply with
6 the Judgment or its intent to balance the basin and become sustainable.

7 MWA was appointed as the initial Watermaster by the court to administer the Judgment and
8 Physical Solution set forth therein.

9 III.

10 NECESSITY FOR ADJUSTMENT

11 Pursuant to the gradual Rampdown required in the Judgment, by the 1997-98 Water Year, each
12 producer's FPA was set at eighty percent (80%) of that producer's BAP specified by the Judgment.
13 Exhibit H of the Judgment requires Watermaster to recommend a decrease in the FPA for a Subarea
14 when that Subarea's FPA exceeds its estimated Production Safe Yield (PSY) by five percent (5%) or
15 more. Pursuant to Paragraph 24(o) of the Judgment, the Watermaster is required to make a
16 recommendation to the Court for adjusting the FPA of each Subarea, if necessary.

17 The Watermaster Engineer has tracked and calculated consumptive use within the five
18 Subareas on an annual basis. The Court in its hearing of July 6, 2018 and Status Conference of
19 October 12, 2018 asked that the Watermaster Engineer complete the update to consumptive use and
20 any other necessary updates to the Production Safe Yield elements. In 2019, the Watermaster
21 Engineer completed an update to Production Safe Yield and Consumptive Use for each Subarea at the
22 court's request (filed May 1, 2019). Previously, PSY was updated in August 2000. The report
23 provided the basis for Watermaster's recommendations for Water Year 2019-20 and for future
24 recommendations.

25 Pursuant to Exhibit H of the Judgment, the Watermaster has filed its motions to adjust the FPA
26 for prior Water Years and also provided certain alternatives and evaluations when requested to by the
27 Court.

On July 23, 2019, the court entered its order on Watermaster's Motion to Adjust FPA for Water Year 2019-20 (attached as Exhibit A). As a result, FPA for Water Year 2019-20 was set as follows:

<u>Subarea</u>	<u>2019-20 FPA</u>
Alto - Agricultural	75% of BAP
Alto - Municipal and Industrial	55% of BAP
Baja	30% of BAP
Centro	75% of BAP
Este	75% of BAP
Oeste	75% of BAP

IV.

RECOMMENDED ADJUSTMENTS TO FPA FOR WATER YEAR 2020-21

The Watermaster conducted public hearings on February 26, 2020 and April 22, 2020 and adopted the FPA recommendations for the five Subareas for Water Year 2020-21, as required by the Judgment and consistent with previous direction from the court as follows:

<u>Subarea</u>	<u>2020-21 FPA Recommendation</u>
Alto - Agriculture	70% of BAP
Alto - Municipal & Industrial	55% of BAP
Baja	25% of BAP
Centro	70% of BAP
Este	70% of BAP
Oeste	70% of BAP

The table on page 37, Chapter 5, of the Twenty-Sixth Annual Report of the Mojave Basin Area Watermaster shows the BAP, the FPA for 2019-20, the estimated PSY, the difference between them as a percentage of BAP as well as the 2018-19 Verified Production for each Subarea.

The conditions in each Subarea are described in the declaration of Robert C. Wagner, Watermaster Engineer attached as Exhibit B.

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1 Watermaster received and considered oral comments and correspondence from the Department
2 of Fish and Wildlife and other producers within the Subareas. The written comments received by
3 Watermaster during its public hearings of February and April are attached as Exhibit C.

4 **V.**

5 **ALTERNATIVES**

6 The Watermaster Board directed the attorney for Watermaster to summarize the various
7 suggestions or alternatives made at prior workshops (2019) or hearings and to provide these to the
8 Court (attached as Exhibit D). The suggestions and alternatives presented to the Watermaster or to the
9 Court in the past can best be summarized as follows:

10 **ALTO SUBAREA**

11 Judge Kaiser initiated a differential Rampdown which treated agricultural producers in the Alto
12 Subarea differently than Municipal and Industrial Producers. Agricultural FPA was to be maintained
13 at 80% of BAP and not subject to further Rampdown, while M&I producers would continue to be
14 reduced. While the overall impact to Alto of the differential Rampdown is now small, this approach is
15 not consistent with the Stipulated Judgment. Agricultural Production is currently being ramped down
16 to equate with Municipal and Industrial Production in the Alto Subarea as per the court's order of July
17 2019.

18 **OESTE SUBAREA**

19 Prior to 2018-19 the Watermaster's filings with this Court had requested that FPA be set at
20 80% for Agriculture and 60% of BAP for Municipal and Industrial Production with any further
21 reduction in M&I FPA held in abeyance at 80%. This was not consistent with the Judgment, and
22 subject to the court's order in July 2019, Rampdown was re-commenced in 2019-20 at a 5% per year
23 level for all producers until the balance and sustainability required by the Judgment is achieved.

24 **CENTRO SUBAREA**

25 In prior years, the Watermaster has recommended that FPA be maintained at 80%, since water
26 levels in the Centro Subarea show relative stability over time, except where influenced by heavy
27 localized pumping. Water levels had remained consistent in that they fall during periods of below

1 average rainfall and recover in wet years. The past 9 years of below average rainfall may have
2 exacerbated water level decline. The no Rampdown alternative is inconsistent with the Judgment as
3 FPA is still far greater than PSY.

4 **ESTE SUBAREA**

5 In prior years, the Watermaster has recommended that FPA in Este remain at 80% since water
6 levels in Este remain stable as water production has declined from 15,700 acre-feet in 1990 to 4,029
7 acre-feet in 2019. However, FPA in Este exceeds the estimated PSY by more than 5% of BAP.
8 Rampdown of 5% is required to be consistent with the Judgment.

9 **BAJA SUBAREA**

10 FPA in Baja exceeds PSY by more than 5%. Overdraft continues as water levels continue to
11 fall. Baja Producers have in the past requested investigations as to upstream pumping, population
12 growth, flood control activity and dam construction. These issues have been investigated and the
13 results reported to the Watermaster Board and the Court.

14 Further suggestions by Baja representatives in the past include, (a) the purchase and retirement
15 of BAP and Carryover rights; (b) differential Rampdown in Baja using a tiered approach; (c) no further
16 Rampdown in Baja whatsoever; (d) a request that all Subareas be Ramped down equally; (e) land use
17 controls should be implemented by the County of San Bernardino; and (f) importation of supplemental
18 water in Baja.

19 Mojave Water Agency has taken steps to purchase Base Annual Production in the Baja Subarea
20 and has purchased supplemental water for spreading in Baja. The terms of the Judgment still demand a
21 further Rampdown of Base Annual Production in Baja until the balance and sustainability required by
22 the Judgment is achieved.

23 **VI.**

24 **QUANTIFYING PRODUCTION NOT UNDER THE JUDGMENT**

25 Starting in 2015, Watermaster began an effort to review, catalog and quantify uses of water that
26 may be over 10 acre-feet per year which are not currently included in the Judgment. Watermaster
27 obtains aerial photographs encompassing the Mojave Basin Area annually and uses them to assist in

1 annual water production verification for parties to the Judgment. In that effort Watermaster also
2 reviews the photographs to identify properties where water might be produced but where the property
3 and owner are not currently subject to the Judgment. Properties are identified and the extent (acreage)
4 of disturbed lands is estimated from the aerial photographs. Identifying these parties requires detailed
5 evaluation of hundreds of photographs throughout the 3,400 square mile area of the basin.

6 Watermaster maintains a database of the parties identified with information such as current
7 owner, addresses, assessor parcel number, estimates of potential water use, crops and land uses.
8 Potential water use was calculated based on climate data and assumptions about crops and land uses as
9 seen on the aerial photographs. In some cases, physical inspection of the property is performed (on a
10 drive by basis) if warranted from the size of the disturbance shown on the photographs or to fully
11 identify crop types. Watermaster has coordinated with the Subarea Advisory Committees as well as
12 obtained information from local residents and water purveyors to identify subject properties.

13 In 2016 and 2017 (follow-up in 2018), from the evaluations conducted and at the direction of
14 the Watermaster Board, Watermaster staff and the engineer engaged the parties that were identified
15 through a detailed letter describing the Judgment and potential obligations of producers pumping in
16 excess of 10 acre-feet under the Judgment. Subsequently, staff personally met with over half of the
17 identified parties on a voluntary basis. Voluntary stipulations to the Judgment were obtained from 7 of
18 these parties (generally the larger pumpers). Many of those engaged indicated that they were not
19 pumping more than 10 acre-feet per year, however, most did not have data to support their level of
20 water production. Many of the small producers that pump less than 10 acre-feet per year have
21 established small orchards with young trees where water demand is small. The demand will increase
22 as the trees age, grow, and produce fruit. Those producers may in time exceed 10 acre-feet per year
23 and will need to be managed in some manner so as not to exacerbate overdraft.

24 Watermaster continues to pursue obtaining voluntary compliance from these pumpers and ask
25 that they consider stipulating to the Judgment. The process of identifying, tracking and public
26 outreach continues as part of Watermaster's annual evaluations of the Basin Area.

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1 VII.

2 **CONCLUSION**

3 The only solutions to chronic overdraft and to achieving sustainability is to purchase imported
4 water or to reduce pumping. Overall pumping in each Subarea has declined, but Subarea production
5 safe yields should be achieved for long-term sustainability. In order to achieve and maintain balances
6 in each of the Subareas, further Rampdowns in all Subareas will be considered by the Watermaster
7 annually. The Baja Subarea has been over-pumped in excess of Subarea yield for at least 70 years.
8 Other ideas or proposals would require changes to the Judgment and would result in significant
9 inequity or a shifting of responsibility to one group in favor of another and may result in risk to the
10 entire Judgment. Further delays in implementation will jeopardize the Mojave Basin Area
11 sustainability. The Judgment continues to provide the mechanism through the Physical Solution and
12 Rampdown to achieve a sustainable water supply in the Mojave Basin Area. Sufficient supplemental
13 water supplies exist to allow Producers to purchase water at a cost so that their current demands and
14 needs are met. A substantial amount of investment by all parties to the Judgment has occurred over the
15 last 28 years. The Mojave Water Agency, in support of the physical solution, constructed water supply
16 facilities for delivering and storing water from the State Water Project to meet needs in every Subarea.
17 These include 13 recharge facilities and two major pipelines nearly 150 miles in length. The physical
18 solution will work under the Judgment if implemented to its fullest extent.

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1 Based upon the foregoing and the Declaration of Robert C. Wagner, filed concurrently
2 herewith, and the court's prior rulings, Watermaster requests that the Court grant this motion and
3 implement the recommended FPA for each Subarea as follows:

4 (1) **ALTO**: Set FPA in Alto at 55% of BAP for Municipal and Industrial producers and 70%
5 of BAP for Agricultural producers;

6 (2) **BAJA**: Set FPA in Baja at 25% of BAP

7 (3) **CENTRO**: Set FPA in Centro at 70% of BAP

8 (4) **ESTE**: Set FPA in Este at 70% of BAP; and

9 (5) **OESTE**: Set FPA in Oeste at 70% of BAP.

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11
12 Dated: May 18, 2020

BRUNICK, McELHANEY & KENNEDY PLC

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14 BY: Wm J. Brunick
15 WILLIAM J. BRUNICK, ESQ.
16 LELAND P. McELHANEY, ESQ.
17 Attorneys for Defendant/Cross-Complainant,
18 MOJAVE WATER AGENCY
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EXHIBIT A

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

CASE TITLE: City of Barstow v. City of Adelanto

Department 5

CASE NO.: CIV208568

JUL 23 2019

DATE: July 23, 2019

J. Castillo

PROCEEDING: Order (1) Granting as Modified the Watermaster's Motion to Adjust Free Production Allowance for Water Year 2019-2020, (2) Continuing the Hearing on the Johnsons' Motion to Direct the Watermaster to Consider Alternatives, and (3) Inviting Further Briefing

The Watermaster's Motion

The Watermaster's Motion to Adjust Free Production Allowance for Water Year 2019-2020 was heard on June 26, 2019. After considering the motion, the various briefs responding to the motion, and the oral argument of counsel, the Court grants the motion in part and grants the balance as modified. Specifically:

Alto:

The Court finds that the current differential between agricultural producers and municipal and industrial producers is contrary to the term of the judgment that prohibits distinctions between types of producers. (Judgment, ¶ B.23(a).) It is also contrary to the legislative determination in Water Code section 106 that residential use is the highest use, particularly if the FPA for M&I producers were to be reduced while the FPA for agricultural producers were to be left unchanged, as the Watermaster has proposed. Moreover, that differential was presumably put into place to cushion the impact of the judgment on the agricultural producers. The time for such a graduated implementation of the physical solution is over. The Court intends to eliminate that differential, so that all types of producers in the area are subject to the same FPA limits.

However, the elimination of the differential in a single year without advance notice would impose a hardship on the agricultural producers. Therefore, the Court will impose a rampdown on the agricultural producers of only 5% at this time. By this Order, the Court notifies the agricultural producers that the Court intends to implement a rampdown for agricultural producers of at least 5% per year until the differential between agricultural producers and M&I producers is eliminated. If there is no rampdown in M&I producers in a particular year, the rampdown for agricultural producers may be more than 5%.

In short, the FPA for agricultural producers is reduced from 80% of BAP to 75% of BAP for Water Year 2019-2020.

The Watermaster recommends that the M&I FPA be reduced to 55% of BAP. The Court approves that recommendation. The FPA for municipal and industrial producers is reduced from 60% of BAP to 55% of BAP for Water Year 2019-2020.

Baja:

The Watermaster recommends that the FPA be reduced to 30% of BAP. The Court approves that recommendation. The FPA for all producers in Baja is reduced from 35% of BAP to 30% of BAP for Water Year 2019-2020.

Centro:

The Watermaster recommends that the FPA remain at 80% of BAP. The Court rejects that recommendation.

The Court finds that, although the current FPA greatly exceeds PSY, the area is not being overdrafted because verified production is below PSY. Therefore, no immediate rampdown is necessary to reduce overdrafting. Nevertheless, given that the Judgment limits rampdowns to 5% per year, the FPA should be ramped down now so that, if production increases in the future, the FPA will be low enough to ensure that the increased pumping does not exceed PSY. By this Order, the Court notifies all producers in Centro that the Court intends to impose a rampdown of 5% per year until FPA is approximately equal to PSY.

The FPA for the producers in Centro is reduced from 80% of BAP to 75% of BAP for Water Year 2019-2020.

Este:

The Watermaster recommends that the FPA remain at 80% of BAP. The Court rejects that recommendation.

The Court finds that, although the current FPA greatly exceeds PSY, the area is not being overdrafted because verified production is below PSY. Therefore, no immediate rampdown is necessary to reduce overdrafting. Nevertheless, given that the Judgment limits rampdowns to 5% per year, the FPA should be ramped down now so that, if production increases in the future, the FPA will be low enough to ensure that the increased pumping does not exceed PSY. By this Order, the Court notifies the producers in Este that the Court intends to impose a rampdown of 5% per year until FPA is approximately equal to PSY.

The FPA for the producers in Este is reduced from 80% of BAP to 75% of BAP for Water Year 2019-2020.

Oeste:

The Court approves the Watermaster's recommendation to eliminate the differential between agricultural producers and municipal and industrial producers. The Court also approves of the recommendation to implement a 5% rampdown to a uniform rate of 75%, because verified production is more than twice the PSY. This does not result in increased FPA for the M&I producers, because the imposition of the prior reductions in FPA to 60% had been stayed.

The FPA for all types of producers in Oeste is reduced from 80% of BAP to 75% of BAP for Water Year 2019-2020.

Future Hearing on October 3, 2019

The Court sets a further hearing on October 3, 2019, at 1:30 P.M in Department 1. No later than August 22, 2019, the Watermaster shall, and any other parties may, file and serve additional

declarations and briefing on the questions listed below. Any party wishing to respond to that evidence or that briefing shall file and serve additional evidence or argument no later than September 12, 2019.

1. With regard to the calculation of PSY:
 - a. Is the method of calculating PSY, as the difference between total pumping in a subarea and the deficit between total water supply and consumptive use and outflow, consistent with the definition of PSY in the Judgment at Part II, Section A, ¶4(aa)?
 - b. Is there verified production that is not being included in figures for consumptive use and supply?
 - c. If there is production occurring outside the consumptive use / supply figures, how does that affect the calculation of PSY?
 - d. Are there better methods of calculating PSY that take into account all verified production and supply, and what would PSY be for each region if production not reflected in the consumptive use / supply figures were included in the calculation of PSY?
2. To the extent that this issue is not covered in Question 1 above, is the Watermaster's estimate of subsurface water flowing into Baja reliable? Specifically:
 - a. How is the estimate calculated?
 - b. On what evidence is that estimate based?
 - c. How is the accuracy of the estimate verified? For instance, to what extent is the actual flow monitored to determine the accuracy of the estimate?
3. Are the measures taken to manage storm flow causing a decrease in supply to downstream Subareas that would not be occurring if the storm water were to be distributed according to the naturally occurring hydrologic regime?


The Johnsons' Motion

The motion is continued to that same date and time. The Johnsons shall, and any other party may, provide further briefing as to whether the Judgment should be modified as follows:

1. To allow producers whose proportional share of FPA has been reduced below the 10 AFY definition of Minimal Producers to be allowed to take the 10 AFY allowed Minimal Producers before having to pay for replacement water.
2. To allow the Watermaster to impose a fee on transfers of FPA, and to use the funds raised by this fee to buy back production rights under the Judgment.

Service of this Order

The Watermaster is ordered to serve copies of this Order on all parties forthwith.



Craig G. Riemer, Judge of the Superior Court

EXHIBIT B

William J. Brunick, Esq. (State Bar No 46289)
Leland P. McElhaney, Esq. (State Bar No. 39257)
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NO FEE PER GOV'T. CODESEC. 6103

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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,

CASE NO. CIV 208568

**DECLARATION OF ROBERT C.
WAGNER, P.E. IN SUPPORT OF
MOTION TO ADJUST FREE
PRODUCTION ALLOWANCE FOR
WATER YEAR 2020-2021**

Assigned for All Purposes to:
Judge Craig Riemer
Dept. 1

**DATE: June 11, 2020
TIME: 1:30 p.m.
DEPT: 1
RES101824**

AND RELATED CROSS ACTIONS

I, Robert C. Wagner, declare as follows:

I am a licensed Civil Engineer in the State of California and President of the firm of Wagner and Bonsignore, Consulting Civil Engineers in Sacramento, California. A copy of my professional

1 resume is attached as Exhibit 1 and list of sources used in support of this declaration is attached as
2 Exhibit 2. I serve in the capacity of Engineer for the Mojave Basin Area Watermaster in performance
3 of its duties specified on Exhibit 3. I am providing the following information in support of
4 Watermaster's recommendations regarding Free Production Allowance (FPA) and to address other
5 matters related to water supply use and disposal within the five Subareas. I incorporate by reference,
6 as though fully set forth herein, my declarations and all attachments thereto that were filed with the
7 court in this action in support of prior Motions to Adjust FPA.

8 In my capacity as Engineer for the Mojave Basin Area Watermaster, I have reviewed the
9 Motion to Adjust FPA for Water Year 2020-21 and the Watermaster's Twenty-Sixth Annual Report.
10 Each of the facts set forth in the Motion to Adjust FPA for Water Year 2020-21 are true and correct to
11 the best of my knowledge and I could competently testify thereto.

12 I have reviewed the recommended adjustments to FPA for Water Year 2020-21 set forth in the
13 pending motion and each of the recommendations set forth therein for each of the Subareas are
14 consistent with my opinions and recommendations as conveyed to the Watermaster. The
15 recommendation to adjust FPA for each Subarea was presented at the February 26, 2020 and the April
16 22, 2020 hearings with the Watermaster.

17 In 2018, I prepared an update to Production Safe Yield and Consumptive Use for each Subarea
18 at the court's request (filed May 1, 2019). Previously, PSY was updated in August 2000.
19 Consumptive use and PSY are defined by the Judgment as follows:

- 20 • Production Safe Yield - The highest average Annual Amount of water that can be produced
21 from a Subarea: (1) over a sequence of years that is representative of long-term average annual
22 natural water supply to the Subarea net of long-term average annual natural outflow from the
23 Subarea, (2) under given patterns of Production, applied water, return flows and Consumptive
24 Use, and (3) without resulting in a long-term net reduction of groundwater in storage in the
25 Subarea.
- 26 • Consumption or Consumptive Use - The permanent removal of water from the Mojave Basin
27 Area through evaporation or evapo-transpiration.

Consumptive use is important because it is used to estimate return flow. Return flow is the difference between water production for a particular use and the estimated consumptive use of the production. Return flow is therefore considered part of the water supply.

The PSY estimate includes long-term hydrology as specified in the Judgment, consumptive uses for 2017-18 (updated), phreatophyte use as indicated in the Judgment, Subarea subsurface obligations and surface obligations between Alto and Centro (there are no other surface obligations in the Judgment). Table 5-1 shows the current PSY calculation.

The following table shows the current FPA for each Subarea and the estimated PSY.

<u>Subarea</u>	<u>Base Annual Production</u>	<u>2019-20 FPA</u>	<u>Production Safe Yield</u>	<u>Percent Difference¹</u>	<u>2018-19 Verified Production</u>
Alto	116,412	66,836	64,406	2.1%	69,782
Baja	66,157	21,474	12,189	14.0%	21,162
Centro	51,030	38,684	21,088	34.5%	18,231
Este	20,205	15,412	4,728	52.9%	4,029
Oeste	7,095	5,382	1,712	51.7%	3,380

¹This value represents the percent of BAP that PSY departs from FPA.

The Judgment's purpose is to balance supply and demand and allocate the cost to parties that over pump FPA.

The following is the recommendation for setting FPA for Water Year 2020-21:

<u>Subarea</u>	<u>Proposed 2020-21 Free Production Allowance</u>
Alto – Agriculture	70% of Base Annual Production
Alto – Municipal & Industrial	55% of Base Annual Production
Centro	70% of Base Annual Production
Baja	25% of Base Annual Production
Este	70% of Base Annual Production
Oeste	70% of Base Annual Production

**Alto – 55% of BAP for M&I
70% of BAP for Agriculture**

FPA in Alto is within 5% of PSY of BAP (2.1%). Municipal and Industrial (M&I) producers' FPA is within 5% of the indicated PSY at the current level of 55%. It is recommended that Agricultural producers FPA be reduced by 5% to 70% for Water Year 2020-21. M&I FPA will remain at 55% for Water Year 2020-21. As noted above, FPA is within 5% (percentage of BAP) of PSY and thus, Exhibit H does not compel Watermaster to recommend rampdown. However, the purpose of Exhibit H is to require rampdown as needed for resource protection of the Exhibit H habitat areas. While FPA is only 2.1% (percentage of BAP) greater than the estimated PSY, additional rampdown in Alto could be made if conditions warranted. Water levels in some wells rose in response to recharge during 2019, but other wells show a continuing downward trend in response to drier than average water supply during the past 8 years. During 2018-19, inflow measured at Deep Creek and West Fork Mojave River (the forks), was about 139% of base period average however the average water supply during the recent 8-year period 2012 to 2019, was only 44.9% of the long-term average. I have estimated the inflow for 2019-20 based on preliminary flow data from USGS through April 20, 2020 and extrapolating flow through September 30, 2020. Based on this estimate the total flow for the current Water Year would be about 44,300 acre-feet or about 67.6% of the 60 year base period average. Assuming that Water Year 2020 remains drier than average, the previous nine years of water supply would be only 47.4% of the 60 year base period average (Exhibits 4 and 5). Sustained periods of below average inflow will cause continued water level declines, (Figures 3-11, 3-12 and 3-13, Watermaster Annual Report) potentially resulting in negative impacts to pumping lifts, water quality, well performance, environmental protections and downstream water supply. Delivery of imported water might be necessary to augment natural supplies during extended dry periods; the continued reduction in FPA would raise money for Watermaster to import water to correct supply deficits and ensure sustainability.

Centro – 70% of BAP

FPA in Centro exceeds PSY by more than 5% of BAP (34.5%). Water levels (Figure 3-15, Watermaster Annual Report) are stable in most of Centro, and generally respond to storm flow when available in sufficient amounts to partially recharge the aquifer. However, in some areas, localized pumping causes water levels to be depressed. In order to balance FPA with PSY under the Judgment additional Rampdown is required. It is recommended that Centro FPA be reduced by 5% to 70% for Water Year 2020-21.

Baja – 25% of BAP

FPA in Baja exceeds PSY by more than 5% of BAP (14.0%). Overdraft continues as water levels continue to fall (Figure 3-14, Watermaster Annual Report). Continuous declines result from pumping in excess of supply. The Baja Subarea experiences long periods of below average water supply. During these long dry periods water is depleted from storage to satisfy demands. Since entry of Judgment the Baja Subarea has lost over 450,000 acre-feet to continuous overdraft (Figure 3-20, Watermaster Annual Report). The depletion of water in storage has resulted in loss of habitat and has impacted small individual homeowners (minimal producers) dependent on a declining water supply. The long term solution for the Baja Subarea is the purchase and recharge of supplemental water to support the existing beneficial uses in Baja. It is recommended that FPA be reduced by 5% to 25% for Water Year 2020-21.

Este – 70% of BAP

FPA in Este exceeds PSY by more than 5% of BAP (52.9%). Water levels in Este are stable as water production has declined. Water production has declined in Este from 15,700 acre-feet in 1990 to 4,029 acre-feet in 2019. In order to balance FPA with PSY under the Judgment additional Rampdown is required. The decline in water production in Este is most likely the reason that water levels have been relatively stable for more than 20 years (Figure 3-16, Watermaster Annual Report). It is recommended that Este FPA be reduced by 5% to 70% for Water Year 2020-21.

1 **Oeste – 70% of BAP**

2 FPA in Oeste exceeds PSY by more than 5% of BAP (51.7%). Some water levels in Oeste
3 exhibit steady decline and others are stable, although variable, over the past 15 years. Water levels in
4 Oeste wells will decline as population growth increases water demands (Figure 3-17, Watermaster
5 Annual Report). In order to balance FPA with PSY under the Judgment additional Rampdown is
6 required. It is recommended that Oeste FPA be reduced by 5% to 70% for Water Year 2020-21.

7 I declare under penalty of perjury, under the laws of the State of California, that the foregoing
8 is true and correct.

9 Dated: May 18, 2020

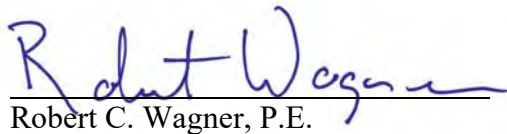
10 
11 Robert C. Wagner, P.E.

EXHIBIT 1

Wagner & Bonsignore

Consulting Civil Engineers, A Corporation

Nicholas F. Bonsignore, P.E.
Robert C. Wagner, P.E.
Paula J. Whealen

David H. Peterson, CEG, CHG
David P. Lounsbury, P.E.
David Houston, P.E.
Vincent Maples, P.E.
Patrick W. Ervin, P.E.
Martin Berber, P.E.
Ryan E. Stolfus

James C. Hanson, P.E.
Henry S. Matsunaga

ROBERT C. WAGNER PROFESSIONAL RESUME

REGISTRATION:

Civil Engineer, California (License No. 52903)

EDUCATION:

B.S. Civil Engineering – California State University, Sacramento, CA - 1988

EXPERIENCE:

Mr. Wagner is the president of Wagner & Bonsignore Engineers and is a Registered Civil Engineer in California, with 25 years experience in water resources management, water right analysis, surface and groundwater water hydrology and land use evaluations for municipal and agricultural projects. Mr. Wagner has been the court appointed engineer for the Mojave Watermaster for over 20 years and has provided expert witness testimony on various matters related to water resources and water rights in court and before the State Water Resources Control Board. Mr. Wagner has demonstrated expertise in areas of consumptive use analysis, watershed hydrology, facility design for storm water capture and analysis of return flow to support water transfers, administration of court ordered judgments and water supply sustainability.

Mr. Wagner serves a wide variety of private and public clients throughout California, managing projects from concept to implementation. Mr. Wagner's work includes pre-1914 appropriative water right investigation, analysis of riparian and overlying water rights and appropriative rights administered by the State Water Resources Control Board.

Mr. Wagner has demonstrated communication skills to work with a wide range of legal and technical professional and stakeholder groups. He has strong organizational and analytical skills and a recognized ability to provide cost effective solutions to difficult water resource problems.

RECENT EXPERIENCE INCLUDES THE FOLLOWING:

District Engineer for Reclamation District 38 Staten Island, San Joaquin County

District Engineer for Reclamation District 341 Sherman Island, Sacramento County

District Engineer for Reclamation District 348 New Hope Tract, San Joaquin County

District Engineer for Reclamation District 800 Cosumnes River, Sacramento County

Provide engineering consulting services on behalf of Antelope Valley East Kern Water Agency in connection with quantification of return flow from water used for irrigation and other uses.

Provide engineering consulting services on behalf of Los Angeles World Airports in connection with quantifying water use from various sources for irrigation.

Provide engineering consulting services on behalf of San Joaquin County in connection with water right applications and water resources management within San Joaquin County.

Provide engineering services for Chino Basin Water Conservation District, San Bernardino County in connection with storm water recharge in Chino Basin.

Watermaster Engineer for Orange County Water District; perform analysis of hydrologic and water quality data for the Santa Ana River Watershed for Water Year 2009-10; distinguish storm flow and base flow at Prado Dam and at Riverside Narrows, preparation of portions of the Watermaster's annual report to the Court.

Provide engineering services for Lake Alpine Water Company / Alpine County in connection with the State Water Resources Control Board water right hearing and hydrology of South Fork Stanislaus River for State Filed Application 5648.

Provide Engineering services for Natomas Mutual Water Company, in connection with the water rights. Evaluation of water rights for 51,000 acres of agricultural operation, water right analysis and water transfers.

Provide engineering services on behalf of City of Sacramento in connection with the Water Resources of the American River.

Provide engineering services on behalf of City of Ukiah in connection with water rights and hydrology of the Russian River, Mendocino County.

Provide engineering services on behalf of Sonoma County Water Agency in connection with development of agricultural reuse project for use of treated wastewater for vineyard irrigation.

Provide engineering services in connection with analysis of water production and hydrologic data for development of water use agreements for over 100 growers in the Dry Creek Valley in Sonoma County.

Provide engineering services for City of Santa Maria in connection with the hydrologic resources of the Santa Maria Groundwater Basin.

Engineering expert in the matter of Bonadiman v. Evans in San Bernardino Superior Court on behalf of prevailing party Evans. Research and documentation of water development and water right acquisition dating to 1883.

Provide engineering services for The Wildlands Conservancy in connection with water resource matters for extensive land holdings in San Bernardino and Kern Counties.

Provide engineering services for Wells Fargo Bank in connection with the analysis of water rights and water availability on the Kern River.

Watermaster Engineer for the Mojave Basin Area Watermaster in the matter of the Mojave River Adjudication, City of Barstow, et al, vs. City of Adelanto, et al. Collection and analysis of data for preparation of Annual Watermaster Report, including groundwater production and hydrology studies of the Mojave River System and groundwater basin in connection with storm flow base flow separation determination and the analysis of water transfers and land use changes. Preparation of Annual Watermaster report.

Provide engineering services on behalf of the Mojave Water Agency in connection with Mojave Basin Area Adjudication. Coordinate activities for professional and sub-professional staff for collection, analysis and verification of water production records for approximately 7,000 wells in the Mojave River Basin. Participate in meetings of the Joint Engineer-Attorney Drafting Committee formed to negotiate and draft the Stipulated Judgment. Participation in the drafting and ongoing revisions of the Watermaster Rules and Regulations.

Provide engineering services in connection with for the Warren Valley Basin Watermaster, San Bernardino County. Analysis of groundwater production records and basin hydrology for preparation of Annual Watermaster Report.

Provide engineering services in connection with work for East Valley Water District, San Bernardino County, regarding the analysis of surface and subsurface hydrology of the Santa Ana River and the availability of water for the Seven Oaks Dam Project and fully appropriated listing of the Santa Ana River.

Provide engineering services on behalf of Kirkwood Associates before the State Water Resources Control Board in the matter of South Fork American River Hearings, October 1995. Analysis of the South Fork American River and Caples Creek hydrology in connection with same.

Provide engineering services in connection with work for High Desert Water District, San Bernardino County, regarding the analysis of water quality and ground water elevation data for monitoring the potential impacts of ground water extractions from the Ames Valley Basin.

Provide engineering services in connection with work for Hidden Valley Lake Community Services District, Lake County, regarding the hydrologic analysis of Upper Putah Creek Watershed and the Coyote Valley groundwater basin in support of amendments to fully appropriated stream status and applications to appropriate surface and subsurface water from Putah Creek; continued monitoring of the Coyote Valley groundwater basin in connection with administration of water rights.

CONTINUING EDUCATION

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“Fundamentals of Groundwater Hydrology”, UC Berkeley Extension, July 2002

EXHIBIT 2

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 - West Fork Mojave River Near Hesperia, CA
 - Mojave River At Lower Narrows Near Victorville, CA
 - Mojave River At Barstow, CA
 - Mojave River At Afton, CA
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EXHIBIT 3

Duties of the Watermaster and Engineer as outlined in the Judgment

MWA was appointed as the initial Watermaster and has duties separate from the Court Appointed Watermaster. MWA Obligations under the Judgment are specified in paragraph 9.0 as follows:

“The Physical Solution is intended to provide delivery and equitable distribution to the respective Subareas by MWA of the best quality of Supplemental Water reasonably available. MWA shall develop conveyance or other facilities to deliver this Supplemental Water to the areas depicted in Exhibit “I” unless prevented by forces outside its reasonable control such as the inability to secure financing consistent with the sound municipal financing practices and standards. “

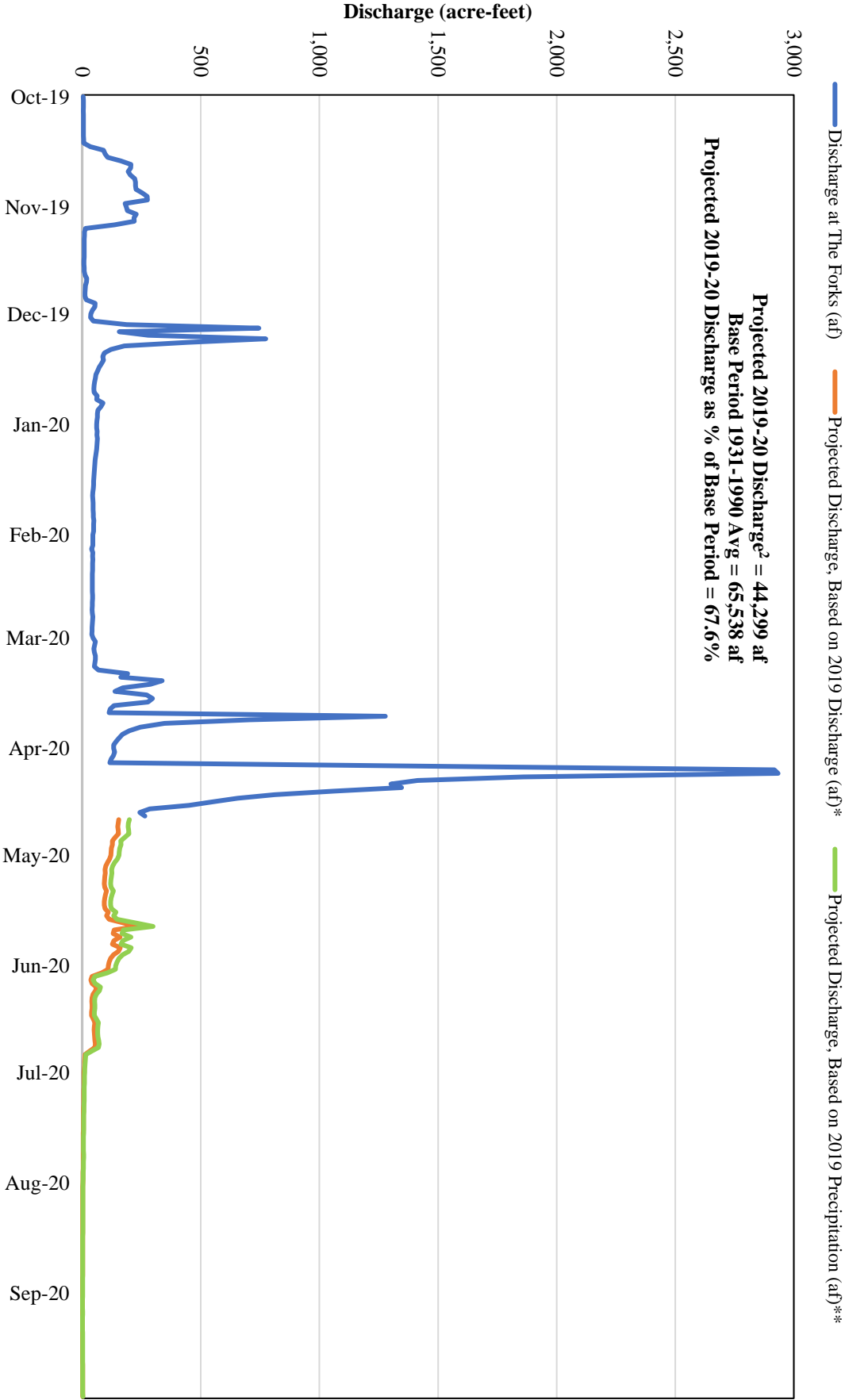
MWA’s obligations under the Judgment relate to purchasing, importing and recharging the groundwater basin with supplemental water. MWA has engaged in various activities since implementation of the Judgment to meet this obligation including acquisition of additional State Water Project Entitlement and development of conveyance, recharge and extraction facilities, and the financing of those facilities.

Watermaster’s powers and duties are specified in Paragraph 24 (a) through (x) and include all of the data collection and analyses and functions reported to Court in the Watermaster Annual Reports. The engineer is responsible to Watermaster and the Court to ensure that requirements as set forth in 24 (a) through (x) are carried out as intended and consistent with the Physical Solution embodied in the Judgment. The activities described in this declaration are a result of Watermaster exercising its obligations under the Judgment. The Watermaster staff and the engineer’s duties on behalf of Watermaster include some or all of the following annually:

- Interpret and enforce the Rules and Regulations
- Calculate Subarea Make Up Obligations, and Producer Replacement Water Obligations
- Evaluate various methods of monitoring and measuring and work with producers to ensure production data is reliable
- Collect and evaluate Hydrologic, and Climate data, and monitor and evaluate phreatophyte consumptive use
- Prepare detailed producer consumptive use analyses for estimating supply to the basin from return flows of production
- Evaluate crop water requirements and various categories of water use
- Evaluate and process transfers for producers
- Maintain a database of individual producers water use, property location, wells, water production, etc.
- Calculate individual assessments as required by the Judgment
- Hold public hearings as required
- Calculate Free Production Allowance and make recommendations for adjustments
- Prepare annual report the Court on the above and all matters as delineated in Paragraph 24 (a) through (x) of Judgment.

EXHIBIT 4

Measured and Projected Discharge at The Forks¹
Water Year 2019-20



¹ The Forks is the sum of Deep Creek Near Hesperia, CA (USGS 10260500) and West Fork Mojave River Above Mojave River Forks Reservoir Near Hesperia, CA (USGS 10260950).
² Average of projections (see below).
* Based on WY 2019 daily measured discharge at The Forks to the ratio of measured discharge for WY 2020 (10/1 to 4/20) to 2019 during the same period.
** Based on WY 2019 daily measured discharge at The Forks to the ratio of precipitation at Lake Arrowhead (USGS 341545117124001) for WY 2020 (10/1 to 4/20) to 2019 during the same period.
Note: Base period discharge at The Forks from the addition of values as reported from USGS stations at West Fork Mojave River Near Hesperia, CA (10261000), and Deep Creek Near Hesperia, CA (10260500) from 1931-1971, the greater of 10260500 and Mojave River Below Forks Reservoir Near Hesperia, CA (10261100) from 1972-1974, and the addition of West Fork Mojave River Above Mojave River Forks Reservoir Near Hesperia, CA (10260950) and 10260500 from 1975-1990.

EXHIBIT 5

EXHIBIT 5

Mojave River Flow at The Forks Water Years 1931 - 2020*

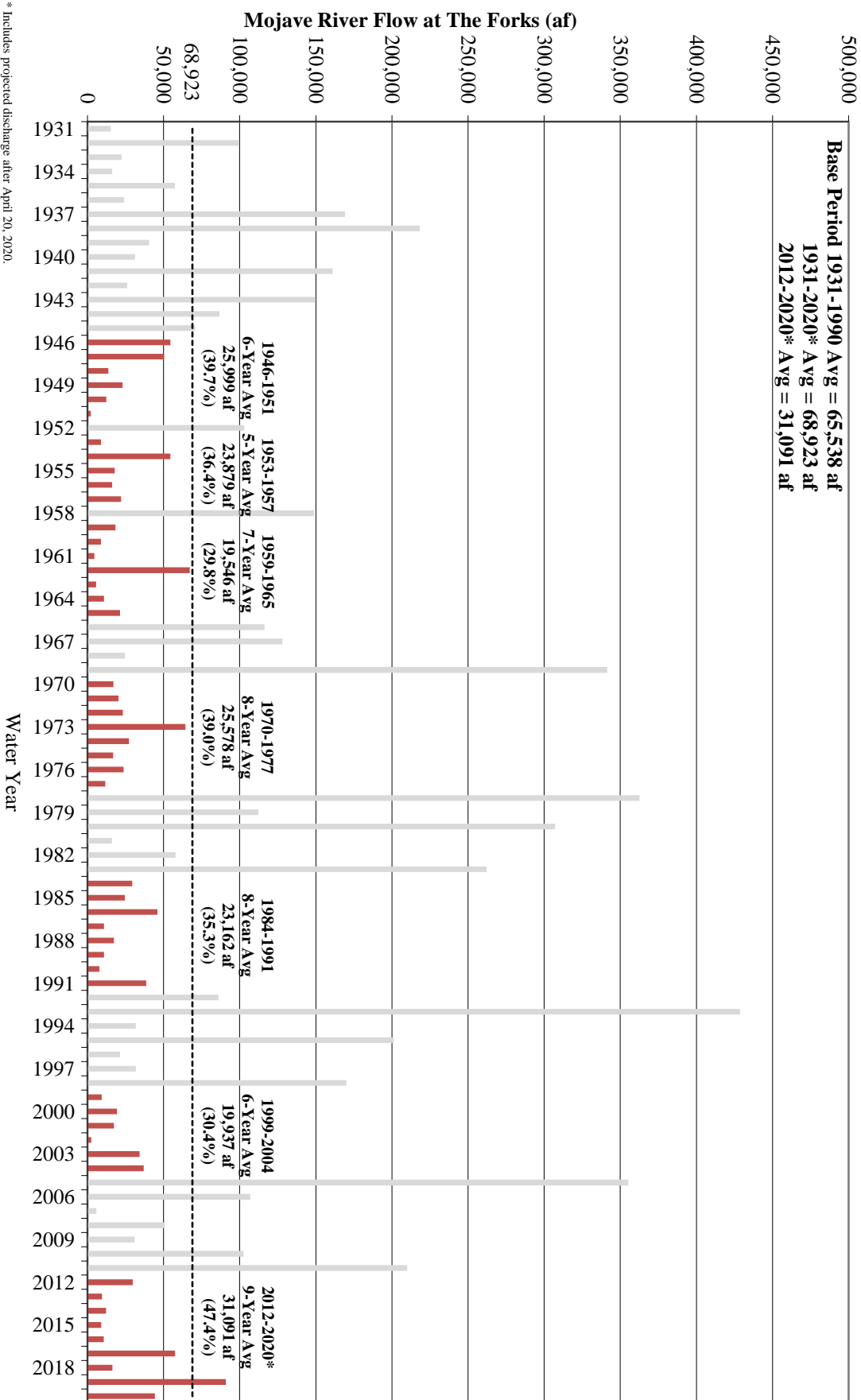


EXHIBIT C



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
787 North Main Street, Suite 220
Bishop, CA 93514
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 17, 2020

Mojave Basin Area Watermaster
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377

Subject: Watermaster Proposed Recommendation for Free Production Allowance
for Water Year 2020-2021

Dear Watermaster Board Members,

The California Department of Fish and Wildlife (Department) has reviewed the memorandum entitled "Proposed Recommendation for Free Production Allowance for Water Year 2020-2021" prepared by Robert C. Wagner, Watermaster Engineer, dated February 26, 2020 and the two Watermaster Engineer slideshow presentations at the February 26, 2020 Watermaster Board meeting entitled "FPA Recommendation for Water Year 2020-21" and "Updated Consumptive Use and proposed Production Safe Yield for each Subarea."

The Department is the state trustee agency for the fish and wildlife resources of the state and is a party to the Judgment After Trial, dated January 10, 1996 (Judgment). In addition, the Department is a landowner in two of the five subareas as shown in Exhibit A of the Judgment, the Baja and Alto Subareas, and is an ex-officio member of both Subarea Advisory Committees. In the Baja Subarea, the Department owns the Camp Cady Wildlife Area (Camp Cady) and in the Alto Subarea the Department owns the Mojave Narrows Regional Park and Mojave River Fish Hatchery.

The Department initially purchased Camp Cady in 1979 and then expanded its ownership through the purchase of the Hilarides parcel in 2001. Camp Cady consists of 1,866 acres for the public and was purchased for a total cost of \$2,046,481 in state bonds. The original 1979 acquisition had extensive surface water and riparian habitat when it was acquired. The continued decline in water levels in the Baja Subarea since 1979 has had a significant negative effect on the biological resources at Camp Cady and in the Baja Subarea more generally.

The Department purchased the Mojave Narrows Regional Park in 1968 in large part for the extensive riparian habitat existing along the Mojave River which flows through the park. The Department entered into a cooperative agreement for the Operation and Maintenance of the Mojave Narrows Regional Park (also known as the Mojave River Wildlife Area) with the County of San Bernardino in August of

1969. Further, the Mojave River Fish Hatchery was purchased in December of 1969 and is currently managed by the Department as a fish hatchery.

The Department has been actively involved every year since the entry of the Judgment in 1996 in seeking to protect the Mojave Basin Area, protecting publicly owned lands and key habitat and species in the Mojave Basin Area, working to match production in the Baja Subarea and other Subareas to available natural inflows and return flows, implementing water conservation measures and urging compliance with the Judgment. The annual rampdown hearing was held on June 26, 2019. After careful review, Judge Riemer signed an Order on July 23, 2019 to continue the Judgment's required rampdown in the Baja Subarea, recognizing the continued decline in groundwater levels in the Baja Subarea.

WATERMASTER RECOMMENDATION

The Department has reviewed the Watermaster Engineer's analysis and conclusions, as well as his recommendations for production levels in the 2020-2021 Water Year. At this time, the Department agrees with the Watermaster Engineer's conclusions that pursuant to the Judgment and based upon the continuing declining water levels in the Baja Subarea, the continuing overdraft and the unsustainable conditions, additional Rampdown in the Baja Subarea is warranted. The Watermaster Engineer has concluded that the Free Production Allowance (FPA) exceeds the Production Safe Yield (PSY) by 14% of Base Annual Production (BAP) and current water production and consumptive use exceed the average net long-term supply in the Baja Subarea.

Pursuant to paragraph 24(o) and Exhibit H of the Judgment, "[i]n the event that the Free Production Allowance exceeds the estimated Production Safe Yield by five percent or more, Watermaster shall recommend a reduction of the Free Production Allowance equal to a full five percent of the aggregate Subarea Base Annual Production." The Judgment therefore requires a rampdown of 5% in the Baja Subarea to 25% for Water Year 2020-21 and Watermaster Engineer recommends that the rampdown continue in 5% increments as required by the Judgment until the FPA is within 5% of the PSY.

The Department agrees with the Watermaster Engineer's recommendation that FPA in the Baja Subarea be set at 25% for the Water Year 2020-21 because, among other things, the continued overdraft in the Baja Subarea will cause continued depletion of the groundwater in the Baja Subarea and will further damage riparian resources at Camp Cady. This position is also based upon an additional analysis conducted by the Department that 1) water levels have declined in and around Camp Cady during the past nine years; 2) the five year alternative 2 ½% Rampdown pursuant to this Court's 2010 Order and the other alternative approaches to

implementation of the Judgment, have not resulted in a healthy and sustainable groundwater basin.

The Department also believes that the 2015 Court Order to return to the Judgment and implement the full 5% Rampdown in Baja is again supported this year by the Watermaster Engineer's evidence. A full 5% rampdown would be consistent with the Court's own conclusion reached in 2008 when it lifted a 10-year moratorium and stated: "Baja shall return to the Judgment and its provisions as the operative management strategy."

Additionally, the Watermaster has proposed rampdown in Alto (Ag only), Centro, Este, and Oeste. The Department supports rampdown in these basins until the FPA is within 5% of the PSY as required by the Judgment.

ADDITIONAL ACTIVITIES

The Department has also been engaged in numerous activities during the past year to achieve water conservation within the Mojave Basin Area. The Department requested funding for six projects utilizing the Biological Resources Trust Fund. The first project was the allocation of \$45,000, approved at the September 25, 2019 Mojave Water Agency (MWA) Watermaster Board meeting, for continuation of the Camp Cady Riparian Restoration Project. Quail Forever is the lead entity for a 5 acre pilot study working cooperatively with the Department, MWA, Mojave Desert Resource Conservation District (MDRCD) and the Natural Resources Conservation Service. The project site is situated in the Camp Cady Wildlife Area on the south side of the Mojave River. The project entails planting 11 different native riparian species in 20 replicated transects placed along irrigated drip lines and monitored for survival and productivity. An interim progress report was prepared in Spring 2019 summarizing the fourth year's results.

The second project utilizing the Biological Resources Trust Fund was the allocation of \$30,000, approved at the September 25, 2019 MWA Watermaster Board meeting, for the Mojave River Fuels Reduction and Weed Eradication project. Work is being anticipated this coming spring using California Department of Forestry and Fire Protection crews and a contractor to remove weeds and break down excessive fuel loading along the perimeter of the Mojave River to reduce fuel loading in case of a fire. All work will take place within the area outlined in Exhibit H of the Judgment.

The third project utilizing the Biological Resources Trust Fund was the allocation of \$45,000, approved at the September 25, 2019 MWA Watermaster Board meeting, for Western Pond Turtle surveys at the newly acquired Palisades Ranch and to continue monitoring of radio collared pond turtles. The Department is collaborating with the United States Geological Survey to assess the presence/absence of

Western Pond Turtles at Camp Cady Wildlife Area and other areas along the Mojave River, assess habitat conditions and provide habitat improvement recommendations and a possible reintroduction strategy if needed.

The fourth project utilizing the Biological Resources Trust Fund was the allocation of \$3,000, approved at the September 25, 2019 MWA Watermaster Board meeting, for repairs as needed of a leaking pivot sprinkler system that is operated by a well at the Bluff Unit of the Camp Cady Wildlife Area. The project will maintain the pivot in good condition and prevent the waste of water.

The fifth project utilizing the Biological Resources Trust Fund was the allocation of \$148,549.25, approved at the January 23, 2019 MWA Watermaster Board meeting, for the purchase of BAP to be used by the Mojave Desert Land Trust for the Palisades Ranch property. This transaction was completed in June of 2019.

The sixth project utilizing the Biological Resources Trust Fund was the allocation of up to \$2,500 to provide funding for Mojave Water Agency to obtain an encroachment permit and perform traffic control for worker safety in order to access the H1-2 Mojave Narrows Park Wells at the Mojave Narrows Regional Park. Mojave Water Agency is in the process of implementing this project.

In addition to the projects described above, Department staff attended either in person or on the phone one Watermaster meeting on March 15, 2019 at the MWA, an Alto Subarea Committee meeting on July 24, 2019, Baja Workshops on May 6 and November 14, 2019, the Court hearing on July 26, 2019 and a status conference on October 17, 2019.

The Department is continually exploring opportunities for assisting in the sustainability of the Mojave Basin and the Baja Subarea. In addition to supporting rampdown of Baja at this time, the Department continues to evaluate with the Watermaster and other Parties all approaches, both short term and long term, to bring the entire Basin into balance and to help stop the decline in water levels each year from existing pumping in the Baja Subarea, and other Subareas.

Thank you for this opportunity to initially communicate the Department's support of the Watermaster Engineer's conclusion that a five per cent (5%) rampdown of FPA in the Baja, Alto (Ag only), Centro, Este, and Oeste Subareas is warranted by the terms of the Judgment. The Department will be attending the March 2020 Watermaster meeting as this matter is formally discussed and considered by the Watermaster Board.

Sincerely,

A handwritten signature in blue ink that reads "Alisa Ellsworth". The signature is fluid and cursive, with the first name "Alisa" and last name "Ellsworth" clearly distinguishable.

Alisa Ellsworth
Senior Environmental Scientist
Inland Deserts Region

cc:

CDFW

Chris Hayes
Nancee Murray
Ashley Rosales

Department of Justice

Marilyn H. Levin
Noah GoldenKrasner

March 20, 2020

Honorable Judge Craig G. Riemer
Superior Court of California
CASE NO: CIV208568

Honorable Craig G. Riemer:

"The Judgment requires all parties to file quarterly reports of water production with the Watermaster..."

To become a stipulator, a document was signed, which came with an obligation to report to the Watermaster on a quarterly basis. Even if a stipulator does **not** pump any water, they are still required by the Judgment to report to the Watermaster every quarter. Are **all** stipulating parties in the Baja Subarea submitting quarterly reports as required by the Judgment? "The Judgment also requires that the Watermaster verify water production annually and submit a report to the court." How can water production be verified if **not everyone is reporting**? If a party to the Judgment does not fulfill the reporting requirements, are there any consequences? "If you do not report and pay your assessments..., the Watermaster will invoice you as if you had produced 25% of your Base Annual Production, and interest will accrue at the rate of 1.25% per month or portion thereof until paid." Has the Watermaster been able to collect on any delinquent reporting? Our concern is that there are parties in the Baja Subarea who have stipulated but are not reporting to the Watermaster. We ask the Watermaster to (1) provide a list of the stipulators in the Baja who are not reporting as required, (a number could be substituted for the name, if that is a concern), (2) the number of years they have not reported and (3) the BAP the party was given when they stipulated. This list should be **ALL** stipulators who are not reporting, including those who have become unreachable, as when the Watermaster reports are mailed out and then returned to Watermaster with "NO FORWARDING ADDRESS" stamped on the envelope. Logically, how long can the Watermaster continue to mail those reports out without getting a response back? We ask, if a stipulator does not report to the Watermaster as required, can they be removed from the Judgment? If so, we ask the Court and the Watermaster to design a mechanism

to remove those stipulators and their BAP from the Judgment and the Baja Subarea water budget.

If the absentee stipulators cannot legally be removed from the Judgment, why not get creative? Put those stipulators who are **not** reporting (including their water rights) in a separate category from those who **are** reporting. If an "absentee" stipulator, who is not in compliance, decides to lease or sell their water rights, they must have a current pump test/calibrated flow meter, as required, and report to the Watermaster for one full water year before they can transfer any water. This would give Mr. Wagner time to adjust the water budget. Another option would be to hire someone to find those parties who are not in compliance. The parties need to be responsible and report to the Watermaster or exit the Judgment.

Lastly, in these unprecedented and uncertain economic times, we ask the Watermaster and the Court to show compassion and refrain from ramping down the 5 subareas of the Mojave Basin Area. We specifically ask that the Baja remain at 30% until the results of those who are not reporting or responding to the Watermaster can be determined. This could have a significant impact on the Baja water budget.

Sincerely,

Alan & Annette De Jong
De Jong Family Trust
46561 Fairview Road
Newberry Springs, CA 92365

MOJAVE BASIN AREA WATERMASTER

FOR
CITY OF BARSTOW, ET AL, VS. CITY OF ADELANTO, ET AL,
CASE NO. 208568 - RIVERSIDE COUNTY SUPERIOR COURT

December 30, 2019

De Jong Family Trust
46561 Fairview Road
Newberry Springs, CA 92365-9230

Re: Quarterly Water Production Report and Invoice for Administrative and Biological Assessments
First Quarter, October 1 - December 31, 2019-20 Water Year

Attention: Alan L. De Jong

The Mojave Basin Area Judgment was entered by the Court on January 10, 1996. The Judgment requires all parties to file quarterly reports of water production with the Watermaster and pay assessments based on the water production. Reported water production from October 1 through December 31, forms the basis for assessments. Administrative and Biological Assessments for the twenty-seven year of the Judgment (2019-20 Water Year) will be assessed at \$3.55 and \$0.95, respectively, per acre-foot produced.

Enclosed is your Quarterly Water Production Report and Invoice for Administrative and Biological Assessments for the First Quarter of the 2019-20 Water Year. A separate Report/Invoice must be filed for each Subarea in which you have water production. Also enclosed is a duplicate copy of your Report/Invoice to retain for your records. Please complete and return the Report/Invoice along with your check for assessments by **January 31, 2020**.

If you wish to have future reports sent to a specific person, location or department, please notify the Watermaster in writing. If you have any questions or need help completing your Report/Invoice, please contact the Watermaster staff at the office of the Mojave Water Agency. Thank you for your time and attention to this matter.

Sincerely,



Valerie Wiegenstein
Watermaster Services Manager

Enclosure: First Quarter Water Production Report and Invoice

MOJAVE BASIN AREA WATERMASTER

FOR
CITY OF BARSTOW, ET AL., VS. CITY OF ADELANTO, ET AL.,
CASE NO. 208568 - RIVERSIDE COUNTY SUPERIOR COURT

September 27, 2018

De Jong Family Trust
46561 Fairview Road
Newberry Springs, CA 92365-9230

Re: Annual Verification Report Form for the 2017-18 Water Year and
Invoice for the Fourth Quarter (July 1, 2018 through September 30, 2018)

Attention: Alan L. De Jong

The Judgment After Trial dated January 10, 1996 for the Mojave Basin Area requires that parties report their water production for each production facility on a quarterly basis. The Judgment also requires that the Watermaster verify water production annually and submit a report to the Court. The enclosed Annual Verification Report Form and Invoice for the Fourth Quarter should be used by you to report your water production and to calculate the assessments that you owe for the fourth quarter (July 1 through September 30). Please use this same form to report your annual water production for the 2017-18 Water Year. This form and documents that support your reported amounts should be returned no later than **October 31, 2018**.

In addition, please review the first, second and third quarter production for each facility and the totals shown on the report form to confirm that the information you reported is correctly recorded with the Watermaster.

Assessments

Reported water production from July 1 through September 30 forms the basis for assessments for the fourth quarter. Administrative and Biological Assessments for the twenty-fifth year of the Judgment (2017-18 Water Year) will be assessed at \$3.55 and \$0.91, respectively, per acre-foot produced. **If you do not report and pay your assessments by October 31, 2018, the Watermaster will invoice you as if you had produced 25% of your Base Annual Production, and interest will accrue at the rate of 1.25% per month or portion thereof until paid.**

Verification Records

Section 11 of the Watermaster Rules and Regulations require that you provide sufficient information to allow the Watermaster to verify your annual water production. Each party who produces water must have an accurate method for measuring water from each source. The records required for each method of measuring water production are summarized in the following list.

1. **If you calculate your water production from Southern California Edison (SCE) and/or time of use meters and pump testing, include:**
 - SCE records from October 2017 - September 2018.

- Copy of pump test results in compliance with Section 11 (C) of the Watermaster Rules and Regulations performed after September 30, 2016.
- Time of use records if the SCE meter has other electrical loads connected.

Please take notice that the Watermaster will request the release of SCE meter reading and pump test information records pursuant to a Court-ordered stipulation and protective order for the purposes of verifying your water production. Contact Watermaster staff within 15 days if you have any objection to this information being released by SCE to Watermaster. Records released from SCE are confidential and for Watermaster use only.

2. If you calculate your water production from a water meter or other flow measuring device include:

- Readings from October 2017 - September 2018.
- Type of device and calibration test. The calibration test must be performed at least every two years by an approved meter tester.

3. If you calculate your water production from an engine driven pump include:

- Flow meter records
- Certification of compliance with Section 11 (E) of the Watermaster Rules and Regulations.

4. If you calculate your water production from an alternative measuring method include:

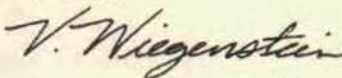
- A written statement of method used.
- Supporting documents.
- Certification of compliance with Section 11 (D) of the Watermaster Rules and Regulations.

Please return the appropriate records with your Annual Verification Report Form and Invoice for the Fourth Quarter so that the Watermaster may verify your annual water production.

We would appreciate your assistance to ensure that we are mailing these documents to the proper person. If there is someone other than the person to whom this letter is addressed that should be receiving quarterly reports, verification reporting or billings for processing, please identify any name or address corrections that should be made in the space provided on the report form. Please be aware that any change will cause all future mailings of this type to go to the person or place you identify.

If you require assistance completing the forms or need more information, please contact the Watermaster staff. Thank you for your immediate attention to this matter.

Sincerely,



Valerie Wiegenstein
Watermaster Services Manager

Enclosures: Annual Verification Report Form and Invoice for the Fourth Quarter and
Return Envelope

Joanne James

From: DeJong <dejong@mscomm.com>
Sent: Wednesday, March 25, 2020 3:45 PM
To: Joanne James
Subject: Re: March 25 Watermaster

If the Watermaster Board of Directors had a chance to read our letter to Judge Riemer, we would like to clarify what we wrote in regards to the quarterly reports of water production. We assume that most larger producers do report their water usage quarterly, while the other producers report annually. This system works very well and we totally support it. For the Watermaster, it saves money and resources by not having to mail all those reports every quarter. Our concern is the wording, where it says "The Judgment requires all parties to file quarterly reports.....". Does that need to be amended?

Thank you!

Alan & Annette De Jong

From: Joanne James
Sent: Wednesday, March 25, 2020 3:05 PM
To: Annette De Jong
Subject: RE: March 25 Watermaster

Yes, you can email it to me and I will make sure the Watermaster Board receives it. Thank you!

Joanne James
Mojave Water Agency
(760) 946-7025

From: DeJong <dejong@mscomm.com>
Sent: Wednesday, March 25, 2020 1:59 PM
To: Joanne James <jjames@mojavewater.org>
Subject: March 25 Watermaster

Hi Joanne!! We were planning to phone in for the meeting this afternoon but we will not be available to do that. We basically have a comment for the public participation time. Can I email you the comment, or would it be better to get it to Valerie? I'm sure you are very busy with setting up the meeting, but would appreciate hearing from you.

Thanks!

Annette De Jong

EXHIBIT D

EXHIBIT D
Rampdown Alternatives Presented by Producers
Workshops 2019 and Watermaster Meetings

Alto--Proposed Alternatives from 2019

Rampdown of all Alto Producers including Agriculture to 55%

- Consistent with the Judgment
- Court imposed the differential Rampdown currently in place
- Court could change its order
- Impacts of Agricultural Producers staying at 80% are minimal. Agricultural production is less than 500 acre-feet in Alto and almost all excess FPA is transferred to Municipal and Industrial Producers and adjusted to the current Rampdown percentage.

Postpone Alto Rampdown for another year

- Not consistent with the Judgment
- Exhibit H requires the reduction immediately

Baja—Proposed Alternatives from 2019

Purchase and Retire BAP and Carryover rights

- Sources of financing needed

Continued Rampdown pursuant to Judgment

- Supported by Minimal Producers
- Supported by California Department of Fish and Wildlife
- Consistent with the Judgment
- Quickest option to reach Production Safe Yield (3 years)
- Eliminates Carryover quicker, requiring supplemental water to be purchased

Differential Rampdown in Baja (Using a tiered approach based on BAP)

- Not consistent with the Judgment. Not equitable pursuant to Paragraph 23 (a) of the Judgment. Similar 2015 proposal submitted to the Court was rejected by Judge Trask because it did not comply with the Judgment, would fail to achieve sustainability more efficiently, was not equitable and did not provide relief to minimal producers in the area due to continued depletion of storage.
- Would take 3 additional years to reach Production Safe Yield
- Supported by Lake Owners and Baja Subarea Advisory Committee (3/2 vote)
- Not supported by Agricultural producers, is not equitable
- Potential for misuse of tiers – difficult to administer
- Would require modification to the Judgment

No Further Rampdown in Baja Subarea (Prior to reaching Production Safe Yield)

- Supported by Agriculture
- Not consistent with Paragraph 22 of the Judgment
- Baja overdraft would continue, Production Safe Yield would not be achieved and supplemental water would not be purchased
- Inconsistent with the Sustainable Groundwater Management Act

Increase BAP for Municipal Users to 100% or individually to what they require annually

EXHIBIT D

Page 2

- Not consistent with the Judgment. Not equitable pursuant to Paragraph 23 (a) of the Judgment.
- Supported by one municipal purveyor
- Would encourage other parties to request the same treatment

Revise Baja boundary line east of Daggett

- Would require modification to the Judgment.
- Would jeopardize the boundary lines set in the Judgment
- Would encourage other parties to request the same treatment
- Not consistent with the Judgment
- Supported by one municipal purveyor

Rampdown all Subareas equally

- Paragraph 22 of the Judgment requires that each Subarea be adjusted individually to reach Production Safe Yield
- Supported by some as an equitable approach
- Would require modification to the Judgment

Ordinance is needed restricting upstream development

- San Bernardino County engagement is required
- Watermaster has no control over land use or development
- Not consistent with the Judgment

Ordinance is needed restricting new production on fallowed land

- San Bernardino County engagement is required
- Watermaster has no land use control
- Not consistent with Paragraph 39 of the Judgment
- May help with reducing future production

Clear plant growth in the Alto Transition Zone river area to allow more water to flow down river

- Department of Fish and Wildlife engagement is required
- Not consistent with the Judgment, Exhibit H

Limit reduction of production rights for all producers to 10 acre-feet

- Not consistent with the Judgment. Not equitable pursuant to Paragraph 23 (a) of the Judgment.
- Would require modification to the Judgment

Judgment amendment to address carryover

- Objectives have not been defined
- Not consistent with the Judgment
- Not supported by all parties
- Would require a modification to Paragraph 11 of the Judgment

Further studies

- Sources of financing needed
- Objectives have not been defined

Institute Fees to help downstream Subareas

- Not consistent with the Judgment. Not equitable pursuant to 23 (a) of the Judgment
- Not consistent with the Judgment, Paragraph 22, responsibility lies with producers

- paying for replacement water within each Subarea
 - Potential for Mojave Water Agency to institute fees separately
- FPA to be set categorically for all Subareas by use type
- Not consistent with the Judgment. Not equitable pursuant to Paragraph 23 (a) of the Judgment
 - Would require modification to the Judgment
- Purchase and/or use of supplemental water in the Baja Subarea
- Sources of financing needed
 - Objectives have not been defined
 - Not consistent with the Judgment, Paragraph 22, responsibility lies with producers paying for replacement water within each Subarea

Baja—Proposed Alternatives 2020

No Further Rampdown in Baja Subarea (Prior to reaching Production Safe Yield)

Slower or Less than 5% Rampdown

Differential Rampdown in Baja (Using a tiered approach based on BAP, same as 2019)

Centro—Proposed Alternative 2019

No Further Rampdown in Centro Subarea (Prior to reaching Production Safe Yield)

Este—Proposed Alternative 2019

No Further Rampdown in Este Subarea (Prior to reaching Production Safe Yield)

Este—Proposed Alternative 2020

No Further Rampdown in Este Subarea (Prior to reaching Production Safe Yield)

Oeste--Proposed Alternative 2019

Rampdown to 75% for all producers for 2019-20. Remain at 75% for 2020-21 through 2023-24, thereafter, Rampdown at 1% per year for five years beginning in 2024-25 and ending in 2028-29.

- Not consistent with the Judgment
- Additional Rampdown more than 10% may be needed

PROOF OF SERVICE

**STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}**

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California 92307.

On May 18, 2020, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

Document(s) filed with the court and served herein are described as follows:

NOTICE OF MOTION AND MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2020-2021; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF ROBERT C. WAGNER IN SUPPORT THEREOF.

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

Executed on May 18, 2020 at Apple Valley, California.


Valerie Wiegstein



eSubmit – Document Submission Portal

Delivery Confirmation

Submission ID		Date Received		
10270675		5/18/2020 9:37:53 AM		
First Name		Middle Name	Last Name	
William		J	Brunick	
Street Address		City	State	Zip
1839 Commercenter West		San Bernardino	CA	92408
Phone Number	Fax Number	Company / Agency		
(909) 889-8301		Brunick, McElhaney & Kennedy PLC		
Email Address				
jquihuis@bmklawplc.com				
New Case	Case Number	Case Type	Court Location	
No	208568	Civil	Riverside	
Fee Waiver or Other Exemption				
Exempt Pursuant to G.C. §6103				
Filing as an Attorney	Bar Number	Attorney for		
Yes	46289	Mojave Water Agency		
Documents				
1 Motion to Adjust Free Production Allowance				
2 Notice of Lodging				
Notes / Special Instructions				
IMPORTANT: This document serves as a confirmation of delivery only and the submitted documents have not yet been processed and/or filed by the Superior Court of California, County of Riverside.				

Mojave Basin Area Watermaster Service List as of May 18, 2020

Attn: Roberto Munoz
35250 Yermo, LLC
11273 Palms Blvd., Ste. D.
Los Angeles, CA 90066-2122

Attn: John McCallum
Abshire, David V.
P. O. Box # 2059
Lucerne Valley, CA 92356-2059

Attn: Daniel Best
Adelanto, City Of
11600 Air Expressway
Adelanto, CA 92301-1914

(adesdevon@gmail.com)
Ades, John and Devon (via email)

Attn: Kent T. Christensen
(Kchristensen@ducommun.com)
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4001 El Mirage Rd.
El Mirage, CA 92301-9489

Attn: Lori Clifton
(lclifton@robarenterprises.com)
Agcon, Inc. (via email)
17671 Bear Valley Road
Hesperia, CA 92345-4902

Attn: Chun Soo and Wha Ja Ahn
(chunsooahn@naver.com)
Ahn Revocable Living Trust (via email)
P. O. Box 45
Apple Valley, CA 92307-0001

Attn: Simon Ahn (ssahn58@gmail.com)
Ahn Revocable Trust (via email)
29775 Hunter Road
Murrieta, CA 92563-6710

Attn: David Ahn (davidahnmd@gmail.com,
chunsooahn@naver.com)
Ahn, Chun Soo and David (via email)
19130 San Jacinto Way
Apple Valley, CA 92308-6748

Attn: Chun Soo Ahn (chunsooahn@naver.com)
Ahn, Chun Soo and Wha Ja (via email)
P. O. Box 45
Apple Valley, CA 92307-0001

Ake, Charles J. and Marjorie M.
2301 Muriel Drive, Apt. 67
Barstow, CA 92311-6757

Attn: Ana Chavez
American States Water Company
1920 W. Corporate Way
Anaheim, CA 92801-5373

Anderson, Ross C. and Betty J.
13853 Oakmont Dr.
Victorville, CA 92395-4832

Attn: Daniel B. Smith (avfcwd@hotmail.com)
Apple Valley Foothill County Water District
(via email)
22545 Del Oro Road
Apple Valley, CA 92308-8206

Attn: Matthew Patterson
Apple Valley Heights County Water District
P. O. Box 938
Apple Valley, CA 92308-0938

Attn: Mathew Schulenberg
Apple Valley Unified School District
12555 Navajo Road
Apple Valley, CA 92308-7256

Attn: Emely and Joe Saltmeris
Apple Valley View Mutual Water Company
P. O. Box 3680
Apple Valley, CA 92307-0072

Attn: Tina Kuhns
Apple Valley, Town Of
14955 Dale Evans Parkway
Apple Valley, CA 92307-3061

Attn: David L. Penrice
(dpenrice@acmwater.com)
Aqua Capital Management, LP (via email)
7914 W. Dodge Rd., Ste. 482
Omaha, NE 68114-3417

Archibek, Eric
41717 Silver Valley Road
Newberry Springs, CA 92365-9517

Attn: Angel Arguelles
Arguelles Revocable Trust, Alfredo A. and
Ana. M.
48001 Silver Valley Road
Newberry Springs, CA 92365

Attn: Blaine Bilderback
(Blaine.Bilderback@bnsf.com)
Atchison, Topeka, Santa Fe Railway Company
(via email)
2301 Lou Menk Dr. GOB-3W
Fort Worth, TX 76131-2825

Attn: Blaine Bilderback
Atchison, Topeka, Santa Fe Railway Company
2301 Lou Menk Drive, GOB-3W
Fort Worth, TX 76131-2825

Avila, Angel and Evalia
1523 S. Visalia
Compton, CA 90220-3946

Attn: Sheré R. Bailey
(LegalPeopleService@gmail.com)
Bailey 2007 Living Revocable Trust, Sheré R.
(via email)
10428 National Blvd
Los Angeles, CA 90034-4664

Attn: Daniel Shaw (barhwater@gmail.com)
Bar H Mutual Water Company (via email)
P. O. Box 844
Lucerne Valley, CA 92356-0844

Barber, James B.
43774 Cottonwood Road
Newberry Springs, CA 92365

Attn: Casey Slusser
(barlenwater@hotmail.com;
casey.slusser@gmail.com)
Bar-Len Mutual Water Company (via email)
P. O. Box 77
Barstow, CA 92312-0077

Attn: Curtis Palmer
Baron, Susan and Palmer, Curtis
141 Road 2390
Aztec, NM 87410-9322

Attn: Jennifer Riley (hriley@barstowca.org)
Barstow, City of (via email)
220 East Mountain View Street -Suite A
Barstow, CA 92311

Mojave Basin Area Watermaster Service List as of May 18, 2020

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Bass Trust, Newton T.
14924 Chamber Lane
Apple Valley, CA 92307-4912

Attn: Remo E. Bastianon
Bastianon Revocable Trust
9484 Iroquois Rd.
Apple Valley, CA 92308-9151

Attn: Mike Beinschroth
(Beinschroth@gmail.com)
Beinschroth Family Trust (via email)
18794 Sentenac
Apple Valley, CA 92307-5342

Beinschroth, Andy Eric
6719 Deep Creek Road
Apple Valley, CA 92308-8711

Attn: Chuck Bell (chuckb@sisp.net)
Bell, Charles H. Trust dated March 7, 2014
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Lucerne Valley, CA 92356-0193

Best, Byron L.
21461 Camino Trebol
Lake Forest, CA 92630-2011

Borja, Leonil T. and Tital L.
20784 Iris Canyon Road
Riverside, CA 92508-

Box, Geary S. and Laura
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Hesperia, CA 92340-2564

Attn: Alicia Alexander
Bracht, William F. and Alexander, Alicia M.
12439 Addison Street
N. Hollywood, CA 91607

Attn: Marvin and Carroll Brommer
Brommer Family Trust
1604 N. Laurel Ave
Upland, CA 91784-1920

Attn: Paul Johnson
Brown, Bobby G. and Valeria R.
26776 Vista Road
Helendale, CA 92342-9789

Brown, Jennifer
10001 Choiceana Ave.
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Bruneau, Karen
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(irim@aol.com)
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Bubier, Diane Gail (via email)
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Bush, Kevin (via email)
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Attn: Shanna Ghale (shanna.ghale@associa.us)
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Attn: Michael P. Naze
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Attn: Robert W. Bowcock
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Claremont, CA 91711-4614

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Attn: Kevin Mangold
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Mojave Basin Area Watermaster Service List as of May 18, 2020

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Attn: Mary Tarrab
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Attn: Carl Pugh (cpugh3@aol.com)
Cheyenne Lake, Inc. (via email)
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Club View Partners
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Conner, William H.
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Cross, Francis and Beverly
156 W 100 N
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Attn: Steve and Dana Rivett
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Mojave Basin Area Watermaster Service List as of May 18, 2020

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Attn: Denise Courtney
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Attn: Debby Wyatt
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Attn: Jeffery Lidman
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Friend, Joseph and Deborah
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Newberry Springs, CA 92365-

Gabrych, Eugene
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Mojave Basin Area Watermaster Service List as of May 18, 2020

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P. O. Box 304
Lucerne Valley, CA 92356-0304

Garg, Om P.
178 Follyhatch
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Attn: Brent Peterson
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Attn: Jeffrey Edwards
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Gordon Acres Water Company
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975 Bryant
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Gubler, Hans
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Gulbranson, Merlin (via email)
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19945 Round Up Way
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Attn: William Handrinos
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Attn: Donald F. Hanify
Hanify, Michael D., dba - White Bear Ranch
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Hanson Aggregates WRP, Inc. (via email)
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Attn: Kenny Harmsen (harmseencow@aol.com)
Harmsen Family Trust (via email)
23920 Community Blvd.
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Attn: Neal Davies (jfaubus@terra-gen.com;
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7439 Craner Ave
Sun Valley, CA 91352-4858

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Helendale Community Services District (via email)
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Helendale, CA 92342-0359

Mojave Basin Area Watermaster Service List as of May 18, 2020

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Helendale, CA 92342

Attn: Jim Martin
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Hensley, Mark P.
35523 Mountain View Rd
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Hert, Scott
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Attn: Jeremy McDonald
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Hesperia - Golf Course, City of (via email)
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Hesperia, CA 92345-3493

Attn: Janie Martines (Jmartines@tvglc.com)
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Hesperia, CA 92345-3493

Attn: Jeremy McDonald
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Hesperia, City of (via email)
9700 Seventh Avenue
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Attn: Gretchen Horton
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Attn: Ester Hubbard
Hubbard, Ester and Mizuno, Arlean
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Mojave Basin Area Watermaster Service List as of May 18, 2020

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Attn: James Jackson Jr.
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1245 S. Arlington Avenue
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Attn: Lawrence Dean
Jackson, Ray Revocable Trust No. 45801
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Redlands, CA 92375-1450

Attn: Audrey Goller
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Attn: Gary A. Ledford
Jess Ranch Water Company
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Johnson, Ronald
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Dammeron Valley, UT 84783-5211

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Johnston, Harriet and Johnston, Lawrence W.
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Attn: Magdalena Jones
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Jones Trust dated March 16, 2002 (via email)
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Jones, Joette
81352 Fuchsia Ave.
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Attn: Paul Jordan
Jordan Family Trust
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Attn: Ray Gagne
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Attn: Lee Logsdon
Juniper Riviera County Water District
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Mojave Basin Area Watermaster Service List as of May 18, 2020

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Attn: Billy Liang
Liang, Yuan - I and Tzu - Mei Chen
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Attn: Mei Li
Lo, et al.
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Attn: Brad Francke
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Mojave Basin Area Watermaster Service List as of May 18, 2020

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Attn: David Rib (drib@mitsubishicement.com)
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Mojave Basin Area Watermaster Service List as of May 18, 2020

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Mojave Basin Area Watermaster Service List as of May 18, 2020

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Mojave Basin Area Watermaster Service List as of May 18, 2020

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Mojave Basin Area Watermaster Service List as of May 18, 2020

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