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*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

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7 **MOJAVE WATER AGENCY**

FILED
Superior Court of California
County of Riverside
6/16/2020
A. Vargas
Electronically Filed

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

10
11 CITY OF BARSTOW, et al

12 Plaintiff,

13 v.

14 CITY OF ADELANTO, et al

15 Defendant.

16
17 **AND RELATED CROSS ACTIONS**

CASE NO.: CIV 208568

**NOTICE OF SERVING COURT'S
ORDER GRANTING
WATERMASTER'S MOTION TO
ADJUST FREE PRODUCTION
ALLOWANCES FOR WATER
YEAR 2020-2021; ORDER TO
SHOW CAUSE RE VACATION OF
STAY OF RAMPDOWN FOR
MUNICIPAL AND INDUSTRIAL
PRODUCERS IN THE OESTE SUB-
AREA**

Assigned for All Purposes to:
Hon. Craig G. Reimer, Judge Presiding
Dept. 1

21 **PLEASE TAKE NOTICE THAT** pursuant to the Court's Order Granting
22 Watermaster's Motion to Adjust the Free Production Allowances for Water Year 2020-2021;
23 and Order to Show Cause re Vacation of Stay of Rampdown for Municipal and Industrial
24 Producers in the Oeste Sub-Area, dated June 12, 2020, the parties in this matter were served on
25 June 16, 2020.

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27 ///

1 A copy of the Order and Proof of Service are attached hereto as Exhibit 1.

2 Dated: June 16, 2020

BRUNICK, McELHANEY & KENNEDY PLC

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By: William J. Brunick
William J. Brunick
Attorneys for Defendant/Cross-complainant,
MOJAVE WATER AGENCY

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EXHIBIT 1

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

CASE TITLE: City of Barstow v. City of Adelanto	Department 1	JUN 12 2020 <i>Kimberly Kendra</i>
CASE NO.: CIV208568		
DATE: June 11, 2020		
PROCEEDING: Order Granting Watermaster's Motion to Adjust the Free Production Allowances for Water Year 2020-2021; Order to Show Cause re Vacation of Stay of Rampdown for Municipal and Industrial Producers in the Oeste Sub-Area		

JUN 15 2020
AP

The Mojave Water Agency, appointed as the Watermaster in this action, moved for an annual adjustment of the free production allowance (FPA) within each of the five subareas. After consideration of the moving papers, the submissions by the California Department of Fish and Wildlife supporting the motion, and the opposition of the Newberry Springs Recreational Lake Association, and after a hearing on June 11, 2020, the Court rules as follows:

Alto:

The Watermaster proposed that the FPA for agricultural producers be reduced from 75% to 70%. The Court rejects that proposal, and instead orders that the FPA for agricultural producers is reduced by 10% to 65% of BAP for Water Year 2020-2021. The Court further advises the agricultural producers that the FPA may be reduced by 10% or more in Water Year 2021-2022.

The Watermaster proposed that the FPA for municipal and industrial producers (M&I) remain at 55%. The Court approves that proposal. The FPA for all M&I producers in Alto is 55% of BAP for Water Year 2020-2021.

Baja:

The Watermaster proposed that the FPA be reduced from 30% to 25% of BAP. The Court approves that proposal. The FPA for all producers in Baja is reduced to 25% of BAP for Water Year 2020-2021.

Centro:

The Watermaster proposed that the FPA be reduced from 75% to 70% of BAP. The Court approves that proposal. The FPA for all producers in Centro is reduced to 70% of BAP for Water Year 2020-2021.

Este:

The Watermaster proposed that the FPA be reduced from 75% to 70% of BAP. The Court approves that proposal. The FPA for all producers in Este is reduced to 70% of BAP for Water Year 2020-2021.

Oeste:

The Watermaster proposed that the FPA be reduced from 75% to 70% of BAP. The Court approves that proposal. Until further order of the Court, the FPA for all producers in Oeste is reduced to 70% of BAP for Water Year 2020-2021.

The Court notes, however, that there is another alternative to consider that would result in the FPA approximating the production safe yield (PSY) more quickly.

Beginning in Water Year 2009-2010, Judge Trask of this Court ordered a differential rampdown in Oeste by which Agriculture and M&I were subject to different FPAs. In that year, the FPA for M&I was reduced from 80% to 75%, but the implementation of that rampdown was “stayed for a period of four (4) years,” subject to further orders of the Court. Comparable orders were made in each of the following three years, reducing the FPA for M&I by 5% per year, but ordering that the implementation of the rampdown was stayed for a four-year period starting with 2009-2010.

As a result, the FPA for M&I had been ramped down to 60% by 2012-2013, and the stay was scheduled to expire at the end of that year. Instead, in the 2013 FPA order, the stay was extended through 2013-2014. In the FPA order of July 14, 2014, the rampdown was ordered “held in abeyance . . . until water production in Oeste exceeds 3,921 acre-feet.” The FPA order for 2015-2016 continued to hold implementation in abeyance without any mention of water production. The FPA orders in 2016 and 2017 again condition the stay on production not exceeding 3,921 AF, but exclusive of well No. 14. The 2018 FPA order again holds implementation in abeyance for at least 2018-2019. In the 2019 FPA order, the Court imposed a rampdown of 75% for all producers. The Court noted the existence of but did not otherwise address the stay of the 60% rampdown for M&I.

Since the verified production is still over twice the PSY, and the FPA is over three times the PSY, the Court is considering whether to implement the previously ordered 60% rampdown on M&I by vacating the stay of implementation. While the Court is of the belief that differential rampdowns are not consistent with the judgment, Judge Kaiser and Judge Trask interpreted the judgment differently, and implemented differential rampdowns in several sub-areas, including Oeste, in reliance upon their interpretation. The alternative is waiting two more years, and enduring the additional two years of further overdraft, until a comparable rampdown can be ordered for M&I at the maximum rate of 5% per year.

Accordingly, any party opposed to the vacation of the stay of the previously ordered rampdown of the M&I producers in Oeste is ordered to appear in this department on July 9, 2020, at 1:30 P.M, and show cause, if any, why the Court should not vacate the stay of the M&I producers, and order that the FPA for agricultural producers be reduced to 70% of BAP and that the FPA for M&I producers be reduced to 60% of BAP for the 2020-2021 Water Year.

In compliance with Riverside Superior Court Local Rule 3116, any party wishing to oppose the proposal to vacate the stay and to reduce the M&I FPA to 60% of BAP shall file a declaration no later than four court days in advance of the return date.

On the return date of the order to show cause, in-person appearances will not be permitted. Instead, any interested party shall appear by telephone. On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1 (213) 306-3065 or 1 (844) 621-3956 (TOLL FREE)
- Meeting Number: 800-686-489#
- Press # again.

Counsel for the Watermaster shall serve copies of this order on all parties by mail forthwith, and shall file a proof of service within seven days of the date of mailing.



Craig G. Riemer, Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

CLERK'S CERTIFICATE OF MAILING

CITY OF BARSTOW

vs.

CASE NO. CIV208568

CITY OF ADELANTO

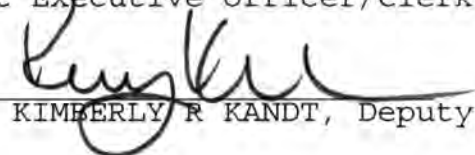
TO:

I certify that I am currently employed by the Superior Court of California, County of Riverside and I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the attached GRANTING WATERMASTER'S MOTION TO ADJUST FREE PRODU on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Dated: 06/12/20

by:


KIMBERLY R KANDT, Deputy Clerk

Notice 'CCMN' has been printed for the following Attorneys/Firms
or Parties for Case Number CIV208568 on 6/12/20:

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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 June 16, 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:

ORDER GRANTING WATERMASTER'S MOTION TO ADJUST THE FREE PRODUCTION ALLOWANCES FOR WATER YEAR 2020-2021; ORDER TO SHOW CAUSE RE VACATION OF STAY OF RAMPDOWN FOR MUNICIPAL AND INDUSTRIAL PRODUCERS IN THE OESTE SUB-AREA

 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 June 16, 2020 at Apple Valley, California.


Valerie Wieggenstein



eSubmit – Document Submission Portal

Delivery Confirmation

Submission ID		Date Received	
10297279		6/16/2020 1:50:27 PM	
First Name	Middle Name	Last Name	
William	J	Brunick	
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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 Notice of Serving Court's Order Directing Watermaster To Serve Orders and File Proofs of Service			
2 Notice of Serving Court's Order Granting Watermaster's Motion to Adjust Free Production Allowances for Water Year 2020-2021; ORDER TO SHOW CAUSE RE VACATION OF STAY OF RAMPDOWN			
Notes / Special Instructions			
These documents are being filed pursuant to Judge Reimer's Orders.			
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 June 16, 2020

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Mojave Basin Area Watermaster Service List as of June 16, 2020

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2006 Old Highway 395
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Gaeta, Miguel and Maria
9366 Joshua Avenue
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Mojave Basin Area Watermaster Service List as of June 16, 2020

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Attn: Jeffrey Edwards
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Mojave Basin Area Watermaster Service List as of June 16, 2020

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Mojave Basin Area Watermaster Service List as of June 16, 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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Lucerne Valley, CA 92356

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Attn: Sepoong & Woo Poong Lee
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Mojave Basin Area Watermaster Service List as of June 16, 2020

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Mojave Basin Area Watermaster Service List as of June 16, 2020

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