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6 Attorneys for Defendant/Cross-Complainant,
7 **MOJAVE WATER AGENCY**

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

FILED
Superior Court of California
County of Riverside
6/14/2021
J. Barajas
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 **AND RELATED CROSS ACTIONS**
17

CASE NO.: CIV 208568

**NOTICE OF SERVING COURT'S
ORDER OF JUNE 4, 2021 AND
PROOF OF SERVICE THEREON**

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

18
19 **PLEASE TAKE NOTICE THAT** Defendant/Cross-Complainant Mojave Water
20 Agency's Motion to Adjust Free Production Allowance for Water Year 2021-2022, heard on
21 June 3, 2021 before the Honorable Craig G. Riemer, Judge Presiding in Department 1 of the
22 above-entitled court hereby serves, pursuant to the Court's Order Directing Watermaster To
23 Serve the Order (1) Granting the Watermaster's Motion to Adjust the Free Production
24 Allowances for Water Year 2021-2022 and (2) Directing the Watermaster to Abate
25 Unauthorized Production, dated June 4, 2021. A copy of the Order and Proof of Service are
26 attached hereto.

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28 **NOTICE OF SERVING COURT'S ORDER OF JUNE 4, 2021 AND PROOF OF SERVICE THEREON**

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The parties in this matter were served on June 14, 2021.

Dated: June 14, 2021

BRUNICK, McELHANEY & KENNEDY PLC

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

JUN 10 2021

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

JUN 04 2021

DATE: June 4, 2021

L. Howell

PROCEEDING: Order (1) Granting the Watermaster's Motion to Adjust the Free Production Allowances for Water Year 2021-2022 and (2) Directing the Watermaster to Abate Unauthorized Production

Annual Adjustment of FPA

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, the opposition of the Newberry Springs Recreational Lake Association, the joinder in the motion by the Helendale Community Services District, the "Supplemental Statement" by the Phelan Pinon Hills Community Services District, and the comments by numerous other parties and individuals who appeared at the hearing on June 3, 2021, the Court rules as follows:

Centro:

The Watermaster proposed that the FPA be reduced from 70% of BAP to 65%. The Court approves that proposal. The Court orders that the FPA for all producers in Centro is reduced to 65% of BAP for Water Year 2021-2022.

Este:

The Watermaster proposed that the FPA be reduced from 70% of BAP to 65%. The Court approves that proposal. The Court orders that the FPA for all producers in Este is reduced to 65% of BAP for Water Year 2021-2022.

Oeste:

The Watermaster proposed that the FPA be reduced from 65% of BAP to 60%. The Court approves that proposal. The Court orders that the FPA for all producers in Oeste is reduced to 60% of BAP for Water Year 2021-2022.

Alto:

The FPA is currently set at 65% of BAP for agricultural producers and 55% of BAP for municipal and industrial producers (M&I). The Watermaster proposed that the FPA for agricultural producers be reduced from 65% to 60%, and that the FPA for M&I remain at 55%.

The Court does not approve that proposal, both because it would prolong a differential FPA between different types of uses, contrary to the judgment, and because it would result in the

FPA continuing to exceed the PSY for the subarea as a whole. Instead, the Court orders that the FPA for agricultural producers is reduced by 10% of BAP. As a result, the FPA for all producers in Alto is 55% of BAP for Water Year 2021-2022.

Baja:

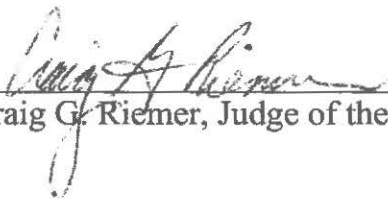
The Watermaster proposed that the FPA be reduced from 25% of BAP to 20%. The Court does not approve that proposal because it would result in a 20% reduction in FPA in a single year, which the Court finds to be unreasonably burdensome. Instead, the Court orders that the FPA be reduced by 2.5% of BAP, which is equivalent to 10% of FPA. As a result, the FPA for all producers in Baja is 22.5% of BAP for Water Year 2021-2022.

Unauthorized Production

In the Watermaster's motion, in the joinder filed by the Helendale Community Services District, and in comments at the hearing, concern was expressed regarding the apparent increase in unauthorized production in the basin, particularly for the purpose of raising marijuana. Helendale CSD asked the Court to specifically direct the Watermaster to enforce the Judgment in this regard.

Without finding that the Watermaster has been failing to do so, the Court expressly directs the Watermaster to take all reasonable steps to identify any unauthorized production within the basin and to bring that production into compliance with the Judgment. If reasonably necessary, the Watermaster shall seek the assistance of the Court in compelling that compliance. In particular, if any such unauthorized production is being conducted or permitted by a party subject to the injunction in section 14 of the Judgment, the Watermaster shall apply to this department for an order to show cause why that party should not be found to be in contempt. If the unauthorized production is being conducted by a non-party, the Watermaster shall initiate an action for injunctive relief as expressly authorized by section 12 of the Judgment.

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

Historic Court House

Ruling on Matter Submitted Motion to Adjust the Fee Production Allowances and Motion Directing
the Watermaster to Abate

06/04/2021
8:30 AM
Department 1

CIV208568

CITY OF BARSTOW vs CITY OF ADELANTO

Honorable Craig Riemer, Judge
L. Howell, Courtroom Assistant
Court Reporter: None

APPEARANCES:

No Appearances

Court subsequently rules on:06/03/2021 for Notice of Motion and Motion to adjust free production allowance for water year 2021-2022; Memorandum of points and authorities and Declaration of Robert C. Wagner in support thereof.

Court subsequently rules on:06/03/2021 for Hearing on Joinder to Mojave Basin Area Watermaster Twenty-Seventh Annual Report and Motion to Adjust Free Production Allowance for Water Year 2021-2022.

See Order filed June 4, 2021 for details regarding the Court's subsequent ruling.

Motion Granted

Motion(s) are Granted as reflected in the Order (1) Granting the Watermaster's Motion to Adjust the Free Production Allowances for Water Year 2021-2022 and (2) Directing the Watermaster to Abate Unauthorized Production.

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.

Notice to be given by Clerk to THE MOJAVE WATER AGENCY.

Minute entry completed.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House
4050 Main Street, Riverside, CA 92501

BRUNICK, McELHANEY & KENNEDY
PROFESSIONAL LAW CORP

Case Number: CIV208568

JUN 10 2021

Case Name: CITY OF BARSTOW vs CITY OF ADELANTO

Brunick, McElhaney & Kennedy
P.O. BOX 13130
SAN BERNARDINO, CA 92423-3130

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that 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 foregoing notice on this date, by depositing said copy as stated above.

Notices Mailed: Court Ruling

Dated: 06/04/2021

W. SAMUEL HAMRICK JR.,
Court Executive Officer/Clerk of Court

by:



L. Howell, Deputy Clerk



eSubmit – Document Submission Portal

Delivery Confirmation

Submission ID		Date Received	
10792300		6/14/2021 1:16:25 PM	
First Name		Middle Name	Last Name
William		J	Brunick
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1839 Commercenter West, P.O. Box 13130		San Bernardino	CA 92423
Phone Number	Fax Number	Company / Agency	
(909) 889-8301		Brunick McElhaney & Kennedy	
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 Notice of Serving Court's Order of June 4, 2021 and Proof of Service Thereon			
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.			

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 14, 2021, 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 SERVING COURT'S ORDER OF JUNE 4, 2021 AND PROOF OF SERVICE THEREON

 X I, Jeffrey D. Ruesch, declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 14, 2021 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of June 14, 2021

Attn: Roberto Munoz
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Attn: John McCallum
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Attn: Daniel Best
Adelanto, City Of
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(adesdevon@gmail.com)
Ades, John and Devon (via email)

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Attn: Mathew Schulenberg
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Fort Worth, TX 76131-2825

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Attn: Jennifer Riley (hriley@barstowca.org)
Barstow, City of (via email)
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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Bell, Charles H. Trust dated March 7, 2014
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Best, Byron L.
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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Attn: Judith Dolch-Partridge, Trustee
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Attn: Mark Asay (bettybrock@ironwood.org;
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Gabrych, Eugene
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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Lucerne Valley, CA 92356-0304

Garg, Om P.
358 Chorus
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Attn: Jeffrey Edwards
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Attn: William Handrinos
Handrinos, Nicole A.
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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Attn: Gretchen Horton
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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Attn: Sepoong & Woo Poong Lee
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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Mojave Basin Area Watermaster Service List as of June 14, 2021

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Attn: Sara Fortuna (sarajfortuna@gmail.com;
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Mojave Basin Area Watermaster Service List as of June 14, 2021

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