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*Exempt from filing fee pursuant to
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Attorneys for Defendant/Cross-Complainant,
MOJAVE WATER AGENCY

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

11 CITY OF BARSTOW, et al

12 Plaintiff,

13 v.

14 CITY OF ADELANTO, et al

15 Defendant.

16
17 **AND RELATED CROSS ACTIONS**
18

CASE NO.: CIV 208568

**NOTICE OF SERVING THE
COURT'S DECEMBER 7, 2022
ORDER DIRECTING THE
WATERMASTER TO FILE
SUPPLEMENTAL REPORT IN
RESPONSE TO THE COURT'S
ORDER OF JUNE 3, 2022 AND
PROOF OF SERVICE THEREON**

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

19 **PLEASE TAKE NOTICE THAT** pursuant to the Court's direction,
20 defendant/cross-complainant, Mojave Water Agency in its role as Watermaster, and pursuant
21 to the Court's Order of December 7, 2022, hereby serves the Court's Order Directing
22 Watermaster to File Supplemental Report in Response to the Court's Order of June 3, 2022,
23 and Proof of Service Thereon.

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**NOTICE OF SERVING THE COURT'S DECEMBER 7, 2022 ORDER DIRECTING THE WATERMASTER TO FILE SUPPLEMENTAL
REPORT IN RESPONSE TO THE COURT'S ORDER OF JUNE 3, 2022 AND PROOF OF SERVICE THEREON**

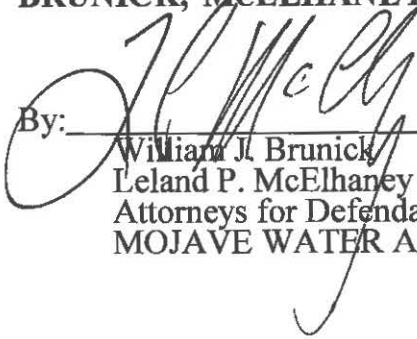
1 A copy of the Court's December 7, 2022 Order is attached hereto as Exhibit A.

2 Dated: December 14, 2022

BRUNICK, McELHANEY & KENNEDY PLC

3

4

By: 

5

William J. Brunick

6

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Attorneys for Defendant/Cross-complainant,
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EXHIBIT “A”

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

CASE TITLE: City of Barstow v. City of Adelanto

CASE NO.: CIV208568

DATE: December 7, 2022

Department 1

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 07 2022

[Signature] L. Howell

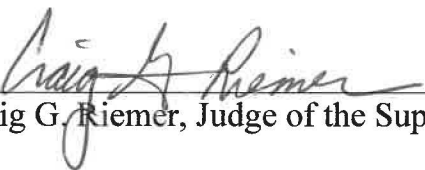
PROCEEDING: Order Directing Watermaster to File Supplemental Report in Response to the Court's Order of June 3, 2022

In its order filed 6-3-22, the Court directed the Watermaster to file a report regarding various topics specified in the order, all dealing with efforts to identify and abated unauthorized production in the basis. The Watermaster filed that report on 11-30-22. Having reviewed that report, the Court orders the Watermaster to file a supplemental report no later than 1-20-23, addressing the following questions:

1. The report refers to the Watermaster's analysis of aerial photography. (P. 2, l. 12.)
 - a. How recent were the images that it analyzed?
 - b. Are more recent images obtained on a regular basis? If so, how often? If not, why not?
2. The report refers to "standard crop duties." (P. 2, l. 18.) What are those, and why are they an acceptable means of quantifying production?
3. The report promises that the Watermaster will provide the Court with "the Watermaster's conclusions regarding water usage by the parties and properties identified." (P. 2, ll. 23-24.) When does the Watermaster expect to provide that information to the Court?
4. The report refers to the "defendants named" in the Watermaster's San Bernardino Superior Court action. (P. 3, l. 15.) According to the caption of that action (Ex. 1), 2000 fictitiously named defendants are named, but no defendants were named by their true names. Presumably, the complaint has been amended to name some of the Doe defendants by their true names, pursuant to Code of Civil Procedure section 474.
 - a. How many defendants have been named by their true name?
 - b. How many of those have been served?
5. The report states that the Watermaster has sought coordination of the San Bernardino case with the instant case. (P. 3, ll. 22-24.)
 - a. The Watermaster shall keep the Court advised of the status of that request.
 - b. While the coordination petition is pending, the Watermaster shall continue to prosecute the San Bernardino case.
6. The report states that there is no way to confirm cannabis irrigation without a physical inspection. (p. 4, ll. 1-2.)

- a. Does the WMA have the legal authority impose a requirement that a producer submit to such an inspection? If so, is there any reason not to do so?
 - b. Does the San Bernardino County have the legal authority to impose the right to inspect as a condition of the county's issuance of a well permit? If so, has the county been requested to do so?
7. The report describes the provision of information by the Watermaster to the Phelan Pinion Hills CSD. (P. 4, ll. 21-26.) What does the Watermaster expect the CSD to do with that information?
8. The report states that the MWA's legislative advocates have expressed concern about finding a legislator to carry legislation to give the MWA authority over well permits. Has the MWA attempted to enlist the aid of any of the more prominent (and potentially influential) producers in that effort, such as Mitsubishi or large farming operations, or other interested parties, such as the CSD and Newberry Springs Recreational Lakes Association?
9. The report notes that some defendants have asked that the Watermaster inspect their property "to determine whether their water usage exceeds 10 acre-feet annually." (P. 3, ll. 17-18.) That suggests that the property owners themselves do not know their level of water production. If true, doesn't that suggest that flowmeters are reasonably necessary, at least for producers whose production is not obviously less than 10 acre-feet?
10. The report concedes that a mandatory metering program "might be effective for new producers." (P. 6, l. 4.) If the decision were made to impose such a requirement:
 - a. Would the MWA have the authority to do so?
 - b. Does this Court have the authority to order the Watermaster to do so as to new producers who stipulate to submit themselves to the judgment in this action?
 - c. Would San Bernardino County have the authority to do so when issuing a well permit?

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

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 December 14, 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:

ORDER DIRECTING WATERMASTER TO FILE SUPPLEMENTAL REPORT IN RESPONSE TO THE COURT'S ORDER OF JUNE 3, 2022

 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 December 14, 2022 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of December 14, 2022

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Mojave Basin Area Watermaster Service List as of December 14, 2022

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Mojave Basin Area Watermaster Service List as of December 14, 2022

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Mojave Basin Area Watermaster Service List as of December 14, 2022

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Mojave Basin Area Watermaster Service List as of December 14, 2022

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Mojave Basin Area Watermaster Service List as of December 14, 2022

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Mojave Basin Area Watermaster Service List as of December 14, 2022

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Mojave Basin Area Watermaster Service List as of December 14, 2022

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