

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 1

CASE NO.: CIV208568

AUG 26 2020

DATE: August 26, 2020

Kerry Kendall

PROCEEDING: Order re Corrections (1) to Judgment after Trial and (2) to Amendment to Judgment after Trial

By an order dated April 21, 2020, and filed May 18, 2020, the Court identified what appeared to be omissions and other clerical errors in the exhibits to the Judgment after Trial filed January 10, 1996, and explained how it proposed to correct those errors. The Court ordered any party that objected to the corrections proposed by the Court, or any of them, in whole or in part, to file a written objection describing the extent and grounds for the objection within 30 days of the service of the order by the Watermaster.

In the same order, the Court identified what appeared to be a clerical error in the language of the Amendment to Judgment after Trial filed December 5, 2002, and explained how it proposed to correct that error. The Court ordered any party that objected to that proposed correction, in whole or in part, to file a written objection describing the extent and grounds for the objection within 30 days after the date on which the Watermaster mailed the order to the other parties.

The Watermaster served that order on all other parties on May 26, 2020. (See proof of service filed July 8, 2020.)

No objections were filed. The Watermaster endorsed the Court's proposed corrections. (Response filed June 29, 2020.) No other parties responded in any fashion.

The Court finds that the following corrections are necessary to correct clerical errors and to accurately reflect the intention of the Court at the time that it entered the Judgment After Trial and the Amendment to Judgment after Trial. Accordingly, IT IS ORDERED:

1. The clerical errors in the Judgment After Trial are corrected by inserting the following missing or correct pages, copies of which are attached:

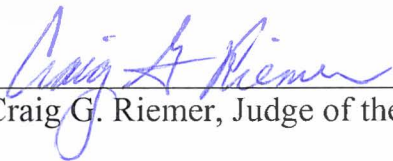
- a. In exhibit E, page 11 is asserted after page 10;
- b. In G, page G-2 is inserted after page G-1;
- c. Exhibit I is added; and
- d. In Exhibit B, sheets 11 and 14 of Table B-1 are replaced with corrected versions.

2. As corrected, the Judgment after Trial shall be re-filed and re-imaged *nunc pro tunc* as of the original filing date of January 10, 1996.

3. The clerical error in the Amendment to Judgment after Trial, filed December 5, 2002, is corrected by deleting lines 18 through 20 on page 1 and replacing them with the following: "The Judgment After Trial, filed and entered January 10, 1996, in the above-captioned matter, is hereby amended by inserting the following paragraphs 19(a) and 19(b) immediately following paragraph 19 on page 24."

4. As corrected, the Amendment to Judgment after Trial shall be re-filed and re-imaged *nunc pro tunc* as of the original filing date of December 5, 2002.

5. The Watermaster shall serve all parties with a copy of this order forthwith.



Craig G. Riemer, Judge of the Superior Court

PRODUCER

DESIGNEE

RUISCH, DALE W	Same
SAN BERNARDINO CSA #29	William Smillie
SAN BERNARDINO CSA #42	William Smillie
SAN BERNARDINO CSA #64	William Smillie
SAN BERNARDINO CSA #70C	William Smillie
SAN BERNARDINO CSA #70G	William Smillie
SAN BERNARDINO CSA #70J	William Smillie
SAN BERNARDINO CSA #70L	William Smillie
SAN BERNARDINO CO. BARSTOW-DAGGETT AIRPORT	William Smillie
SAN FILIPPO, JOSEPH & SHELLEY	Same
SANTUCCI, ANTONIO & WILSA	Same
SAN BERNARDINO CSA #70L	William Smillie
SCOGGINS, JERRY	Same
SEALS, LAWRENCE	Same
SHEPPARD, THOMAS & GLORIA	Same
SHIRKEY, ALAN G & MARY E	Same
SHORT, CHARLES & MARGARET	Therese Parker, Esq.
SHORT, JEFF	Same
SILVER LAKES ASSOCIATION	Michael Davis, Esq.
SILVER VALLEY RANCH, INC	Richard A. Ruben, Esq.
SMITH, ROBERT A	Therese Parker, Esq.
SMITH, WILLIAM E	Same
SNYDER, KRYL K & ROUTH, RICHARD J	Terry Caldwell, Esq.
SON'S RANCH	Therese Parker, Esq.
SOPPELAND, WAYNE	Terry Caldwell, Esq.
SOUTHERN CALIFORNIA EDISON CO - AGRICULTURE	Douglas Ditonto, Esq.
SOUTHERN CALIFORNIA EDISON CO - INDUSTRIAL	Douglas Ditonto, Esq.
SOUTHERN CALIFORNIA GAS COMPANY	Jane Goichman, Esq.
SOUTHERN CALIFORNIA WATER CO	Arthur Kidman, Esq.
SOUTHDOWN, INC.	Steve Abbott, Esq.
SOUTHERN CALIFORNIA WATER CO	Arthur Kidman, Esq.
SOUTHERN CALIFORNIA WATER CO	Arthur Kidman, Esq.
SPECIALTY MINERALS, INC	Michael Davis

1 e. Alto Subarea Producers--an average Annual combined
2 Subsurface Flow and Base Flow of 23,000 acre-feet per Year to the
3 Transition Zone. For the purposes of Paragraph 6 of this Exhibit
4 G, the Subsurface Flow component shall be deemed to be 2,000 acre-
5 feet per Year. In any Year Alto Subarea Producers shall have an
6 obligation to provide to the Transition Zone a minimum combined
7 Subsurface Flow and Base Flow as follows:

8 i. If the accounting pursuant to Paragraph 5, below,
9 reflects a net cumulative credit at the beginning of the Year,
10 the combined minimum flow obligation shall be 18,400 acre-feet
11 minus any net cumulative credit, but shall be not less than
12 15,000 acre-feet.

13 ii. If the accounting pursuant to Paragraph 5, below,
14 does not reflect a net cumulative credit at the beginning of
15 the Year, the combined minimum flow obligation shall be 18,400
16 acre-feet plus one-third of any net cumulative debit plus any
17 additional amount of water required to reduce the net
18 cumulative debit to 23,000 acre-feet.

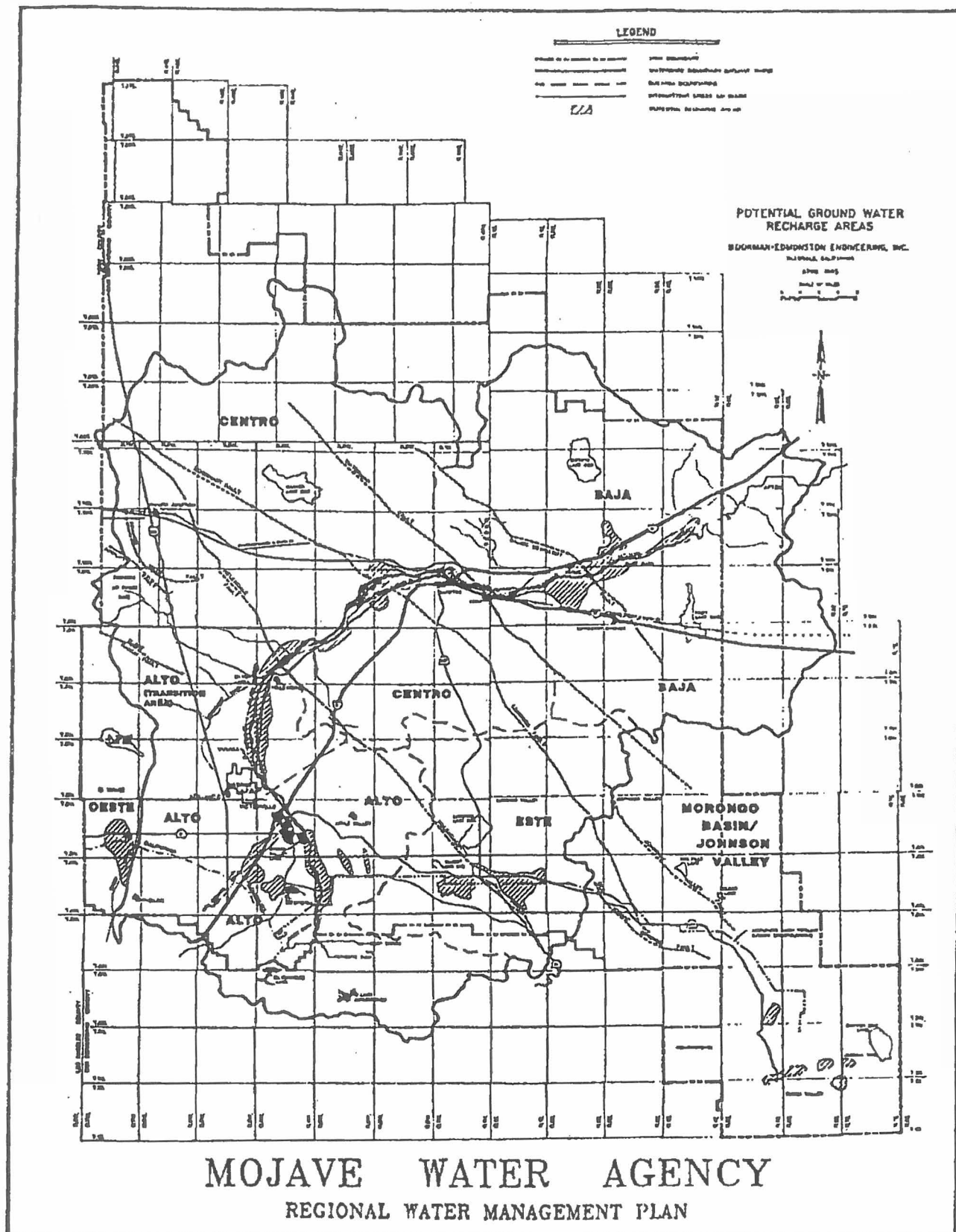
19 2. Obligation for Transition Zone Replacement Water.

20 a. Until the Court approves Groundwater levels to be
21 established and maintained pursuant to Subparagraph 2b of this
22 Exhibit, Watermaster shall provide Replacement Water in the
23 Transition Zone equal to Production in the Transition Zone that is
24 in excess of the Transition Zone Producers' share of the Alto
25 Subarea Free Production Allowance for that Year. All such
26 Replacement Water shall be provided as soon as practicable during
27 the next ensuing Year.
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EXHIBIT I

MAP SHOWING POTENTIAL GROUNDWATER RECHARGE AREAS



~~12/10/92~~
~~01/20/93~~
~~02/02/93~~
~~04/18/93~~
~~01/28/92~~
 09/25/95

EXHIBIT B
 TABLE B-1
 TABLE SHOWING BASE ANNUAL PRODUCTION AND
 BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA
 TOGETHER WITH FREE PRODUCTION ALLOWANCES
 FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBAREA PRODUCER	BASE ANNUAL ¹ PRODUCTION	BASE ANNUAL ² PRODUCTION RIGHT	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
	(ACRE-FEET)	(PERCENT)	FIRST YEAR	SECOND ³ YEAR	THIRD ³ YEAR	FOURTH ³ YEAR	FIFTH ³ YEAR
SAN BERNARDINO CO SERVICE AREA 70J	1,005	0.8213	1,005	954	904	854	804
SAN BERNARDINO CO SERVICE AREA 70L	355	0.2901	355	337	319	301	284
SAN FILIPPO, JOSEPH & SHELLEY	35	0.0286	35	33	31	29	28
SILVER LAKES ASSOCIATION	3,987	3.2583	3,987	3,787	3,588	3,388	3,189
SOUTHDOWN, INC	1,519	1.2414	1,519	1,443	1,367	1,291	1,215
SOUTHERN CALIFORNIA WATER COMPANY	940	0.7682	940	893	846	799	752
SPRING VALLEY LAKE ASSOCIATION	3,056	2.4974	3,056	2,903	2,750	2,597	2,444
SPRING VALLEY LAKE COUNTRY CLUB	977	0.7984	977	928	879	830	781
STORM, RANDALL	62	0.0507	62	58	55	52	49
SUDMEIER, GLENN W	121	0.0989	121	114	108	102	96
SUMMIT VALLEY RANCH	452	0.3694	452	429	406	384	361
TATRO, RICHARD K & SANDRA A	280	0.2288	280	266	252	238	224
TATUM, JAMES B	829	0.6775	829	787	746	704	663
TAYLOR, ALLEN C / HAYMAKER RANCH	456	0.3727	456	433	410	387	364
THOMAS, S DALE	440	0.3596	440	418	396	374	352
THOMAS, WALTER	36	0.0294	36	34	32	30	28
THOMPSON, JAMES A	418	0.3416	418	397	376	355	334
THOMPSON, RODGER	76	0.0621	76	72	68	64	60
THRASHER, GARY	373	0.3048	373	354	335	317	298
THUNDERBIRD COUNTY WATER DISTRICT	118	0.0964	118	112	106	100	94
TURNER, ROBERT	70	0.0572	70	66	63	59	56
VAIL, JOSEPH B & PAULA E	126	0.1030	126	119	113	107	100
* VAN BURGER, CARL	710	0.5802	710	674	639	603	568
VAN LEEUWEN FAMILY TRUST	341	0.2787	341	323	306	289	272

* Durston Well, location 06N/04W-18F, APN 468-151-11 - water production right of 357 acre/feet, claimed by Durston/Van Burger/CVB Investments and Industrial Asphalt. Product right to be determined in a subsequent severed proceeding. Jurisdiction reserved.

~~12/10/92~~
~~01/20/93~~
~~03/03/93~~
~~04/18/93~~
~~04/28/93~~
09/25/95

EXHIBIT B
TABLE B-1
TABLE SHOWING BASE ANNUAL PRODUCTION AND
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN CENTRO SUBAREA
TOGETHER WITH FREE PRODUCTION ALLOWANCES
FOR FIRST FIVE YEARS OF THE JUDGMENT

CENTRO SUBAREA PRODUCER	BASE ANNUAL ¹ PRODUCTION	BASE ANNUAL ² PRODUCTION	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
	(ACRE-FEET)	RIGHT (PERCENT)	FIRST YEAR	SECOND ³ YEAR	THIRD ³ YEAR	FOURTH ³ YEAR	FIFTH ³ YEAR
AGCON, INC	0	0.0000	0	0	0	0	0
AGUAYO, JEANETTE L	212	0.3742	212	201	190	180	169
ATCHISON, TOPEKA, SANTA FE RAILWAY CO	120	0.2118	120	114	108	102	96
AVDEEF, THOMAS	34	0.0600	34	32	30	28	27
AZTEC FARM DEVELOPMENT COMPANY (Now, Virgil Gorman)	220	0.3883	220	209	198	187	176
BARNES, PAY - EXECUTOR OF ESTATE OF WAYNE BARNES	243	0.4289	243	230	218	206	194
BROMMER, MARVIN	361	0.6372	361	342	324	306	288
BURNS, RITA J & PAMELA E	16	0.0282	16	15	14	13	12
CHAPA, LARRY R	96	0.1694	96	91	86	81	76
CHOI, YONG IL & JOUNG AB	38	0.0671	38	36	34	32	30
CHRISTISON, JOEL	75	0.1324	75	71	67	63	60
COOK, KWON W	169	0.2983	169	160	152	143	135
DE VRIES, NEIL	3,800	6.7070	3,800	3,610	3,420	3,230	3,040
DESERT COMMUNITY BANK	156	0.2753	156	148	140	132	124
DURAN, FRANK T	50	0.0883	50	47	45	42	40
GAINES, JACK	117	0.2065	117	111	105	99	93
GESIRIECH, WAYNE	121	0.2136	121	114	108	102	96
GORMAN, VIRGIL	138	0.2436	138	131	124	117	110
GRIEDER, RAYMOND H & DORISANNE	30	0.0530	30	28	27	25	24
GRILL, NICHOLAS P & MILLIE D	21	0.0371	21	19	18	17	16
GROEN, CORNELIS	1,043	1.8409	1,043	990	938	886	834
HANIFY, DBA - WHITE BEAR RANCH	152	0.2683	152	144	136	129	121
HARMSSEN, JAMES & RUTH ANN	1,522	2.6863	1,522	1,445	1,369	1,293	1,217
HARPER LAKE COMPANY	1,433	2.5293	1,433	1,361	1,289	1,218	1,146

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 August 27, 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 RE CORRECTIONS (1) TO JUDGMENT AFTER TRIAL AND (2) TO AMENDMENT TO JUDGMENT AFTER TRIAL

 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 August 27, 2020 at Apple Valley, California.



Valerie Wiegstein

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Mojave Basin Area Watermaster Service List as of August 27, 2020

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Attn: David Dorrance
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Mojave Basin Area Watermaster Service List as of August 27, 2020

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Mojave Basin Area Watermaster Service List as of August 27, 2020

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Mojave Basin Area Watermaster Service List as of August 27, 2020

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Mojave Basin Area Watermaster Service List as of August 27, 2020

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Mojave Basin Area Watermaster Service List as of August 27, 2020

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Mojave Basin Area Watermaster Service List as of August 27, 2020

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