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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE - CENTRAL DISTRICT

1 authorizes the Court to Rampdown a Subarea Free Production Allowance (“FPA”) **below**
2 Production Safe Yield (“PSY”). This question currently arises with respect to the Alto Subarea in
3 response to concerns regarding reductions to water in storage; however, the Court has indicated
4 that if so authorized, it would consider potentially imposing similar Rampdown in other Subareas
5 in the future. Due to potential for basin-wide implications, Mitsubishi respectfully responds to
6 the questions presented by the Court.

7 The Judgment does not contemplate, authorize or imply that Rampdown may be imposed
8 below a Subarea’s PSY. Imposition of such a Rampdown would require amending the Judgment.
9 In its efforts to address current drought conditions, the Watermaster should instead consider
10 alternative tools that are unambiguously authorized under the Judgment. If it must make further
11 basin management recommendations, including Rampdown, it should follow the procedural
12 safeguards set forth in the Judgment and Watermaster Rules and Regulations.

13 II. DISCUSSION

14 A. The Judgment Does Not Contemplate Rampdown Below Production Safe Yield.

15 The Judgment defines PSY as follows:

16 “The highest average Annual Amount of water that can be
17 produced from a Subarea:

18 (1) over a sequence of years that is representative of long-term
19 average annual natural water supply to the Subarea net of
20 long-term average annual natural outflow from the Subarea

21 (2) under given patterns of Production, applied water, return flows
22 and Consumptive Use, and

23 (3) without resulting in a long-term net reduction of groundwater
24 in storage in the Subarea”

25 (Judgment, ¶ 4(aa), emphasis added.)

26 The detailed Amended Statement of Decision entered on January 4, 1996 (“ASOD”)
27 provides important context and explanation regarding the purpose and meaning of the Judgment.
28 It emphasizes the relationship of rampdown and safe yield in achieving and maintaining
sustainability:

1 “[T]he court has the authority to draft and impose a physical
2 solution which requires all users to share equitably in the cost and
3 reduction of use, to safe yield. . . . The stipulated judgment
4 attempts to “ramp down” to Production Safe Yield by means of a
5 twenty percent (20%) decrease in the Free Production Allowance
6 from the total base production amount for each subarea over a
7 period of five years . . .

8 If there is still overdraft after the end of the first five years of the
9 stipulated judgment, then the subareas in overdraft will be further
10 ramped down after the fifth year to Production Safe Yield. . . .
11 After an initial five year period, the stipulated judgment requires
12 that the Watermaster, as an agent of the court, review the Free
13 Production Allowance for each subarea and to recommend any
14 necessary adjustments, taking into consideration various specified
15 factors, including the Production Safe Yield for each subarea. Free
16 Production Allowance must be steadily reduced until it does not
17 exceed the Production Safe Yield. . . . The provisions of the
18 Judgment Pursuant to Stipulation allow for adjustments to balance
19 the basin and allow for reduction in production to achieve a basin
20 safe yield.”

21 (ASOD, pp. 10, 28, emphasis added.)

22 The ASOD provisions regarding replacement assessments corroborate the premise that
23 rampdown will not be imposed below safe yield:

24 “4. Replacement assessments or net production assessments are
25 imposed to the extent a party has overproduced, and thus
26 contributed to a greater extent to the overdraft. a) Section 37(b) of
27 the [Mojave Water Agency] Act authorizes the charging of a net
28 production assessment for production in excess of the Production
Safe Yield. The stipulated judgment establishes that assessment in
the form of a replacement assessment (“net production
assessment”).”

(ASOD, p. 16, emphasis added.)

The concept of a “net production assessment” is that some amount of pumping will be exempt from assessments that are imposed to fund acquisition of supplemental water; that is, applying assessments only to a “net” amount of pumping above an allocated threshold. By contrast, a “gross production assessment” would be applied to all pumping. The ASOD confirms that the replacement assessments under the Judgment are net production assessments.

1 **B. The Watermaster Recently Studied and Reduced PSY for All Subareas and Made**
2 **Its Rampdown Recommendations Based Upon those Reduced PSY Figures.**

3 The Watermaster Engineer completed its most recent update to PSY and Consumptive
4 Use for all Subareas in 2019 (“2019 PSY Update”).¹ (Declaration of Derek Hoffman (“Hoffman
5 Decl.”), ¶ 2, Exhibit A [Watermaster Consumptive Water Use Study and Production Safe Yield
6 Update 2017-2018 Water Year, dated May 1, 2019, p. 2, Table 1]; Hoffman Decl. ¶ 3, Exhibit B
7 [28th Annual Report of the Mojave Basin Area Watermaster, Water Year 2020-2021 (“2021
8 Watermaster Annual Report”), Chapter 5, p. 35].) The 2019 PSY Update resulted in significant
9 **downward** adjustments to PSY in all Subareas. It also provided the basis for the Watermaster’s
10 most recent 2022-23 Rampdown recommendations. (Watermaster’s Motion to Adjust Free
11 Production Allowance for Water Year 2022-2023, filed on May 3, 2022 (“Watermaster FPA
12 Motion”), 6:3-9.) Notably, the Watermaster recommended that the Alto Subarea FPA remain at
13 55% of BAP because it determined that “FPA is about equal to PSY under **long-term** water
14 supply assumptions” (Declaration of Robert C. Wagner in Support of Watermaster FPA Motion,
15 filed on May 3, 2022 (“Wagner Decl.”), 3:21-22; Watermaster FPA Motion, 6:13, 24.)

16
17 If the Watermaster seeks to modify PSY or modify the Judgment including the long-term
18 sixty-year hydrologic base period assumptions upon which it is based, it must publicly prepare
19 and adopt such a recommendation and file a motion with the Court with supporting evidence.

20 **C. Imposing Rampdown Below PSY to Raise Money for Short Term Drought Funding**
21 **is Inconsistent with the Judgment.**

22 The Watermaster Engineer stated “If the judgment were being drafted today, it would be
23 more prudent to select a ‘shorter, drier planning period (hydrologic base period) for local supply
24 ..., resulting in a lower estimated [PSY] and consequently a lower [FPA].” (Wagner Decl., 6:18-
25 21.) Notwithstanding this speculative and hypothetical statement, the Watermaster Engineer
26 nonetheless affirmed that the long-term technical assumptions underpinning the Judgment should
27

28 ¹ In light of the 2019 PSY Update, it is unclear why the Watermaster refers to “...PSY estimates established decades ago.” (Watermaster Response to OSC, p. 4.)

1 **not** be disrupted. Rather, the primary stated Watermaster concern appears to be finding a way to
2 **raise funds** in the **short term**:

3 “The sixty year base period average (65,538 acre-feet, 1931-1990)
4 is likely to be repeated at some point in the future ... Although it
5 has been dry for 11 years and the drought conditions may
6 continue in following years, it is a reasonable assumption that it
will rain again. The management issue is how to **raise money** to
offset overdraft in the **shorter** term.”

7 (Wagner Decl., 6:9-14.)

8 As summarized above, Watermaster Rampdown recommendations must consider
9 whether evidence exists of long-term overdraft in consideration of PSY. The concept of
10 imposing a Rampdown of FPA below PSY to “raise money to offset overdraft in the **shorter**
11 term” is not consistent with that framework.

12 Moreover, the concept of below-PSY Rampdowns would raise many significant
13 additional questions and concerns. If authorized, then how *far* below PSY may FPA be
14 permissibly reduced? For how many years? How much water is necessary to “offset” a “short-
15 term” drought condition? Pursuant to Judgment Exhibit H, a Watermaster recommendation for a
16 full five percent (5%) Subarea Rampdown for a subsequent single water year arises only when
17 FPA *exceeds* PSY by five percent (5%) or more. The Judgment contains no corollary parameters
18 for Rampdown when FPA is below PSY—because the Judgment does not contemplate such a
19 Rampdown. Indeed, the Judgment would be severely strained by an interpretation that would
20 allow Rampdown below PSY vaguely because “... it is desirable to raise money for purchases of
21 imported water ...” for “successive years” followed by “revert[ing] to the level indicated by the
22 long term PSY” when PSY by definition represents a condition of long-term sustainability.

23 (Wagner Decl., 6:14-24.)

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1 **D. The Procedural Safeguards in the Judgment and Watermaster Rules and**
2 **Regulations Must be Followed.**

3 The Watermaster is correct that any determination by the Court to Rampdown PSY
4 should follow the prerequisite procedures set forth in the Judgment and the Watermaster Rules
5 and Regulations. (Watermaster’s Response to the Court’s June 3, 2022 Order to Show Cause,
6 (“Watermaster Response to OSC”), 3:24 - 4:13.) Such a process would include opportunities for
7 parties to consider the evidence presented by the Watermaster in forming its preliminary
8 recommendation and also to participate in Watermaster board meetings and a hearing of the
9 Court to consider a Watermaster final recommendation.

10 The procedural safeguards are fundamentally important to protect the integrity of the
11 Judgment agreed upon by the Stipulating Parties. This is especially true if the Watermaster is
12 proposing to, “modify, amend or amplify” the Judgment such as through a recommendation akin
13 to “re-drafting” the Judgment or through a basin management or funding recommendation that is
14 not clearly authorized under the Judgment. (Watermaster Response to OSC, 4:22-25; Judgment,
15 ¶ 19.) The Court has correctly emphasized in recent prior hearings that if a party seeks to amend
16 the Judgment, including the Watermaster, it must bring a proper motion stating the specific
17 amendment or modification and present supporting evidence.

18 The Watermaster was previously asked to identify potential options available to the Court
19 to “modify, amend and amplify the provisions of the Judgment” to achieve balance in the Baja
20 Subarea. (Watermaster’s Response to Status Conference Questions Issued By the Court, filed
21 October 1, 2018 (“Watermaster Resp. to Status Conf. Questions”).) The Watermaster identified
22 several alternatives but cautioned that all but one would “require some modification or
23 amplification of the Judgment and vary the terms of the Stipulated Judgment.” (Watermaster
24 Resp. to Status Conf. Questions, 7:12-13, emphasis added.) Recognizing the potential hazards of
25 pursuing unauthorized or vaguely authorized alternatives, the Watermaster observed: “Such
26 modification or amplification could result in a variety of parties asking to be relieved of their
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1 stipulation in the Baja subarea due to their economic reliance on the terms of the Judgment.”
2 (Watermaster Resp. to Status Conf. Questions, 7:13-15, emphasis added.)

3 The Watermaster also appropriately states that it may consider alternative ideas and
4 management strategies in lieu of recommending further Rampdown, such as spreading
5 Watermaster-purchased supplemental water into the Alto Subarea. (Watermaster Response to
6 OSC, 6:5-8.) To preserve the integrity of the Stipulated Judgment, the Watermaster should
7 consider alternatives unambiguously allowed within the parameters of the Judgment before
8 exploring concepts that would potentially require modifications, amendments or amplification of
9 Judgment provisions. Consideration of alternatives might also include addressing how previously
10 collected and projected replacement water assessments will be utilized to address short term
11 drought concerns. (Hoffman Decl., ¶ 3, Exhibit B, Chapter 6 and Appendix B.)²

12 **E. All Rampdown Determinations Must Be Evaluated Specifically for Each Subarea.**

13 In the event the Court determines that the Judgment does authorize Rampdown below
14 PSY, the Court should only exercise such authority on a Subarea-specific basis. Judgment
15 Paragraph 24(o) provides that the Watermaster must consider a variety of factors in
16 recommending any change to a Subarea FPA. Conditions in each Subarea vary significantly. In
17 the Este Subarea, for example, verified production has long been below PSY, and as a result,
18 “Water levels in Este have remained stable for the past several years indicating relative balance
19 between recharge and outflow.” (Hoffman Decl., ¶ 3, Exhibit B, Chapter 3, p. 27; Wagner Decl.
20 4:14-16.)

21
22 **III. CONCLUSION**

23 The Judgment neither expressly nor impliedly authorizes Rampdown below PSY. As an
24 original Stipulating Party and a long-term stakeholder in the Basin, Mitsubishi recognizes that
25 basin conditions will fluctuate over time. Mitsubishi also recognizes the importance of
26

27 ² The 2021 Annual Report indicates that the Watermaster purchased 5,613 AF of replacement water for the Alto
28 subarea during the 2020-2021 water year. Annual Report Appendix B indicates that parties in the Alto Subarea
have incurred replacement water obligations in the amount of 24,767 AF, which results in Replacement Water
Assessments of \$15,538,738.04 due to the Watermaster.

1 maintaining the integrity of the Stipulated Judgment as the management regime for the Basin. In
2 evaluating potential methods to address challenges confronting the basin, the Watermaster
3 should utilize management tools unambiguously authorized under the Judgment and follow the
4 procedural safeguards in the Judgment in developing and making any further recommendations
5 to the Court.

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8 Dated: August 4, 2022

FENNEMORE LLP

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11 By: 

12 Derek R. Hoffman
13 Attorneys for MITSUBISHI CEMENT
14 CORPORATION
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO**

3 Re: City of Barstow v. City of Adelanto, et al.;
4 Riverside Superior Court Case No.: CIV 208568

5 I am employed in the County of Fresno, State of California. I am over the age of 18 years and
6 not a party to the within action; my business address is: 8080 North Palm Ave. Third Floor,
7 Fresno, CA 93711. On August 4, 2022, I served copies of the within documents described as
8 **MITSUBISHI CEMENT CORPORATION'S RESPONSE TO OSC**
9 on the interested parties in this action in a sealed envelope addressed as follows:

10 **See attached Service List**

11 ☒ **BY MAIL** - I am "readily familiar" with the firm's practice of collecting and processing
12 correspondence for mailing. Under that practice, it would be deposited with the United
13 States Postal Service on the same day in the ordinary course of business, with postage
14 thereon fully prepaid at San Bernardino, California. I am aware that on motion of the party
15 served, service is presumed invalid if postal cancellation date or postage meter date is more
16 than one day after date of deposit for mailing in affidavit.

17 ☐ **BY PERSONAL SERVICE** - I caused such envelope to be delivered by hand to the offices
18 of the addressee pursuant to C.C.P. § 1011.

19 ☐ **BY EXPRESS MAIL/OVERNIGHT DELIVERY** - I caused such envelope to be
20 delivered by hand to the office of the addressee via overnight delivery pursuant to
21 C.C.P. § 1013(c), with delivery fees fully prepaid or provided for.

22 ☐ **BY FACSIMILE** - I caused such document to be delivered to the office of the addressee
23 via facsimile machine pursuant to C.C.P. § 1013(e). Said document was transmitted to the
24 facsimile number of the office of the addressee from the office of Gresham Savage Nolan &
25 Tilden, in San Bernardino, California, on the date set forth above. The facsimile machine I
26 used complied with California *Rules of Court*, Rule 2003(3) and no error was reported by
27 the machine. Pursuant to California *Rules of Court*, Rule 2009(i), I caused the machine to
28 print a record of the transmittal, a copy of which is attached to this declaration.

☒ **BY ELECTRONIC/EMAIL** - Pursuant to the party's express consent to receive electronic
service, I caused such document to be delivered to the office of the addressee via electronic
e-mail pursuant to C.C.P. §1010.6(a)(2)(A)(ii). Said document was transmitted to the email
address of that office which is listed on the attached Service List. Said document was
served electronically and the transmission was reported as complete and without error.

FEDERAL - I am employed in the office of a member of the bar of this court at whose
direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed on August 4, 2022, at Fresno, California.

/s/ Kelly Ridenour
KELLY RIDENOUR

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SERVICE LIST

Re: City of Barstow v. City of Adelanto, et al.;
Riverside Superior Court Case No.: CIV 208568

William J. Brunick, Esq. Leland P. McElhaney, Esq. Brunick, McElhaney & Kennedy PLC 1839 Commercenter West P.O. Box 13130 San Bernardino, CA 92423-3130 Email: bbrunick@bmblawoffice.com	Attorneys for Defendant/Cross- Complainant, MOJAVE WATER AGENCY
Mojave Basin Area Watermaster c/o Valerie L. Wiegstein, Watermaster Services Manager 13846 Conference Center Drive Apple Valley, CA 92307-4377 Email: vwiegstein@mojavewater.org watermaster@mojavewater.org	MOJAVE BASIN AREA WATERMASTER

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE - CENTRAL DISTRICT

1 May 1, 2019, excluding the appendices. The complete report is available on the Watermaster
2 website at: https://www.mojavewater.org/wp-content/uploads/2022/06/CU_Study_PSY_Update_20190501.pdf

3 3. Attached hereto as **Exhibit B** is a true and correct copy of selected portions of the
4 Twenty-Eighth Report of the Mojave Basin Area Watermaster, Water Year 2020-2021 (“2021
5 Watermaster Annual Report”) filed on or about May 3, 2022, in Riverside County Superior
6 Court in the above-captioned action, specifically, Chapter 3 (pages 26-27), Chapter 5 (pages 35-
7 40), Chapter 6 (pages 41-42) and Appendix B (pages 4-7).

8 Except as stated on information and belief, the foregoing facts are within my personal
9 knowledge and I can competently testify thereto. I declare under penalty of perjury that the
10 foregoing is true and correct.

11 Executed this 4th day of August 2022, in San Bernardino, California.

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14 DEREK R. HOFFMAN

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EXHIBIT A



**CONSUMPTIVE WATER USE STUDY
AND
PRODUCTION SAFE YIELD UPDATE**

2017-18 WATER YEAR

May 1, 2019

Prepared by

**Robert C. Wagner, Watermaster Engineer
Wagner & Bonsignore Consulting Civil Engineers, A Corporation
Mojave Basin Area Watermaster**

Wagner & Bonsignore

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May 1, 2019

Tom McCarthy, Executive Officer
Mojave Basin Area Watermaster
13846 Conference Center Drive
Apple Valley, CA 92307-4377

Dear Mr. McCarthy,

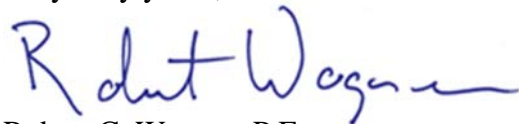
This letter transmits the report titled "Consumptive Water User Study and Production Safe Yield Update, 2017-18 Water Year." The report provides a detailed evaluation of the consumptive use of water in each of the five subareas and establishes the Production Safe Yield for determining adjustments to Free Production Allowance.

The report was completed pursuant to the Courts request at the hearing of July 6, 2018. Status reports were given to the Court regarding the progress on completion on October 12, 2018 and January 31, 2019.

The following individuals provided information, analysis and support in preparation of this document. Their efforts were essential to the report's timely preparation and completion.

Valerie Wiegenstein, Watermaster Services Manager
Jeffrey D. Ruesch, Database Program Administrator, Watermaster
Emmett Campbell, Senior Watermaster Specialist
David Seielstad, Senior Watermaster Specialist
Jesse Gebauer, Geoscientist, Wagner & Bonsignore Consulting Engineers

Very truly yours,



Robert C. Wagner, P.E.,
Watermaster Engineer
WAGNER & BONSIGNORE
CONSULTING CIVIL ENGINEERS

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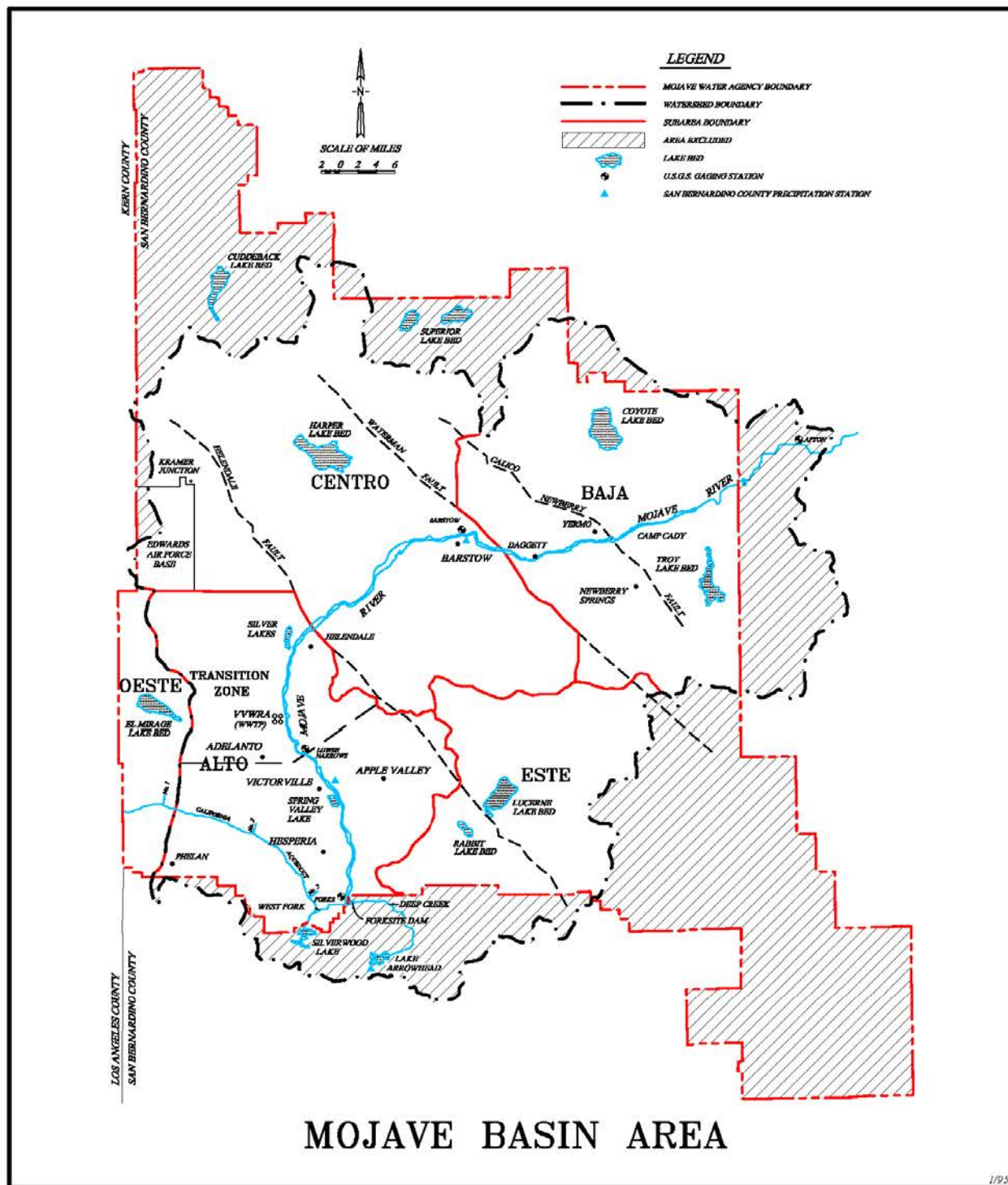
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Appendices

- A. Evaluation of Subsurface Flows Between Subareas
- B. Consumptive Water Use Analysis for 2017-18
- C. Consumptive Water Use for Individual Producers, 2017-18
- D. Mojave River Discharge at Various Points, 1931-2018

Attachments

- 1. Table 5-1 from Watermaster Annual Report, Production Safe Yield Update
- 2. Table C-1 of Judgment, Sample Calculation, Subarea Hydrological Inventory
- 3. Table 1 from “Consumptive Water Use Study and Update of Production Safe Yield Calculations for the Mojave Basin Area”, Albert A. Webb Associates, February 16, 2000
- 4. Figure 3-10 from Watermaster Annual Report, Transition Zone Water Balance



Consumptive Water Use Study and Production Safe Yield Update

Background and Extent of Investigation

The Judgment After Trial, January 1996 (Judgment) requires that Watermaster annually review conditions in the five Subareas of the Mojave Basin Area (MBA) for the purpose of establishing Free Production Allowance (FPA) for the next water year (water year commences October 1 of each year). Watermaster staff and engineer compile water production information for each party to the Judgment, evaluate land uses, sequential water uses and make estimates of consumptive use. In addition, elements of water supply, obligations under the Judgment and water levels in various wells throughout the Basin Area are evaluated.

The Judgment required that Production Safe Yield (PSY) be re-evaluated after 5 years to account for land use changes and possible changes in water supply conditions. In February 2000, Albert A. Webb Associates (Webb) prepared a report and update of the consumptive uses and estimates of the PSY for the 5 subareas established in the Judgment. The report presented herein is an update to the estimates by Webb.

The PSY calculation is defined in the Judgment and generally includes the 60-year average water supply (1931-1990) based on the published records of the USGS at West Fork, Mojave River and Deep Creek Mojave River, gaging stations (Appendix D). It is assumed that the water supply that occurred during the 60-year hydrologic base period will repeat in the future. The calculation assumes that the cultural conditions (pumping, patterns of water use, land uses, riparian water demands) for a given year are consistent throughout the 60-year hydrologic period.

The current investigation is primarily focused on changes in use by producers, changes in consumptive use, and return flow. In general water supply assumptions, for long term supply, made by Webb and established at trial are mostly unchanged. Specific changes to the elements of water supply use and disposal as reported by Webb and as estimated by Watermaster Engineer are shown on Table 1 (and shown in final form as Table 5-1 of the Watermaster Annual Report, included herein as Attachment 1).

Details of water supply and the estimated consumptive use for each producer in each subarea are discussed in more detail under various sections of this report. An evaluation of the long-term changes in groundwater gradients at subarea boundary locations is provided in the section on subsurface flow.

TABLE 1
Production Safe Yield Update
Based on Long-Term Average Natural Water Supply and Outflow,
and Imports, Consumptive Use, and Production for 2018

(all amounts in acre-feet)

WATER SUPPLY	Este	Oeste	Alto	Centro	Baja	Basin Totals
Surface Water Inflow	1,700	1,500	69,100 68,500 ¹	34,700 33,600 ²	14,400 17,358 ³	72,700 72,652 ⁴
Subsurface Inflow	0	0	1,000	2,000	1,200 1,581 ⁵	0 ⁶
Deep Percolation of Precipitation ¹	0	0	3,500	0	100	3,600
Imports	2,630 2,000	0	1,620 2,234	0 2,262 ⁸	0	4,250 6,496
TOTAL	3,700	1,500	75,234	37,862	19,039	82,748
CONSUMPTIVE USE AND OUTFLOW	Este	Oeste	Alto	Centro	Baja	Basin Totals
Surface Water Outflow	0	0	34,700 33,600 ²	14,000 16,406 ⁸	8,200 5,372 ⁹	8,200 5,372
Subsurface Outflow	825 200	350 800	2,000	1,200 1,581 ⁵	0	0
Consumptive use						
Agriculture ¹⁰	3,900 2,327	2,300 1,208	7,900 1,311	13,000 8,895	20,800 17,664	47,900 31,405
Urban ^{10,11}	2,200 1,500	1,300 1,724	40,700 40,603	8,500 7,557	7,900 6,338	60,600 57,722
Phreatophytes ¹³	0	0	11,000	3,000	2,000	16,000 ¹²
TOTAL	4,027	3,732	88,514	37,439	31,374	110,499
Surplus / (Deficit)	(2,595) (327)	(2,450) (2,232)	(20,905) (13,280)	(3,000) 423	(23,200) (12,335)	(52,150) (27,751)
Total Estimated Production ¹⁴	9,751 5,055	6,502 3,944	90,767 77,686	36,375 20,665	43,879 24,524	187,274 131,874
PRODUCTION SAFE YIELD¹⁵	7,156 4,728	4,052 1,712	69,862 64,406	33,375 21,088	20,679 12,189	135,124 104,123

See Attachment 1 for final Production Safe Yield table with footnotes.

Water Supply

As indicated on Table 1, water supply includes gaged and ungaged inflow, subsurface flow, deep percolation of precipitation, and certain imports. Return flow is also an element of supply and is included as water production less consumptive use.

Surface Water Inflow, Gaged and Ungaged

Surface water inflow to the Basin Area is the measured flow of the Mojave River at the Forks and is the sum of the reported discharge of Deep Creek and West Fork Mojave River as recorded by the USGS stream gages (Appendix D). Surface water inflow to Este and Oeste is estimated based on information developed before trial and by Webb. Surface inflow to Este and Oeste is ungaged. Surface water supply to Oeste is from the Sheep Creek watershed. Surface water supply to Centro is estimated at the Helendale fault from the USGS gaging station records at Lower Narrows and adjustments for consumptive uses in the Transition Zone and contributions from discharges by Victor Valley Wastewater Treatment Plant (VWVRA). Surface water supply to Baja is estimated from USGS gaging station records at Barstow and adjustments for losses between the Barstow gage and Waterman fault.

Ungaged inflow to Alto is estimated from Webb and from the Judgment. Webb estimated ungaged inflow to Alto to be 3,500 acre-feet; the estimate in the Judgment is 3,000 acre-feet. For this report, ungaged inflow to Alto is estimated to be 3,000 acre-feet. USGS (Stamos 2001) estimated ungaged inflow to Alto for the 60-year period (1931-1990) and for the 69 years 1931-1968) to be about 2,400 acre-feet. The ungaged inflow to Alto is subject to further evaluation but we believe 3,000 acre-feet is more representative than the estimate by Webb and may overstate the actual amount.

Subsurface Inflow

Subsurface inflow to the Basin Area is estimated based on long term average water levels at subarea boundaries. Estimates of subsurface flow as indicated in the Judgment (Exhibit G), are considered to be representative of the current subsurface flows except for the Centro to Baja subarea. USGS modeling (Stamos 2001) estimated the total subsurface inflow to Baja including subsurface flow from Centro to be 1,581 acre-feet. Additional investigations in 2006 and 2019 by Watermaster Engineer (Subsurface Flows between Subareas, Appendix A) substantiated the estimates in Exhibit G of the Judgment. Subsurface inflow to Alto from Este (200 acre-feet) and from Oeste (800 acre-feet) is assumed to be unchanged from the estimates made for the Judgment. The subsurface flow from Alto to Centro is assumed to be 2,000 acre-feet, unchanged from the Judgment.

The basic methodology to estimate subsurface flow is to calculate a groundwater gradient at the subarea boundaries. Generally, the hydraulic properties of the soil medium are unchanged over time and the saturated thickness of the water bearing material is also relatively unchanged. Therefore, if the water levels measured in the same wells over different time periods do not change, the estimated subsurface flow will also not change.

Deep Percolation of Precipitation

As reported by USGS and by California Department of Water Resources (DWR) precipitation falling on the desert floor is 100% consumed by native vegetation or soil evaporation and therefore does not contribute to a subarea's water supply. DWR assumed that all precipitation less than 8 inches would be consumed and therefore estimates the deep percolation of precipitation only for areas exceeding 8 inches of average annual rainfall (DWR, Bulletin 84, 1967). DWR estimated the deep percolation of precipitation to be 3,500 acre-feet per year. Unless there are significant changes in land use in the upper watershed area where average annual precipitation exceeding 8 inches occurs, we will continue to include 3,500 acre-feet per year as part of supply. However, further study would be required to refine this value. In general precipitation throughout the Basin Area is less than 8 inches, averaging 6 to 4 inches or less in most areas. With the exception of the amount reported by DWR, there is very little supply from precipitation falling on the desert floor. Long term average annual precipitation is reported in the Watermaster Annual Report (WMAR) for Lake Arrowhead (upper Alto watershed), Victorville and Barstow (Annual Report, Figures 3-1 and 3-2). Average precipitation at Victorville is 5.42 inches and 4.54 inches at Barstow.

Total Estimated Production

Total water production is compiled annually for each producer and is the basis for estimating consumptive use of production. The total estimated production in the Mojave Basin Area for the 2017-18 water year was 131,874 acre-feet. This is down from 187,300 acre-feet of total production in the 1996-97 water year. Verified water production by individual producers is reported in the WMAR on Appendix B. During 2017-18, water production within the 5 subareas, excluding minimal producers was:

Este	4,101 acre-feet
Oeste	3,706 acre-feet
Alto	74,317 acre-feet
Centro	19,111 acre-feet
Baja	22,296 acre-feet

Minimal producers pumped an estimated 7,077 acre-feet. Consumptive use of minimal producers is included the PSY calculation.

Consumptive Water Use and Outflow

Outflow from each subarea is shown on Table 1. Total outflow from the Basin Area is measured at the USGS gage at Afton about 6 miles downstream from the Mojave Basin Area (MBA) boundary in Baja. Outflow from Alto to Centro is determined by a separate water balance calculation for the Transition Zone (TZ), (Definition of Transition Zone, see Judgment page 13). The water balance for the TZ is described in the WMAR on pages 23 and 24, and includes Figures 3-6 through 3-9. Figure 3-10 of the WMAR shows the result of this water balance analysis since 1991 (see Attachment 4).

The methodology for determining consumptive use and the total amount by type of use and by Subarea is included in Appendix B. Detailed evaluation of the consumptive water use for each producer is listed in Appendix C.

Water Supply Surplus/Deficit

The difference between the elements of water supply (inflow), outflow and consumptive results in either a surplus, or a deficit. The surplus/deficit for each subarea is shown on Table 5-1 of the WMAR (Attachment 1).

Production Safe Yield

The production safe yield for water year 2017-18 for all subareas was 104,123 acre-feet compared to 135,124 acre-feet in the 1996-97 water year. PSY is calculated as the difference between total pumping in a subarea and the deficit between total water supply and consumptive use and outflow. The results and recommendation for PSY are shown on Table 5-1 (Attachment 1).

Elements of supply included in PSY include certain imports that have been long term reliable supplies but could be interrupted. Wastewater effluent discharged to the MBA in Alto by Lake Arrowhead Community Services District (LACSD), and wastewater effluent discharged to Este by Big Bear Area Wastewater Reclamation Authority (BBAWRA), is included in the PSY calculation for those subareas. The amounts of discharge are reported in the WMAR page 20. PSY for 2018 is considered representative for future planning. Changes that occur in the annual amount discharged by these entities are evaluated annually and reported in the WMAR.

Results

The results of this investigation including changes to supply and consumptive uses are show below. The updated PSY as indicated on Table 5-1 (Attachment 1) for each subarea is as follows:

Este	4,728 acre-feet
Oeste	1,712 acre-feet
Alto	64,406 acre-feet
Centro	21,088 acre-feet
Baja	12,189 acre-feet

Imported Water Supply

In the 2017-18 water year, the Mojave Water Agency purchased and released 14,998 acre-feet of State Water Project Water into the Mojave River within the Alto Subarea, 165 acre-feet in the Centro Subarea, and 86 acre-feet in Baja. Water imported by MWA, or for certain storage accounts is not included in the PSY calculation, except that water imported for High Desert Power Plant is included to the extent of the consumptive use for HDPP (considered 100% for cooling for power generation).

References

- Department of Water Resources (DWR). (1967). Mojave River Ground Water Basins Investigation. *Bulletin No. 84*.
- State of California Superior Court. (1996). Mojave Basin Area Adjudication. Judgment After Trial. *City of Barstow, et al. v. City of Adelanto, et al. Riverside County Superior Court Case No. 208568*. January 10.
- Stamos, C. L., Martin, P., Nishikawa, T., & Cox, B. F. (2001). Simulation of ground-water flow in the Mojave River basin, California. U.S. Geological Survey Water-Resources Investigations Report, 01-4002, version 3. doi:10.3133/wri014002
- Webb, Albert A. Associates (2000). Consumptive Water Use Study and Update of Production Safe Yield Calculations for the Mojave Basin Area.
- Mojave Basin Area Watermaster (2019). Twenty-fifth Annual Report for Water Year 2017-18.

EXHIBIT B

Subarea Water Levels

Water levels within each of the five Subareas were reviewed as part of the Watermaster's investigation into Subarea conditions and recommendations on Free Production Allowance. Water levels are measured by the Mojave Water Agency and are also reported to the California Statewide Groundwater Elevation Monitoring (CASGEM) program. The Judgment does not specifically require that Watermaster consider changes in water levels in its investigation but Paragraph 24 (o) of the Judgment requires Watermaster to consider changes of water in storage. Rising and falling water levels within the Basin Area are indications of changes in storage over time. While the amount of water level data collected and maintained by MWA is extensive, it is not sufficient to determine changes in storage in each Subarea by using changes in water levels. However, the data is sufficient to make generalizations about the conditions in each Subarea. Watermaster has estimated the annual change in storage for each Subarea in Table 3-2.

Hydrographs of wells generally representative of Subarea conditions are maintained by MWA for public review at: <http://www.mojavewater.org/subarea-hydrograph-gallery.html>

A more extensive set of water level data is reported by Mojave Water Agency to the CASGEM program at: <https://water.ca.gov/Programs/Groundwater-Management/Groundwater-Elevation-Monitoring--CASGEM>

The hydrographs were presented for inspection at the February and March 2022 Watermaster meetings and discussed in detail by the Engineer. Figures 3-11 through 3-17 are reduced copies of the exhibits available on the MWA website. A summary of the water levels for each Subarea is presented below.

Alto Subarea

Water levels in Alto are presented on three maps depicting hydrographs that represent conditions throughout Alto. 1) Western portion is generally west of the Mojave River (the river is included in the western portion); 2) Eastern portion is generally east of the Mojave River; and 3) Alto Transition Zone. Alto water levels near the river exhibit seasonal variation, rising in winter and falling in summer. We note that variability showing lower lows and lower highs is an indication of extractions exceeding recharge over time. Water levels in the western portion of Alto in the regional aquifer exhibit declines consistent with locally heavy pumping and limited local recharge. Water levels in the eastern portion of Alto indicate similar trends although to a lesser extent, most likely due to limited pumping in the regional aquifer east of the river. Continued

pumping in depleted areas of the regional system may result in long-term local negative impacts such as declining yields and water quality problems. Water levels in near river wells, particularly in the south part of Alto, experienced a trend of decline for 7 years consistent with limited recharge due to drier than average conditions. Water supply conditions for the past 10 years have been dry (43.3% of Base Period average). Continuation of dry conditions will result in water level declines.

Baja Subarea

Baja water levels continue to decline due to over pumping and limited recharge opportunities. Wells near the river in the Daggett area respond to recharge when it is available but continue to fall following storm events. We note that pumping in Baja has declined 54% in the last 5 years. Consequently, current water level data may not reflect the future trends in Baja water levels. We expect to see water level declines in Baja to slow, and possibly remain constant in some wells due to the significant reduction in pumping.

Centro Subarea

Water levels in Centro have been stable showing seasonal variability and declines during dry years but generally recover during wet periods. Water levels in the Harper Lake area indicate a slow recovery due primarily to cessation of pumping during the past several years. Water levels near Hodge and Lenwood road show the effects of pumping and limited recharge during at least the past 10 years.

Este Subarea

Water levels in Este have remained stable for the past several years indicating a relative balance between recharge and outflow.

Oeste Subarea

Water levels in Oeste have declined over time and are likely to continue to decline as water production increases in-step with projected population growth. However, reviewing the available data on a shorter time frame of 15-20 years indicates that, in the short-term, water levels are variable but stable. Water production, water use and water level data indicate that over the past 15-20 years, water supply and demands (local precipitation, return flow from pumping, extractions, and outflow) are about equal. However, the past 15-20 years may not be representative of the longer-term water supply conditions in Oeste. Further, population and thus water demand is expected to increase in the future, which will result in continued water level decline.

CHAPTER 5

FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2022-23

Pursuant to paragraph 24 (o) of the Judgment After Trial dated January 10, 1996, the Watermaster is required to make a recommendation to the Court for adjusting the FPA of each Subarea, if necessary.

Exhibit H of the Judgment provides that in the event that the FPA exceeds the estimated Production Safe Yield (PSY) by five percent or more (of the Subarea BAP), Watermaster shall recommend a reduction in FPA equal to a full five percent of the aggregate Subarea BAP.

In 2018 an update to Production Safe Yield and Consumptive Use for each subarea was completed at the court's request. Previously, PSY was updated in August 2000. Consumptive use and PSY are defined by the Judgment as follows:

- Production Safe Yield - The highest average Annual Amount of water that can be produced from a Subarea: (1) over a sequence of years that is representative of long-term average annual natural water supply to the Subarea net of long-term average annual natural outflow from the Subarea, (2) under given patterns of Production, applied water, return flows and Consumptive Use, and (3) without resulting in a long-term net reduction of groundwater in storage in the Subarea.
- Consumption or Consumptive Use - The permanent removal of water from the Mojave Basin 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>2021-22 FPA</u>	<u>Production Safe Yield</u>	<u>Percent Difference¹</u>	<u>2020-21 Verified Production</u>
Alto	116,412	65,051	64,406	0.6%	77,891
Baja	66,157	16,697	12,189	6.8%	12,867
Centro	51,030	33,801	21,088	24.9%	18,132
Este	20,205	13,493	4,728	43.4%	4,304
Oeste	7,095	4,355	1,712	37.3%	3,560

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 purpose of Rampdown is not to cause a reduction in pumping but a reduction in FPA to cause imported water supply to be purchased to offset deficits.

The following is the recommendation for setting FPA for Water Year 2022-23:

<u>Subarea</u>	<u>Proposed 2022-23 Free Production Allowance</u>
Alto	55% of Base Annual Production
Centro	60% of Base Annual Production
Baja	22.5% of Base Annual Production
Este	60% of Base Annual Production
Oeste	55% of Base Annual Production

PSY is based on long term average water supply (1931-1990) as recorded at the Forks and the assumptions that this supply will be repeated over a long period of time, and that there is sufficient groundwater in storage to continue to overdraft the groundwater supply during periods of below average inflow. Time is an important consideration in the relationship between FPA, PSY and sustainability. A period of well below average inflow may cause disruption in water supply while a subarea remains in relative balance (FPA=PSY).

If inflow during the next 10 years is similar to the recent past 10 years, the basin will have experienced a 20-year dry period with inflow equal to about 43% of the long term average. It is unknown the extent to which the basin can be drawn down to meet demands without causing undesirable effects; such effects would include poor well performance, falling water levels, water quality issues, loss of riparian habitat among others. Although short term overdraft was envisioned

as part of the Physical Solution, declining water levels and declining base flow is an indication of potential problems due to continued supply shortages.

Alto – 55% of BAP

FPA in Alto is within 5% of PSY of BAP (0.6%) and thus, Exhibit H does not compel Watermaster to recommend Rampdown. Water levels in some wells show a continuing downward trend in response to drier than average water supply during the past 10 years. During 2020-21, inflow measured at Deep Creek and West Fork Mojave River (Forks), was 4,213 acre-feet or about 6.4% of the 60-year base period average. Notably zero flow was measured and reported by the USGS at West Fork Mojave River. During the recent 10-year period 2012 to 2021, inflow at the Forks, as reported by USGS has been 43.3% (28,404 acre-feet) of the 60 year base period average (65,538 acre-feet). During 2020-21 the measured inflow at the Forks was the second driest of the past 91 years. Last year Alto experienced 51,016 acre-feet of groundwater depletion. It is unknown whether or not the basin can sustain another 10 dry years without augmenting the supply; 2022 is year 11 of a possible 20 year drought period. It is noted that augmenting supply may be necessary in the near future if water supply remains below base period average. It is not recommended that Alto FPA be reduced for Water Year 2022-23.

Centro – 60% of BAP

FPA in Centro exceeds PSY by more than 5% of BAP (24.9%). Water levels 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 60% for Water Year 2022-23.

Baja – 22.5% of BAP

FPA in Baja exceeds PSY by more than 5% of BAP (6.8%). In 2021 the Court ordered a Rampdown of 2.5% in Baja. Water level hydrographs in Baja continue to show declines, however we note that in some hydrographs there is an indication that water levels are responding to reduced pumping. Since 2015-16, water production has declined from 28,227 acre-feet to 12,867 acre-feet. Since 2020, water production declined about 31% from 18,677 acre-feet to 12,867 acre-feet. We expect additional decline of about 1,500-2,000 acre-feet in 2022. This rapid change in land use is

primarily the result of agricultural water use declining. Changes in land use that might be permanent will have an impact on the PSY calculation and warrant additional investigation. Although the PSY for Baja would indicate an additional 2.5% reduction in FPA to 20%, it is recommended that Baja FPA remain at 22.5% of BAP for the 2022-23 Water Year.

Este – 60% of BAP

FPA in Este exceeds PSY by more than 5% of BAP (43.4%). 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 4,304 acre-feet in 2021. In order to balance FPA with PSY under the Judgment additional Rampdown is required. It is recommended that Este FPA be reduced by 5% to 60% for Water Year 2022-23.

Oeste – 55% of BAP

FPA in Oeste exceeds PSY by more than 5% of BAP (37.3%). Some water levels in Oeste exhibit steady decline and others are stable, although variable, over the past 15 years. Water levels in Oeste wells will decline as population growth increases water demands. In order to balance FPA with PSY under the Judgment additional Rampdown is required. It is recommended that Oeste FPA be reduced by 5% to 55% for Water Year 2022-23.

--SAMPLE CALCULATION--
TABLE C-1 OF JUDGMENT

Mojave Basin Area Adjudication
Subarea Hydrological Inventory Based On
Long-Term Average Natural Water Supply and Outflow
and Current Year Imports and Consumptive Use
(All Amounts in Acre-Feet)

	<u>Este</u>	<u>Oeste</u>	<u>Alto</u>	<u>Centro</u>	<u>Baja</u>	<u>Basin Totals</u>
WATER SUPPLY						
Surface Water Inflow						
Gaged	0	0	65,000	0	0	65,000
Ungaged	1,700	1,500	3,000	37,300 ¹	14,300 ²	6,500 ³
Subsurface Inflow	0	0	1,000	2,000	1,200	0 ⁴
Deep Percolation of Precipitation	0	0	3,500	0	100	3,600
Imports						
Lake Arrowhead CSD	0	0	1,500	0	0	1,500
Big Bear ARWWA	2,000	0	0	0	0	2,000
TOTAL	3,700	1,500	74,000	39,300	15,600	78,600
CONSUMPTIVE USE AND OUTFLOW						
Surface Water Outflow						
Gaged	0	0	0	0	8,200	8,200
Ungaged	0	0	37,300 ¹	14,000 ⁵	0	0
Subsurface Outflow	200	800	2,000	1,200	0	0
Consumptive Use						
Agriculture	6,800	2,900	16,300	20,300	30,200	76,500
Urban	1,900	1,200	36,300	9,500	9,700	58,600
Phreatophytes	0	0	5,100	900	1,500	7,500 ⁶
Exports	0	0	0	0	0	0
TOTAL	8,900	4,900	97,000	45,900	49,600	150,800
 Surplus / (Deficit)	 (5,200)	 (3,400)	 (23,000)	 (6,600)	 (34,000)	 (72,200)
Total Estimated Production (Current Year) ⁷	15,700	7,600	98,900	46,500	54,300	223,000
 PRODUCTION SAFE YIELD (Current Year) ⁷	 10,500	 4,200	 75,900	 39,900	 20,300	 150,800

¹ Estimated from reported flows at USGS gaging station, Mojave River at Victorville Narrows.

² Includes 14,000 acre-feet of Mojave River surface flow across the Waterman Fault estimated from reported flows at USGS gaging station, Mojave River at Barstow and 300 acre-feet of local surface inflow from Kane Wash.

³ Represents the sum of Este (1,700 af), Oeste (1,500 af), Alto (3,000 af) and Baja (300 af from Kane Wash).

⁴ Inter subarea subsurface flows do not accrue to the total basin water supply.

⁵ Estimated from reported flows at USGS gaging station, Mojave River at Barstow.

⁶ Estimated by Bookman-Edmonston.

⁷ For purposes of this Table, the current year is 1990.

TABLE 5-1

**SUBAREA HYDROLOGICAL INVENTORY BASED ON
LONG TERM AVERAGE NATURAL WATER SUPPLY AND OUTFLOW
AND 2017-18 IMPORTS AND CONSUMPTIVE USE**

(ALL AMOUNTS IN ACRE-FEET)

WATER SUPPLY	Este	Oeste	Alto	Centro	Baja	Basin Totals
Surface Water Inflow	1,700	1,500	68,500 ¹	33,600 ²	17,358 ³	72,652 ⁴
Subsurface Inflow	0	0	1,000	2,000	1,581 ⁵	0 ⁶
Deep Percolation of Precipitation	0	0	3,500	0	100	3,600
Imports ⁷	2,000	0	2,234	2,262	0	6,496
TOTAL	3,700	1,500	75,234	37,862	19,039	82,748
CONSUMPTIVE USE AND OUTFLOW						
Surface Water Outflow	0	0	33,600 ²	16,406 ⁸	5,372 ⁹	5,372
Subsurface Outflow	200	800	2,000	1,581 ⁵	0	0
Consumptive use						
Agriculture ¹⁰	2,327	1,208	1,311	8,895	17,664	31,405
Urban ^{10,11}	1,500	1,724	40,603	7,557	6,338	57,722
Phreatophytes	0	0	11,000	3,000	2,000	16,000 ¹²
TOTAL	4,027	3,732	88,514	37,439	31,374	110,499
Surplus / (Deficit)	(327)	(2,232)	(13,280)	423	(12,335)	(27,751)
Total Estimated Production ¹³	5,055	3,944	77,686	20,665	24,524	131,874
PRODUCTION SAFE YIELD ¹⁴	4,728	1,712	64,406	21,088	12,189	104,123

¹ Average discharge of Mojave River at The Forks, 1931-1990 (The Forks is the addition of reported values from USGS stations at West Fork Mojave River Near Hesperia, CA (10261000) and Deep Creek Near Hesperia, CA (10260500). Includes 3,000 af of ungaged inflow (Judgment, 1996).

² Estimated based on reported flows at USGS gaging station, Mojave River at Victorville Narrows and 1991-2018 Transition Zone water balance (Watermaster Engineer, 2019).

³ Estimated from reported flows at USGS gaging station, Mojave River at Barstow. Includes 16,406 af of Mojave River surface flow across the Waterman Fault estimated by "Evaluations of Potential Mojave River Recharge Losses between Barstow and Waterman Fault", Wagner & Bonsignore, 2012 (see Appendix A, Table 6), and 747 af of local surface inflow from Kane Wash and Boom Creek, and 205 af from washes (Wagner, 2011).

⁴ Represents the sum of Este (1,700 af), Oeste (1,500 af), Alto (68,500 af) and Baja (747 af from Kane Wash and Boom Creek, 205 af from washes).

⁵ Stamos, 2001 (USGS).

⁶ Inter subarea subsurface flows do not accrue to the total basin water supply.

⁷ Imports for Este are from the Big Bear Area Regional Wastewater Authority; Alto are from Lake Arrowhead Community Services District and pre-purchased groundwater storage for HDPP; Centro are the average make-up water purchases, 1995-2018.

⁸ Estimated from reported flows at USGS gaging station, Mojave River at Barstow (see note #2 above).

⁹ Based on USGS station Mojave River at Afton, CA (10263000) reported discharge for 1931, 1953-2018. Water Years 1979 and 1980 estimated by Mojave Basin Area Watermaster.

¹⁰ 2018 Consumptive Use Analysis by Watermaster.

¹¹ Includes consumptive use of "Minimals Pool" (estimated Minimal's production is 7,077 af).

¹² From USGS Water-Resources Investigation Report 96-4241 "Riparian Vegetation and Its Water Use During 1995 Along the Mojave River, Southern California" 1996.

¹³ Water production for 2017-18. Included in the production values are the estimated minimal producer's water use by Subarea.

¹⁴ Imported State Water Project water purchased by MWA is not reflected in the above table.

CHAPTER 6

FINANCIAL REPORT PROPOSED BUDGET AND ASSESSMENT RATES

Statements of Revenues, Expenses and Changes in Net Position

	<u>2020</u>	<u>2021</u>
Operating Revenue	\$ 618,648.00	\$ 2,287,699.00
Operating Expenses	607,091.00	2,325,510.00
Non-operating Revenue (Expense)	(62,264.00)	(36,622.00)
Change in Net Position	(50,707.00)	(74,433.00)
Net Position, beginning of year	1,043,149.00	992,422.00
Net Position, end of year	\$ 992,442.00	\$ 918,009.00

The Auditor's Report for Fiscal Year 2020-21 ending June 30, 2021 is presented in Appendix G and includes a summary of the significant categories of receivables and other current assets.

Biological Resources Trust Fund Summary

The Biological Resources Trust Fund balance as of June 30, 2021 was \$711,817.00.

Administrative Budget for 2022-23

The Administrative Budget for 2022-23 is \$525,252 and is shown on Table 6-1.

Summary of Makeup Water Purchases

The Watermaster purchased 10 acre-feet of Makeup water during the 2020-21 Water Year for the Centro Subarea.

Summary of Replacement Water Purchases

Replacement water purchases by Watermaster during 2020-21 are as follows:

Alto ¹	5,613	acre-feet
Baja	22	acre-feet
Centro	0	acre-feet
Este	0	acre-feet
Oeste	0	acre-feet
Total	5,635	acre-feet

¹ 1,043 acre-feet of Alto Replacement water was pre-purchased under the MWA Claim Program.
1,670 acre-feet was pre-stored under a storage agreement.

Administrative and Biological Assessment Rates for 2022-23

The Administrative and Biological Assessment Rates for 2022-23 adopted by the Watermaster on March 23, 2022 are as follows:

Administrative	\$ 4.65 per acre-foot of Production
Biological Resources	\$ 1.03 per acre-foot of Production

Projected Replacement and Makeup Water Assessment Rates for 2021-22 and 2022-23

The Replacement and Makeup Water Assessment Rates projected by the Watermaster on March 23, 2022 are as follows:

Replacement and Makeup Water Rate

2021-22	<i>Not to Exceed</i> \$619.00 per acre-foot ¹ (Invoice Date 6-1-2023)
2022-23	\$681.00 per acre-foot (projected) ² (Invoice Date 6-1-2024)

¹ This rate is for obligations incurred in the 2021-22 Water Year which will be billed in June 2023. The fixed rate that will be used for invoicing will be determined by the Mojave Water Agency in February 2023.

² This is a projected rate for obligations incurred in the 2022-23 Water Year which will be billed in June 2024. The fixed rate that will be used for invoicing will be determined by the Mojave Water Agency in February 2024.

APPENDIX B

FEBRUARY 23, 2022

PRODUCER REPLACEMENT WATER
AND
MAKEUP WATER OBLIGATIONS
AND
ASSESSMENTS DUE FOR 2020-21
(UNLESS OTHERWISE NOTED ALL AMOUNTS SHOWN ARE IN ACRE-FEET)

ALTO SUBAREA

PRODUCER	2020-21 FREE PRODUCTION ALLOWANCE						ASSESSMENTS DUE BY JULY 1, 2022 (AMOUNTS IN DOLLARS)								
	BASE ANNUAL PRODUCTION	BASE FREE PRODUCTION ALLOWANCE ¹	CARRYOVER FROM PREVIOUS YEAR ²	TRANSFERS + OR (-)		TOTAL ⁵	2020-21 VERIFIED PRODUCTION ⁶	UNUSED FPA ⁷	REPLACEMENT WATER OBLIGATION ⁸	PRODUCTION SUBJECT TO MAKEUP OBLIGATION ⁹	MAKEUP WATER OBLIGATION	REPLACEMENT WATER \$563.00/AF	MAKEUP WATER \$563.00/AF	TOTAL	
				2019-20 CARRYOVER ³	2020-21 FPA ⁴										
ADELANTO, CITY OF	5,182	2,851	0	0	0	2,851	4,151	0	1,300	2,851	156.26	731,900.00	87,974.38	819,874.38	
ADES, JOHN AND DEVON	37	25	24	(24)	0	25	3	22	0	3	0.16	0.00	90.08	90.08	
AGCON, INC.	384	212	0	0	0	212	234	0	22	212	11.62	12,386.00	6,542.06	18,928.06	
AMERICAN STATES WATER COMPANY	1,000	550	550	(550)	0	550	0	550	0	0	0.00	0.00	0.00	0.00	
APPLE VALLEY FOOTHILL COUNTY WATER DISTRICT	167	92	37	(13)	0	116	97	19	0	97	5.32	0.00	2,995.16	2,995.16	
APPLE VALLEY HEIGHTS COUNTY WATER DISTRICT	125	69	0	13	0	82	110	0	28	82	4.49	15,764.00	2,527.87	18,291.87	
APPLE VALLEY UNIFIED SCHOOL DISTRICT	0	0	0	0	0	0	39	0	39	0	0.00	21,957.00	0.00	21,957.00	
APPLE VALLEY VIEW MUTUAL WATER COMPANY	36	20	0	0	0	20	26	0	6	20	1.10	3,378.00	619.30	3,997.30	
APPLE VALLEY, TOWN OF	1,082	596	596	(596)	0	596	508	88	0	508	27.84	0.00	15,673.92	15,673.92	
AQUA CAPITAL MANAGEMENT LP-INDUSTRIAL	0	0	0	0	0	0	0								
BASS TRUST, NEWTON T.	514	335	382	(382)	0	335	5	330	0	5	0.27	0.00	152.01	152.01	
BASTIANON REVOCABLE TRUST	77	51	57	(57)	0	51	1	50	0	1	0.05	0.00	28.15	28.15	
BEINSCHROTH FAMILY TRUST	275	179	204	(204)	0	179	2	177	0	2	0.11	0.00	61.93	61.93	
BEINSCHROTH, ANDY ERIC	250	163	187	(187)	0	163	1	162	0	1	0.05	0.00	28.15	28.15	
BOX, GEARY S. AND LAURA	22	15	11	(11)	0	15	5	10	0	5	0.27	0.00	152.01	152.01	
BROWN, BOBBY G. AND VALERIA R.	42	28	31	(31)	0	28	1	27	0	1	0.05	0.00	28.15	28.15	
BROWN, JENNIFER	41	27	26	(26)	0	27	4	23	0	4	0.22	0.00	123.86	123.86	
BRUNEAU, KAREN	10	7	8	(8)	0	7	2	5	0	2	0.11	0.00	61.93	61.93	
BRYANT, IAN	29	19	22	(22)	0	19	0	19	0	0	0.00	0.00	0.00	0.00	
BUNNELL, DICK	24	16	16	(16)	0	16	2	14	0	2	0.11	0.00	61.93	61.93	
CALMAT COMPANY	25	14	10	(10)	0	14	4	10	0	4	0.22	0.00	123.86	123.86	
CALPORTLAND COMPANY - AGRICULTURE	643	418	483	(483)	0	418	0	418	0	0	0.00	0.00	0.00	0.00	
CALPORTLAND COMPANY - ORO GRANDE PLANT	2,809	1,545	584	(584)	0	1,545	935	610	0	935	51.25	0.00	28,853.75	28,853.75	
CDFW - MOJAVE NARROWS REGIONAL PARK	2,107	1,159	0	0	0	1,159	1,940	0	781	1,159	63.52	439,703.00	35,761.76	475,464.76	
CDFW - MOJAVE RIVER FISH HATCHERY (SEE NOTE 11)	20	13	0	0	0	13	20	0	0	0	0.00	0.00	0.00	0.00	
CEMEX, INC.	1,499	825	0	0	0	825	1,233	0	408	825	45.22	229,704.00	25,458.86	255,162.86	
DLW REVOCABLE TRUST	70	46	53	(53)	0	46	0	46	0	0	0.00	0.00	0.00	0.00	
DOLCH LIVING TRUST ROBERT AND JUDITH	90	59	67	(67)	0	59	0	59	0	0	0.00	0.00	0.00	0.00	
DORA LAND, INC.	15	10	12	(12)	0	10	0	10	0	0	0.00	0.00	0.00	0.00	
EAST DESERT LAND COMPANY, LLC (SEE NOTE 12)	0						1,415								
EVENSON, EDWIN H. AND JOYCELAINE C.	70	46	53	0	0	99	1	46	0	1	0.05	0.00	28.15	28.15	
FEDERAL BUREAU OF PRISONS, VICTORVILLE	686	378	0	0	(378)	0	0	0	0	0	0.00	0.00	0.00	0.00	
FINCH, JENIFER	30	20	23	(23)	0	20	0	20	0	0	0.00	0.00	0.00	0.00	
FISCHER REVOCABLE LIVING TRUST	36	24	26	(26)	0	24	1	23	0	1	0.05	0.00	28.15	28.15	
FISHER TRUST, JEROME R.	633	412	475	(475)	0	412	0	412	0	0	0.00	0.00	0.00	0.00	
FITZWATER, R. E. (SEE NOTE 12)	291						1								

APPENDIX B

FEBRUARY 23, 2022

PRODUCER REPLACEMENT WATER
AND
MAKEUP WATER OBLIGATIONS
AND
ASSESSMENTS DUE FOR 2020-21
(UNLESS OTHERWISE NOTED ALL AMOUNTS SHOWN ARE IN ACRE-FEET)

ALTO SUBAREA

PRODUCER	2020-21 FREE PRODUCTION ALLOWANCE						PRODUCTION						ASSESSMENTS DUE BY JULY 1, 2022 (AMOUNTS IN DOLLARS)		
	BASE ANNUAL PRODUCTION	BASE FREE PRODUCTION ALLOWANCE ¹	CARRYOVER FROM PREVIOUS YEAR ²	TRANSFERS + OR (-)		TOTAL ⁵	2020-21 VERIFIED PRODUCTION ⁶	UNUSED FPA ⁷	REPLACEMENT WATER OBLIGATION ⁸	SUBJECT TO MAKEUP OBLIGATION ⁹	MAKEUP WATER OBLIGATION	REPLACEMENT WATER \$563.00/AF	MAKEUP WATER \$563.00/AF	TOTAL	
				2019-20 CARRYOVER ³	2020-21 FPA ⁴										
FRAZIER, ET AL.	50	33	38	(38)	0	33	0	33	0	0	0.00	0.00	0.00	0.00	
GOLDEN STATE WATER COMPANY	940	517	0	0	0	517	973	0	456	517	28.34	256,728.00	15,955.42	272,683.42	
GREEN ACRES ESTATES	25	14	14	0	0	28	8	14	0	8	0.44	0.00	247.72	247.72	
GULBRANSON, MERLIN	5	4	4	0	0	8	0	4	0	0	0.00	0.00	0.00	0.00	
HAAS, BRYAN C. AND HINKLE, MARY H.	9	6	7	(7)	0	6	0	6	0	0	0.00	0.00	0.00	0.00	
HALANNA EQUITIES III	19	13	6	(6)	0	13	15	0	2	13	0.71	1,126.00	399.73	1,525.73	
HAMILTON FAMILY TRUST	108	71	65	(65)	0	71	21	50	0	21	1.15	0.00	647.45	647.45	
HELENDALE COMMUNITY SERVICES DISTRICT	4,157	2,287	650	(650)	0	2,287	1,692	595	0	1,692	92.74	0.00	52,212.62	52,212.62	
HELENDALE SCHOOL DISTRICT	18	10	10	0	0	20	1	10	0	1	0.05	0.00	28.15	28.15	
HESPERIA - GOLF COURSE, CITY OF	678	373	0	0	0	373	625	0	252	373	20.44	141,876.00	11,507.72	153,383.72	
HESPERIA VENTURE I, LLC	0	0	0	0	0	0	1	0	1	0	0.00	563.00	0.00	563.00	
HESPERIA WATER DISTRICT	14,171	7,795	0	141	274	8,210	14,942	0	6,732	8,210	449.99	3,790,116.00	253,344.36	4,043,460.36	
HESPERIA, CITY OF	6,736	3,705	3,705	(3,705)	0	3,705	0	3,705	0	0	0.00	0.00	0.00	0.00	
HI-GRADE MATERIALS COMPANY	149	82	60	(60)	0	82	28	54	0	28	1.53	0.00	861.39	861.39	
HOLWAY JEFFREY R AND PATRICIA GAGE	8	6	6	(6)	0	6	0	6	0	0	0.00	0.00	0.00	0.00	
HOLWAY, JEFFREY R	11	8	9	(9)	0	8	0	8	0	0	0.00	0.00	0.00	0.00	
HOLY HEAVENLY LAKE, LLC	6	4	5	(5)	0	4	0	4	0	0	0.00	0.00	0.00	0.00	
HUNT, CONNIE	66	43	50	(50)	0	43	0	43	0	0	0.00	0.00	0.00	0.00	
JAMBOREE HOUSING CORPORATION	0	0	0	42	0	42	46	0	4	42	2.30	2,252.00	1,294.90	3,546.90	
JESS RANCH WATER COMPANY	7,230	3,977	2,593	(2,593)	0	3,977	1,270	2,707	0	1,270	69.61	0.00	39,190.43	39,190.43	
JOHNSON, CARLEAN	23	15	0	0	0	15	19	0	4	15	0.82	2,252.00	461.66	2,713.66	
JOHNSON, RONALD	31	21	24	(24)	0	21	0	21	0	0	0.00	0.00	0.00	0.00	
JOHNSTON, HARRIET AND JOHNSTON, LAWRENCE W.	127	83	82	(82)	0	83	5	78	0	5	0.27	0.00	152.01	152.01	
KANESAKA, KENJI AND YUKARI	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00	
KEMPER CAMPBELL RANCH	473	308	296	(296)	0	308	69	239	0	69	3.78	0.00	2,128.14	2,128.14	
LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT	658	428	494	(494)	0	428	0	428	0	0	0.00	0.00	0.00	0.00	
LANGLEY, JAMES	5	4	4	(4)	0	4	0	4	0	0	0.00	0.00	0.00	0.00	
LANGLEY, JAMES - INDUSTRIAL	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00	
LAWSON, ERNEST AND BARBARA	15	10	11	(11)	0	10	1	9	0	1	0.05	0.00	28.15	28.15	
LENHERT, RONALD AND TONI	37	25	28	0	0	53	8	25	0	8	0.44	0.00	247.72	247.72	
LHC ALLIGATOR, LLC	498	324	0	0	(324)	0	0	0	0	0	0.00	0.00	0.00	0.00	
LIBERTY UTILITIES (APPLE VALLEY RANCHOS WATER) CORP. (SEE NOTE 13)	13,610	7,486	1,874	0	0	9,360	8,906	454	0	8,906	488.13	0.00	274,817.19	274,817.19	
LOW, DEAN	199	130	150	(150)	0	130	0	130	0	0	0.00	0.00	0.00	0.00	
LUCKEY 2010 REVOCABLE TRUST	300	195	224	(224)	0	195	1	194	0	1	0.05	0.00	28.15	28.15	
MARIANA RANCHOS COUNTY WATER DISTRICT	280	154	0	0	0	154	203	0	49	154	8.44	27,587.00	4,751.72	32,338.72	
MCKINNEY, PAULA	33	22	25	(25)	0	22	0	22	0	0	0.00	0.00	0.00	0.00	
MLH, LLC	13	9	6	0	0	15	9	6	0	9	0.49	0.00	275.87	275.87	
MOJAVE DESERT LAND TRUST	40	26	30	0	0	56	1	26	0	1	0.05	0.00	28.15	28.15	

APPENDIX B

FEBRUARY 23, 2022

**PRODUCER REPLACEMENT WATER
AND
MAKEUP WATER OBLIGATIONS
AND
ASSESSMENTS DUE FOR 2020-21
(UNLESS OTHERWISE NOTED ALL AMOUNTS SHOWN ARE IN ACRE-FEET)**

ALTO SUBAREA

PRODUCER	2020-21 FREE PRODUCTION ALLOWANCE						ASSESSMENTS DUE BY JULY 1, 2022 (AMOUNTS IN DOLLARS)								
	BASE ANNUAL PRODUCTION	BASE FREE PRODUCTION ALLOWANCE ¹	CARRYOVER FROM PREVIOUS YEAR ²	TRANSFERS + OR (-)		TOTAL ⁵	2020-21 VERIFIED PRODUCTION ⁶	UNUSED FPA ⁷	REPLACEMENT WATER OBLIGATION ⁸	PRODUCTION SUBJECT TO MAKEUP ⁹ OBLIGATION	MAKEUP WATER OBLIGATION	REPLACEMENT WATER \$563.00/AF	MAKEUP WATER \$563.00/AF	TOTAL	
				2019-20 CARRYOVER ³	2020-21 FPA ⁴										
MOJAVE WATER AGENCY (SEE NOTE 14)	0	0	0	0	0	0	15	0	15	0	0.00	8,445.00	0.00	8,445.00	
NAVAJO MUTUAL WATER COMPANY	88	49	49	0	0	98	28	49	0	28	1.53	0.00	861.39	861.39	
NUÑEZ, LUIS SEGUNDO	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00	
NUNN FAMILY TRUST	36	24	26	(26)	0	24	1	23	0	1	0.05	0.00	28.15	28.15	
ORO GRANDE SCHOOL DISTRICT	107	59	24	0	0	83	75	8	0	75	4.11	0.00	2,313.93	2,313.93	
PAUSTELL, JOAN BEINSCHROTH	152	99	128	(128)	0	99	0	99	0	0	0.00	0.00	0.00	0.00	
PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT	355	196	196	0	0	392	133	196	0	133	7.29	0.00	4,104.27	4,104.27	
PITTMAN REVOCABLE TRUST, DIANA J.	0	0	111	(111)	0	0	0	0	0	0	0.00	0.00	0.00	0.00	
POLICH, DONNA	65	43	49	(49)	0	43	0	43	0	0	0.00	0.00	0.00	0.00	
RANCHERITOS MUTUAL WATER COMPANY	169	93	0	0	0	93	118	0	25	93	5.10	14,075.00	2,871.30	16,946.30	
RIM PROPERTIES, A GENERAL PARTNERSHIP	9	6	7	(7)	0	6	0	6	0	0	0.00	0.00	0.00	0.00	
RUE RANCH, INC.	30	20	16	(16)	0	20	1	19	0	1	0.05	0.00	28.15	28.15	
SAN BERNARDINO COUNTY - HIGH DESERT DETENTION CENT	0	0	0	0	0	0	216	0	216	0	0.00	121,608.00	0.00	121,608.00	
SAN BERNARDINO COUNTY SERVICE AREA 42	465	256	198	(198)	0	256	60	196	0	60	3.29	0.00	1,852.27	1,852.27	
SAN BERNARDINO COUNTY SERVICE AREA 64	3,822	2,103	0	0	0	2,103	2,844	0	741	2,103	115.26	417,183.00	64,891.38	482,074.38	
SAN BERNARDINO COUNTY SERVICE AREA 70J	1,015	559	0	0	0	559	1,815	0	1,256	559	30.64	707,128.00	17,250.32	724,378.32	
SCRAY, MICHELLE A. TRUST	15	10	11	(11)	0	10	1	9	0	1	0.05	0.00	28.15	28.15	
SERVICE ROCK PRODUCTS CORPORATION	20	11	11	0	0	22	7	11	0	7	0.38	0.00	213.94	213.94	
SHEEP CREEK WATER COMPANY	0	0	0	0	0	0	36	0	36	0	0.00	20,268.00	0.00	20,268.00	
SILVER LAKES ASSOCIATION	4,987	2,743	242	0	0	2,985	3,227	0	242	2,985	163.61	136,246.00	92,112.43	228,358.43	
SNOWBALL DEVELOPMENT, INC.	0	0	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00	
SPRING VALLEY LAKE ASSOCIATION	3,768	2,073	0	0	0	2,073	2,515	0	442	2,073	113.62	248,846.00	63,968.06	312,814.06	
SPRING VALLEY LAKE COUNTRY CLUB	977	538	46	0	0	584	745	0	161	584	32.01	90,643.00	18,021.63	108,664.63	
STORM, RANDALL	62	41	47	(47)	0	41	0	41	0	0	0.00	0.00	0.00	0.00	
SUDMEIER, GLENN W.	20	13	14	(14)	0	13	1	12	0	1	0.05	0.00	28.15	28.15	
SUMMIT VALLEY RANCH, LLC	57	38	35	(35)	0	38	25	13	0	25	1.37	0.00	771.31	771.31	
THOMPSON LIVING TRUST, JAMES A. AND SULA B.	418	272	311	(311)	0	272	2	270	0	2	0.11	0.00	61.93	61.93	
THOMPSON LIVING TRUST, R.L. AND R.A.	2	2	2	0	0	4	1	2	0	1	0.05	0.00	28.15	28.15	
THRASHER, GARY	373	243	275	(275)	0	243	2	241	0	2	0.11	0.00	61.93	61.93	
THUNDERBIRD COUNTY WATER DISTRICT	126	70	0	0	0	70	122	0	52	70	3.84	29,276.00	2,161.92	31,437.92	
TRANSAMERICA FIN'L SVC - SPEARS, LARRY B. AND ERLINDA	26	17	20	0	0	37	0	17	0	0	0.00	0.00	0.00	0.00	
VANHOOPS HOLDINGS, LP	360	234	269	(269)	0	234	0	234	0	0	0.00	0.00	0.00	0.00	
VICTOR VALLEY COMMUNITY COLLEGE DISTRICT	240	132	0	0	0	132	372	0	240	132	7.23	135,120.00	4,070.49	139,190.49	
VICTOR VALLEY MEMORIAL PARK	0	0	0	0	0	0	59	0	59	0	0.00	33,217.00	0.00	33,217.00	
VICTORVILLE WATER DISTRICT, ID#1 (SEE NOTE 13)	23,020	12,661	0	0	378	13,039	22,353	0	9,314	13,039	714.66	5,243,782.00	402,353.56	5,646,135.56	
VICTORVILLE WATER DISTRICT, ID#2 (SEE NOTE 13)	2,932	1,613	0	0	0	1,613	3,492	0	1,879	1,613	88.41	1,057,877.00	49,774.83	1,107,651.83	

APPENDIX B

FEBRUARY 23, 2022

PRODUCER REPLACEMENT WATER
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(UNLESS OTHERWISE NOTED ALL AMOUNTS SHOWN ARE IN ACRE-FEET)

ALTO SUBAREA

PRODUCER	2020-21 FREE PRODUCTION ALLOWANCE						ASSESSMENTS DUE BY JULY 1, 2022 (AMOUNTS IN DOLLARS)								
	BASE ANNUAL PRODUCTION	BASE FREE PRODUCTION ALLOWANCE ¹	CARRYOVER FROM PREVIOUS YEAR ²	TRANSFERS + OR (-)		TOTAL ⁵	2020-21 VERIFIED PRODUCTION ⁶	UNUSED ⁷ FPA	REPLACEMENT WATER OBLIGATION ⁸	PRODUCTION SUBJECT TO MAKEUP OBLIGATION ⁹	MAKEUP WATER OBLIGATION	REPLACEMENT WATER \$563.00/AF	MAKEUP WATER \$563.00/AF	TOTAL	
				2019-20 CARRYOVER ³	2020-21 FPA ⁴										
VOGLER, ALBERT H.	62	41	46	(46)	0	41	0	41	0	0	0.00	0.00	0.00	0.00	
WAGNER LIVING TRUST	1,224	796	918	(918)	0	796	0	796	0	0	0.00	0.00	0.00	0.00	
WAKULA FAMILY TRUST	11	8	8	(8)	0	8	1	7	0	1	0.05	0.00	28.15	28.15	
WARD, KEN AND BARBARA	65	43	35	(35)	0	43	12	31	0	12	0.66	0.00	371.58	371.58	
WEST, HOWARD AND SUZY	72	47	54	(54)	0	47	0	47	0	0	0.00	0.00	0.00	0.00	
WEST, JIMMIE E.	10	7	7	(7)	0	7	1	6	0	1	0.05	0.00	28.15	28.15	
WESTERN WATER COMPANY	15	10	12	0	0	22	0	10	0	0	0.00	0.00	0.00	0.00	
WESTLAND INDUSTRIES, INC.	54	30	30	0	0	60	21	30	0	21	1.15	0.00	647.45	647.45	
WIENER, MELVIN AND MARIAM S.	30	17	17	0	0	34	0	17	0	0	0.00	0.00	0.00	0.00	
WOOD, MICHAEL AND DENISE	0	0	0	0	0	0	5	0	5	0	0.00	2,815.00	0.00	2,815.00	
TOTAL	114,308	63,629	17,621	(14,733)	(50)	66,467	77,891	14,499	24,767	51,688	2,832.89	13,943,821.00	1,594,917.04	15,538,738.04	

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO**

3 Re: City of Barstow v. City of Adelanto, et al.;
4 Riverside Superior Court Case No.: CIV 208568

5 I am employed in the County of Fresno, State of California. I am over the age of 18 years and
6 not a party to the within action; my business address is: 8080 North Palm Ave. Third Floor,
7 Fresno, CA 93711. On August 4, 2022, I served copies of the within documents described as

8 **DECLARATION OF DEREK R. HOFFMAN IN SUPPORT OF MITSUBISHI
CEMENT CORPORATION'S RESPONSE TO OSC**

9 on the interested parties in this action in a sealed envelope addressed as follows:

10 **See attached Service List**

11 ☒ **BY MAIL** - I am "readily familiar" with the firm's practice of collecting and processing
12 correspondence for mailing. Under that practice, it would be deposited with the United
13 States Postal Service on the same day in the ordinary course of business, with postage
14 thereon fully prepaid at San Bernardino, California. I am aware that on motion of the party
15 served, service is presumed invalid if postal cancellation date or postage meter date is more
16 than one day after date of deposit for mailing in affidavit.

17 ☐ **BY PERSONAL SERVICE** - I caused such envelope to be delivered by hand to the offices
18 of the addressee pursuant to C.C.P. § 1011.

19 ☐ **BY EXPRESS MAIL/OVERNIGHT DELIVERY** - I caused such envelope to be
20 delivered by hand to the office of the addressee via overnight delivery pursuant to
21 C.C.P. § 1013(c), with delivery fees fully prepaid or provided for.

22 ☐ **BY FACSIMILE** - I caused such document to be delivered to the office of the addressee
23 via facsimile machine pursuant to C.C.P. § 1013(e). Said document was transmitted to the
24 facsimile number of the office of the addressee from the office of Gresham Savage Nolan &
25 Tilden, in San Bernardino, California, on the date set forth above. The facsimile machine I
26 used complied with California Rules of Court, Rule 2003(3) and no error was reported by
27 the machine. Pursuant to California Rules of Court, Rule 2009(i), I caused the machine to
28 print a record of the transmittal, a copy of which is attached to this declaration.

☒ **BY ELECTRONIC/EMAIL** - Pursuant to the party's express consent to receive electronic
service, I caused such document to be delivered to the office of the addressee via electronic
e-mail pursuant to C.C.P. §1010.6(a)(2)(A)(ii). Said document was transmitted to the email
address of that office which is listed on the attached Service List. Said document was
served electronically and the transmission was reported as complete and without error.

FEDERAL - I am employed in the office of a member of the bar of this court at whose
direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed on August 4, 2022, at Fresno, California.

/s/ Kelly Ridenour
KELLY RIDENOUR

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SERVICE LIST

Re: City of Barstow v. City of Adelanto, et al.;
Riverside Superior Court Case No.: CIV 208568

William J. Brunick, Esq. Leland P. McElhaney, Esq. Brunick, McElhaney & Kennedy PLC 1839 Commercenter West P.O. Box 13130 San Bernardino, CA 92423-3130 Email: bbrunick@bmblawoffice.com	Attorneys for Defendant/Cross- Complainant, MOJAVE WATER AGENCY
Mojave Basin Area Watermaster c/o Valerie L. Wiegenstein, Watermaster Services Manager 13846 Conference Center Drive Apple Valley, CA 92307-4377 Email: vwiegenstein@mojavewater.org watermaster@mojavewater.org	MOJAVE BASIN AREA WATERMASTER

27885133.1/202799.0019

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 4, 2022, 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:

MITSUBISHI CEMENT CORPORATION'S RESPONSE TO OSC

 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 4, 2022 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of August 04, 2022

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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.
Indio, CA 92201-5329

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P. O. Box 1016
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Mojave Basin Area Watermaster Service List as of August 04, 2022

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Lee, et al., Sepoong and Woo Poong
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Mojave Basin Area Watermaster Service List as of August 04, 2022

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Mojave Basin Area Watermaster Service List as of August 04, 2022

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Mojave Basin Area Watermaster Service List as of August 04, 2022

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Attn: Jafar Rashid
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Saba Family Trust dated July 24, 2018 (via
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Mojave Basin Area Watermaster Service List as of August 04, 2022

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Mojave Basin Area Watermaster Service List as of August 04, 2022

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