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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE, RIVERSIDE HALL OF JUSTICE**

11 Coordination Proceeding Special Title
(Cal. Rules of Court, Rule 3.550)

JCCP NO.: 5625
Case No. CIV 208568

12 MOJAVE BASIN WATER CASES

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

13 CITY OF BARSTOW, et al,

14 Plaintiff,

**CITY OF HESPERIA'S OPPOSITION TO
WATERMASTER'S MOTION TO
ADJUST THE FREE PRODUCTION
ALLOWANCE**

15 v.

16 CITY OF ADELANTO, et al,

17 Defendant.

[Filed with Declaration of Michael Thornton,
Request for Judicial Notice and Declaration of
Christine Carson]

18 AND RELATED CROSS ACTIONS
19
20
21

Date: June 9, 2023
Time: 1:30 p.m.
Dept.: 1

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01071.0044/893900.3





1 The City of Hesperia (“City”), by and through its attorneys of record, hereby submits this
2 Opposition to the Watermaster’s Motion to Adjust Free Production Allowance for Water Year 2023-
3 2024 (“Motion”) in the above-captioned matter. The City reserves the right to supplement this
4 Opposition in response to further briefing or argument of other parties, including at the hearing on
5 this Motion.

6 **I. INTRODUCTION**

7 The City hereby opposes the Watermaster’s Motion to Adjust the Free Production
8 Allowance on the grounds that the Watermaster has failed to take into account a number of factors
9 that would affect the analysis and the ultimate decision to adopt the proposed 4.4% rampdown in
10 the Alto subarea. The decision to rampdown should be delayed until the decision can be made in
11 compliance with the terms of the Judgment After Trial (“Judgment”) under which the Watermaster’s
12 brought its Motion.

13 The decision to adjust the Free Production Allowance (“FPA”) for the Alto subarea should
14 be denied, or in the alternative should be continued until such time as Watermaster can address the
15 following: **(1)** the impact of the atmospheric river events during 2022-2023, and the resultant easing
16 of drought conditions due to the wet winter; **(2)** the Watermaster’s upcoming analysis of Production
17 Safe Yield which it states it will provide by December 2023; **(3)** updated studies concerning
18 consumptive use in the Basin and provision of such information to Basin stakeholders; **(4)** updated
19 information on imported water deliveries; **(5)** provision of information and preliminary results of
20 February 2020 studies concerning the feasibility of MWA’s water banking program; **(6)** the impact
21 of the MWA Regional Recharge and Recovery Project, known as “R-Cubed” on water levels in the
22 Lower Narrows and whether that project is causing subsidence, and the differential impact of R-
23 Cubed on water levels throughout the Alto subarea.

24 *The Watermaster’s engineer concedes that a full evaluation of Production Safe Yield has*
25 *not been completed and will not be completed until December 2023. Therefore, a rampdown is*
26 *premature until that time.*

27 Despite the record rainfall over the last six months, the Watermaster offers limited
28 information regarding how the downpours that resulted in storm emergency Executive order N-1-



1 23 affect its 2023-2024 recommendations. (Request for Judicial Notice, Christine Carson
2 Declaration, Exhibit A.) The Watermaster’s motion punts, stating in effect that one wet year likely
3 has no effect on long term water supply. (Motion, p. 7.) However, this conclusion seems to ignore
4 the fact that water deliveries and storage levels are higher than they have been in decades, providing
5 the Watermaster and MWA with substantial access to replacement water. Even Water Year 2021-
6 22 precipitation was 112% of Base Period Average. (29th Annual Watermaster Report, Chapter 3,
7 “Water Supply Conditions,” p. 19.)

8 As the Court recently observed in its September 16, 2022 Order (Exhibit A to Watermaster’s
9 Motion), the “Court is not bound by the recommendation of the Watermaster as to what changes are
10 or are not necessary. Instead, the Court is charged with drawing its own conclusions from the
11 evidence, which may differ from the Watermaster’s conclusions.”

12 The Watermaster has proposed a reduction of FPA from 54.4% of BAP to 50% of BAP for
13 Alto. The City is not asking for an increase in its FPA, but rather that the Court and Watermaster
14 refrain from implementing a rampdown until the effects of the record precipitation and factors 1
15 through 6, listed above, can be fully understood.

16 Without fully exploring and understanding the foregoing factors, and taking those factors
17 into account in the analysis of their impact on water production in the subareas, a decision to
18 rampdown cannot be made in compliance with the Judgment’s command that the Watermaster “*take*
19 *into account all available, pertinent hydrologic data and estimates. . .*” (Judgment, Exhibit C,
20 section A [emphasis added].)

21 Therefore, the City respectfully requests that the Court deny the Watermaster’s
22 recommended rampdown in the Alto subarea. Alternatively, the City requests that the hearing on
23 the Watermaster’s motion be continued until such time as a full analysis of the foregoing factors can
24 be completed, and that the hearing be continued to December of 2023. (See also Declaration of
25 Michael Thornton [“Thornton Declaration”], Exhibit 1.)

26 **II. ARGUMENT**

27 As part of the original judgment of the Mojave Water Basin Cases, the court established the
28 Base Annual Production (“BAP”), which is based on that producer’s highest year of water



1 production during the base period of 1986-1990. After the first five years of the Judgment, in 2001,
2 the FPA for all parties was set at 80% of the original BAP. Since then, the court has continued to
3 ramp down the FPA to the current percentages.

4 Under the terms of the Judgment, the Watermaster has the authority to recommend
5 adjustments to the FPA in the various subareas under the jurisdiction of the MWA under certain
6 circumstances. However, when a Subarea’s FPA is increased or reduced, the Watermaster must
7 obtain prior Court approval following a hearing on a noticed motion requesting an adjustment to the
8 FPA. (Judgment, pp. 32-33.)

9 The Judgment sets forth the terms for a recommendation of a gradual reduction or rampdown
10 of the FPA for all parties if the Watermaster deems it necessary in Watermaster’s Annual Report,
11 which shall be guided by the factors set forth in Exhibit “C” to the Judgment, and requires the
12 Annual report include all assumptions and calculations relied upon in making its recommendations.
13 (Judgment at p. 32, lines. 20-28; Exhibit H to the Judgment.)

14 When making such a recommendation, the Watermaster must take into account “all available
15 pertinent hydrologic data and estimates,” but at a minimum, those in Table C-1 of the Judgment.

16 The Watermaster must also consider changes in storage as determined by well levels.
17 (Judgment, Exhibit C, Section A and Table C-1.) (The Judgment, as amended is referred to herein
18 as the “Judgment”.)

19 There are a number of factors not addressed, or insufficiently addressed, in the
20 Watermaster’s most recent Report and the Watermaster’s Motion -- which should be taken into
21 account before any determination is made to rampdown production of water in the Alto subarea.

22 **A. The Watermaster’s Failure to Consider the Record Rains of 2022-2023 Is In**
23 **Error**

24 In support of its claim that the “wetter than average” water year 2022-2023 shouldn’t factor
25 into its analysis of PSY or FPA for the Alto subarea, the Watermaster states that “one wet year does
26 not change the analysis for long term average water supply.” (Watermaster’s Motion p. 7.) Mr.
27 Wagner states at page 5 of his Declaration, “the current year’s storms do not factor into the analysis
28 herein regarding PSY for FPA for Alto.” Watermaster cites no specific analysis on the justification



1 of this conclusory statement.

2 There was far above-average rainfall occurring this year 2022-2023 (Motion p. 7), and last
3 year's (2021-22) precipitation was 112 percent of the Base Period Average, (29th Annual
4 Watermaster Report, Chapter 3, "Water Supply Conditions," p. 19.)

5 The Department of Water Resources announced 100% of deliveries available for State Water
6 Project water. ([https://water.ca.gov/News/News-Releases/2023/April-23/State-Water-Project-to-
7 Further-Increase-Water-Supply-Allocation](https://water.ca.gov/News/News-Releases/2023/April-23/State-Water-Project-to-Further-Increase-Water-Supply-Allocation).) (Request for Judicial Notice, Christine Carson
8 Declaration, Exhibit B.)

9 The Watermaster's conclusion also ignores the logical reality that a record snowpack in the
10 mountains is likely to turbocharge basin recharge as that snowpack melts out. This rainfall is also
11 an opportunity to import more water for long-term management.

12 The impact of the decision to ignore the rainfall and snowpack prevents accurate
13 measurement of available groundwater resources.

14 **B. The Watermaster Concedes that an Evaluation of Production Safe Yield Has**
15 **Not Yet Been Completed, and Will Be Completed in December; Therefore a Rampdown is**
16 **Premature.**

17 The Wagner Declaration states an evaluation of Production Safe Yield ("PSY") has *not* been
18 completed, and an update will be provided to the court by December of this year.

19 *"Watermaster has been unable to fully evaluate a new Production Safe Yield (PSY)*
20 *for each of the five Subareas due to staffing and the complexity of this type of*
21 *analysis, in time for the 2023-24 Water Year. The re-evaluation of PSY for each of*
22 *the five Subareas is expected to be completed by December 1, 2023.* However, for
23 the Alto Subarea, as described below, we have provided a preliminary reduction in
24 the PSY for the near term, that results in a reduction in Alto FPA. Watermaster will
25 provide a more detailed analysis and recommendation for Court consideration by
26 December 1, 2023." (Wagner Declaration, page 2 line 23 [emphasis added].)

27 Mr. Wagner also states:

28 *"To more fully evaluate PSY, it is necessary to investigate consumptive use of*



1 *production, return flow of production, water use by riparian habitat, gaged and*
2 *ungaged inflow, mountain front recharge, estimates of inflow and outflow to and*
3 *from the Transition Zone and evaluate the changes in water levels over time.*

4 Ultimately the variation in water levels will guide Watermaster in setting Free
5 Production Allowance.” (Wagner Declaration p. 4 lines 12-16 [emphasis added].)

6 A rampdown is premature at this time, due to the lack of such data, and thus the Watermaster
7 backs into the following conclusion without the benefit of the data and analysis the Watermaster
8 engineer will have in December:

9 “Based on preliminary, model output, the estimated loss in storage (deficit) in the
10 Alto subarea between 1951 and 2017 was between 16,800 acre feet and 18,500 acre
11 feet per year (Exhibit 6). The current estimate of the deficit in Alto, 18,277 acre feet,
12 assuming an FPA of 50% as proposed herein, agrees well with the preliminary.”
13 (Wagner Declaration, p. 4 lines 25 to 28.)

14 The Watermaster engineer then goes on to propose 50% without any analysis or back up for
15 that conclusion, which he *concedes* will not be ready until December 2023:

16 “Additional Rampdown in Alto, based on a Free Production Allowance of 50%,
17 would provide for the importation of about 18,277 acre feet of supplemental water
18 per year to offset the deficit, as measured against the long term average water supply
19 conditions (1931-1990) (see Exhibit 5).” (Wagner Decl., page 5 lines 7-10.)

20 However, a rampdown will not necessarily provide for importation of 18,277 af of
21 supplemental Water. In this adjudication, a rampdown normally does not provide for supplemental
22 water, in practice, though it should in theory. A rampdown causes a replacement water charge to
23 be imposed on users, but MWA does not necessarily use that money for purchases of imported
24 water, as evidenced by the purchase of only 12 AFY (2021-2022 Annual Watermaster Report, Chart
25 entitled “Imported Water Deliveries by MWD” p. 23) -- despite the prior rampdown.

26 **C. The Watermaster Must Update its Studies on Consumptive Use in the Basin,**
27 **and Consider Wastewater System Operational Changes in the Alto Subarea**

28 In its Annual Report for 2021-22, Watermaster indicates that it conducts a consumptive use



1 analysis annually, and fine tunes the assumptions as individual producers’ use and each subarea’s
2 hydrology is further understood. (2021-22 Watermaster Report, “State of the Basin”, p. 29.)
3 However, in its Annual Report, the Watermaster relies upon a 2018 Water Consumptive Study it
4 prepared at the Court’s request. (Watermaster Report of 2021-22, Chapter 5 “Free Production
5 Allowance for Water Year 2023-24” p. 36.) Given the increased population since 2018 and
6 increased utilization of drought measures to reduce water consumption, the 2018 study is outdated.

7 Further, it appears the Watermaster has not taken into account wastewater system operational
8 changes in the Alto subarea. The Victor Valley Wastewater Reclamation Authority (“VWVRA”) is
9 bringing two Sub-Regional Wastewater Treatment Plants on line that will provide recycled water
10 supplies to meet irrigation demands resulting in demand reductions and Alto Subarea recharge.
11 When operating at capacity, these plants will generate approximately 2,000 AFY of recycled water
12 supplies for irrigation uses and Alto Subarea recharge. (Thornton Declaration paragraph 6.)

13 The Watermaster should complete a more recent study to develop accurate consumptive use
14 estimates in accordance with its obligations under the Judgment prior to making further rampdown
15 recommendations.

16 **D. The Watermaster Must Meet Replacement Water Obligations Before**
17 **Recommending Further Rampdowns**

18 The FPA is defined by the Judgment as “the total amount of water, and any producer’s share
19 thereof, that may be Produced from a Subarea each Year free of any Replacement Obligation.”
20 “Replacement Obligation” is defined by the Judgment as “The obligation of a Producer to pay for
21 Replacement Water for Production from a Subarea in any Year in excess of the sum of such
22 Producer’s share of that Year’s Free Production Allowance for the Subarea plus any Production
23 pursuant to a Carry Over Right.”

24 All water produced in excess of any producers’ share of the FPA should be replaced by the
25 producer. In theory, this is accomplished by payment to the Watermaster sufficient to purchase
26 Replacement Water. The Watermaster then assumes responsibility for replacing such excess
27 production. (Watermaster’s previously filed Declaration of Robert C. Wagner, P.E. in Support of
28 Motion to Adjust Free Production Allowance for Water Year 2019-2020, at page 4 lines 9 – 18.)



1 However, over the last water year (2021-22), *despite Alto Replacement Water Obligation which*
2 *was 23,069 (according to Appendix B to the 2021-22 Watermaster Report), the Watermaster only*
3 *imported 12 AF.* (2021-2022 Annual Watermaster Report, Chart entitled “Imported Water
4 Deliveries by MWD” p. 23.) Rather than utilize the assessments raised to purchase replacement
5 water, the Watermaster recommended further rampdowns, exacerbating the diminished water
6 supply. This, in turn, resulted in even more assessments paid by producers, through their rate payers,
7 to the Watermaster without corresponding importation of water by the Watermaster.

8 The Watermaster has failed to manage the Basin in accordance with the Judgment (e.g.
9 utilizing the replacement water assessments to purchase replacement water). The Watermaster
10 represented that new revenues created by a past rampdown would be used to increase imported water
11 deliveries. (Watermaster’s previously filed Declaration of Robert C. Wagner, P.E. in Support of
12 Motion to Adjust Free Production Allowance for Water Year 2019-2020, at page 4 lines 9 – 18.)
13 Watermaster has received the Replacement Water assessments (\$13,943,821 for 2020-21 and
14 \$13,472,296 for 2021-2022), with the City alone contributing \$3,700,000 for replacement water.

15 However, the Watermaster did not deliver imported water as it was obliged to do. (See 2021-
16 2022 Annual Watermaster Report, chart entitled “Imported Water Deliveries by MWD” p. 23.) This
17 despite the fact that Mojave Water Agency has 160 million dollars in reserves. (Thornton
18 Declaration, paragraph 10, Exhibit 2.)

19 The Watermaster clearly did not consider SWP imported supplies as part of Mr. Wagner’s
20 analysis:

21 “Also shown on Exhibit 5 are two alternatives based on different hydrologic base periods.
22 The period 1946-1965 was a 20-year dry period that produced about 50% of the long-term
23 average inflow to Alto, measured at the Forks. *The more recent period, 1999-2022 produced*
24 *about 78% of the long-term average inflow. In the first case, the resulting FPA would be*
25 *about 37.5% and about 45% in the second case. These are estimates based on a preliminary*
26 *evaluation to capture a range of possibilities for determining Alto PSY.” (Wagner*
27 *Declaration, p. 4 lines 17-22 [emphasis added.]*

28



1 MWA states it is now *developing a plan* to buy water “*separate from its duties as*
2 *Watermaster*”,¹ which would seem to imply they do not necessarily intend to use the water to
3 replenish the basin, but MWA intends to use the supplies. It is also unclear why such a plan would
4 have waited until September 30, 2023 if it were intended to serve the Basin. Billing producers via
5 a rampdown is premature given the dearth of data and given that the Watermaster has not adequately
6 imported replenishment water, despite payments from producers, following the last rampdown.

7 **E. Findings Related to the Watermaster’s Groundwater Banking Program Should**
8 **Be Shared With the Parties and Considered by the Watermaster; the City and San**
9 **Bernardino Flood Control Recharge Projects Should Be Considered**

10 Despite beginning feasibility studies on a large-scale Groundwater Banking Program in
11 February 2020, the Watermaster has not shared and analyzed any findings or any data gathered thus
12 far. (Thornton Decl. paragraph 8.). The City, in collaboration with San Bernardino County Flood
13 Control, is planning a number of flood control and recharge basin projects that will be located off-
14 river. (Thornton Decl. paragraph 8.). Basins will attenuate runoff to protect downstream
15 communities from flooding and will be designed to recharge with recycled water developed at
16 VVWRA's Hesperia Subregional Plant together with imported water recharge. (Thornton Decl.
17 paragraph 8.) The City has requested that these projects be included MWA’s analyses but it appears
18 they were not. (Thornton Decl. paragraph 8.)

19 Geotechnical and geohydrology investigations in the upper Alto Subarea continue, and these
20 will provide useful information. MWA’s groundwater model for the upper Mojave River Basin will
21 be updated as part of the ongoing investigations. (29th Annual Report of the Watermaster, Water
22 Year 2021-22, Section entitled “Related MWA Activities” p. 16.)

23
24
25
26 ¹ Mr. Wagner’s Declaration states “In recognition of the potential shortfall in the long-term supply
27 conditions, Mojave Water Agency, separately from its duties as Watermaster is in the process of
28 developing a Drought Protection Plan in order to import an additional 12,000 acre feet of State
Water Project water per year, (subject to availability). It is expected that the Policy will be adopted
by September 30, 2023.” (Wagner Declaration p. 5.)



1 Prior to making rampdown recommendations, the Watermaster should share its findings with
2 the Court, the City, and other Basin stakeholders. These projects should be considered in the
3 analysis.

4 **F. Watermaster and MWA Must Analyze The Differential Impact of R-Cubed**
5 **Before Recommending Further Alto Subarea Rampdowns On the Basis of On-**
6 **River Pumping Activities**

7 The Watermaster indicates that Mojave River well levels are falling due to on-river pumping
8 and limited imported water deliveries. Regarding on-river pumping, MWA constructed R-Cubed as
9 a management tool that could be utilized to help manage where water is recharged into the Alto
10 Subarea ostensibly in order to alleviate basin pumping stresses. (29th Annual Report of the Mojave
11 Basin Area Watermaster, Water Year 2021-22, section entitled “Related MWA Activities” p. 16.)
12 As part of the R-Cubed project, the SWP water is discharged directly into the Mojave River, mixed
13 with local water from natural runoff, for the purposes of recharge. (Thornton Decl. paragraph 5.b.)
14 MWA-owned production wells on either side of the Mojave River located approximately three miles
15 downstream of the recharge area then recover and deliver the stored water through pipelines directly
16 to retail water agencies. (Thornton Decl. paragraph 5.b.)

17 Specifically, R-Cubed facilities are located upstream from the Narrows stream gauge and
18 pumps water from the Mojave River before the water reaches the Narrows. (Thornton Decl.
19 paragraph 5.b.) MWA does not return the water to the Mojave River before the Narrows. (*Id.*) As
20 a result, the flow gage just north of the river bed in Lower Narrows determines how much water
21 Centro and Baja receive. (*Id.*) The water flowing south to north inevitably runs through the R-Cubed
22 project and then the remainder reaches the flow gage. (*Id.*) The advantageous location of the R-
23 Cubed infrastructure allows MWA to control the quantity of water flowing north along the course
24 of the Mojave River. No other entity draws that much water from one area of the aquifer. (*Id.*) An
25 expert, such as a hydrogeologist, can determine whether insufficient water is flowing north and
26 consequently not enough water traveling to other regions in the Basin. (Thornton Decl. paragraph
27 5.b.)

28 MWA has expanded R-Cubed, providing greater capacity to the City of Victorville and



1 Adelanto. The project is planned to deliver up to 14,000 AFY. The City has previously raised
2 concerns regarding drastic static water level changes along the River that may lead to land
3 subsidence. (See, City’s Opposition to Watermaster Motion to Adjust FPA, August 2019.)

4 The Court should not adopt the Watermaster’s Alto rampdown until R-Cubed operational
5 impacts are thoroughly evaluated. Any analysis upon which a request to rampdown is made cannot
6 be said to “take into account all available pertinent hydrologic data” without taking into account the
7 impact of the R-Cubed project on water levels. However, the Watermaster’s report does not
8 specifically deal with the impact of the R-Cubed project on water levels in the Alto subarea.

9 If the Watermaster’s Motion is not denied outright on June 9, 2023, the hearing on the
10 Motion should be continued until such time as the Watermaster can conduct further studies to
11 determine the impact of the R-Cubed project on water levels in the Alto subarea.

12 **III. CONCLUSION**

13 For the foregoing reasons, the Watermaster’s Report and the Motion failed to “take into
14 account all available pertinent hydrologic data” prior to requesting a rampdown of the FPA, as is
15 required by the Judgment. Because the Watermaster’s Report and the Motion failed to take into
16 account the aforementioned factors, each of which can have a large impact on regional water use
17 and measurements, the Motion should be denied, or, at a minimum, that the hearing on the motion
18 should be continued until such time as the aforementioned factors can be properly studied and taken
19 into account. The Watermaster’s engineer’s analysis of PSY will not be completed until December
20 2023, and “The current water year is expected to be wetter than average based on the precipitation
21 in the upper Mojave watershed through the end of April 2023”. (Motion, p. 7.) Therefore, there is
22 no urgency in imposing a rampdown at this time.

24 DATED: May 26, 2023

ALESHIRE & WYNDER, LLP

26 By: 
CHRISTINE M. CARSON
Attorneys for CITY OF HESPERIA

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and not a party to this action. I am employed
4 in the County of Los Angeles, State of California. My business address is 2361 Rosecrans Ave., Suite
475, El Segundo, CA 90245.

5 On **May 26, 2023**, I served true copies of the following document(s) described as **CITY OF**
6 **HESPERIA’S OPPOSITION TO WATERMASTER’S MOTION TO ADJUST THE FREE**
6 **PRODUCTION ALLOWANCE** on the interested parties in this action as follows:

7 William J. Brunick, Esq. *Attorneys for Defendant/Cross-Complainant*
8 Brunick, McElhaney & Kennedy PLC *Mojave Water Agency*
8 1839 Commercenter West
9 P.O. Box 13130
9 San Bernardino, CA 92423-3130
10 Email: bbrunick@bmklawplc.com

11 Valerie Wiegenstein *Mojave Basin Area Watermaster*
12 Mojave Basin Area Watermaster
12 13846 Conference Center Drive
13 Apple Valley, CA 92307
13 Email: vwiegenstein@mojavewater.org
14 watermaster@mojavewater.org

14 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
15 persons at the addresses listed in the Service List and placed the envelope for collection and mailing,
16 following our ordinary business practices. I am readily familiar with the practice of Aleshire &
16 Wynder, LLP for collecting and processing correspondence for mailing. On the same day that
17 correspondence is placed for collection and mailing, it is deposited in the ordinary course of business
17 with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident
18 or employed in the county where the mailing occurred. The envelope was placed in the mail at El
18 Segundo, California.

19 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent
20 from e-mail address lmadrid@awattorneys.com to the persons at the e-mail addresses listed in the
20 Service List. I did not receive, within a reasonable time after the transmission, any electronic message
21 or other indication that the transmission was unsuccessful. The parties agreed to waive the 2 extra
21 days

22 normally required for electronic service for this filing.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct.

24 Executed on **May 26, 2023**, at El Segundo, California.

26 

27 Lilia E. Madrid
28

ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW



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 May 30, 2023, 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:

CITY OF HESPERIA'S OPPOSITION TO WATERMASTER'S MOTION TO ADJUST THE FREE PRODUCTION ALLOWANCE

DECLARATION OF MICHAEL THORNTON IN SUPPORT OF THE CITY OF HESPERIA'S OPPOSITION TO THE WATERMASTER'S MOTION TO ADJUST THE FREE PRODUCTION ALLOWANCE

CITY OF HESPERIA'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS OPPOSITION TO THE WATERMASTER'S MOTION TO ADJUST THE FREE PRODUCTION ALLOWANCE, DECLARATION OF CHRISTINE CARSON IN SUPPORT THEREOF

 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 May 30, 2023 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of May 30, 2023

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Attn: Ana Chavez
American States Water Company
160 Via Verde, Ste. 100
San Dimas, CA 91773-5121

Anderson, Ross C. and Betty J.
13853 Oakmont Dr.
Victorville, CA 92395-4832

Attn: Daniel B. Smith (avfwd@gmail.com)
Apple Valley Foothill County Water District
(via email)
22545 Del Oro Road
Apple Valley, CA 92308-8206

Attn: Matthew Patterson
Apple Valley Heights County Water District
P. O. Box 938
Apple Valley, CA 92308-0938

Attn: Mathew Schulenberg
Apple Valley Unified School District
12555 Navajo Road
Apple Valley, CA 92308-7256

Attn: Emely and Joe Saltmeris
Apple Valley View Mutual Water Company
P. O. Box 3680
Apple Valley, CA 92307-0072

Attn: Tina Kuhns
Apple Valley, Town Of
14955 Dale Evans Parkway
Apple Valley, CA 92307-3061

Archibek, Eric
41717 Silver Valley Road
Newberry Springs, CA 92365-9517

Attn: Deborah Stephenson
(stephenson@dmsnaturalresources.com)
Atchison, Topeka, Santa Fe Railway Company
(via email)
602 S. Ferguson Avenue, Suite 2
Bozeman, MT 59718-

Attn: Debrah Stephenson
Atchison, Topeka, Santa Fe Railway Company
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Avila, Angel and Evalia
1523 S. Visalia
Compton, CA 90220-3946

Attn: Sheré R. Bailey
(LegalPeopleService@gmail.com)
Bailey 2007 Living Revocable Trust, Sheré R.
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10428 National Blvd
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Attn: Daniel Shaw (barhwater@gmail.com)
Bar H Mutual Water Company (via email)
P. O. Box 844
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43774 Cottonwood Road
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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Attn: Jennifer Riley (hriley@barstowca.org)
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220 East Mountain View Street -Suite A
Barstow, CA 92311

Attn: Barbara Davison
Bass Trust, Newton T.
14924 Chamber Lane
Apple Valley, CA 92307-4912

Attn: Remo E. Bastianon
Bastianon Revocable Trust
9484 Iroquois Rd.
Apple Valley, CA 92308-9151

Attn: Mike Beinschroth
(Beinschroth@gmail.com)
Beinschroth Family Trust (via email)
18794 Sentenac
Apple Valley, CA 92307-5342

Beinschroth, Andy Eric
6719 Deep Creek Road
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Attn: Chuck Bell (Chuckb193@outlook.com;
Chuckb193@outlook.com)
Bell, Charles H. Trust dated March 7, 2014
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Best, Byron L.
21461 Camino Trebol
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Hesperia, CA 92340-2564

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Brommer House Trust
9435 Strathmore Lane
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Attn: Paul Johnson
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26776 Vista Road
Helendale, CA 92342-9789

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Mojave Basin Area Watermaster Service List as of May 30, 2023

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4775 Bird Farm Road
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DaCosta, Dean Edward (via email)
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daggettwater427@gmail.com)
Daggett Community Services District (via
email)
P. O. Box 308
Daggett, CA 92327-0308

Attn: Steve and Dana Rivett
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P. O. Box 112
Daggett, CA 92327-0112

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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Attn: Denise Courtney
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Apple Valley, CA 92307-5525

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Dolch Living Trust Robert and Judith
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Frates, D. Cole (via email)
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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Attn: Jay Storer
Gaeta, Trinidad
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Lake Jackson, TX 77566-3728

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Gardena Mission Church, Inc.
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Lucerne Valley, CA 92356-0304

Garg, Om P.
358 Chorus
Irvine, CA 92618-1414

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GenOn California South, LP (via email)
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Nereida.Gonzalez@gswater.com)
Golden State Water Company (via email)
160 Via Verde, Ste. 100
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Gordon Acres Water Company
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975 Bryant
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Green Acres Estates
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(hackbarthoffice@gmail.com)
Hackbarth, Edward E. (via email)
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Hamilton Family Trust
19945 Round Up Way
Apple Valley, CA 92308-8338

Attn: William Handrinos
Handrinos, Nicole A.
1140 Parkdale Rd.
Adelanto, CA 92301-9308

Attn: Donald F. Hanify
Hanify, Michael D., dba - White Bear Ranch
PO BOX 1021
Yermo, CA 92398-1021

Attn: Matt Wood
(Matthew.wood@martinmarietta.com)
Hanson Aggregates WRP, Inc. (via email)
P. O. Box 1115
Corona, CA 92878-1115

Attn: Mary Jane Hareson
Hareson, Nicholas and Mary
1737 Anza Avenue
Vista, CA 92084-3236

Attn: Kenny Harmsen (harmscow@aol.com)
Harmsen Family Trust (via email)
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Hass, Pauline L.
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Helendale, CA 92342-0359

Mojave Basin Area Watermaster Service List as of May 30, 2023

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Attn: Jeff Gallistel
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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Johnston, Harriet and Johnston, Lawrence W.
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Attn: Lee Logsdon
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Kasner, Robert (via email)
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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Lin, Kuan Jung and Chung, Der-Bing
2026 Turnball Canyon
Hacienda Heights, CA 91745-

Attn: Patricia Miranda
Lopez, Baltazar
12318 Post Office Rd
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Attn: Gwen L. Bedics
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P. O. Box 1311
Lucerne Valley, CA 92356

Attn: Nancy Lan
Lake Waikiki
230 Hillcrest Drive
La Puente, CA 91744-4816

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Yermo, CA 92398-0524

Attn: Robert Lawrence Jr.
Lawrence, William W.
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Lee, Doo Hwan
P. O. Box 556
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Attn: Virginia Janovsky
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Lem, Hoy (via email)
17241 Bullock St.
Encino, CA 91316-1473

Attn: Billy Liang
Liang, Yuan - I and Tzu - Mei Chen
4192 Biscayne St
Chino, CA 91710-3196

Attn: Manshan Gan
Lo, et al.
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San Gabriel, CA 91776-1724

(lowgo.dean@gmail.com)
Low, Dean (via email)
3 Panther Creek Ct.
Henderson, NV 89052-

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Lucerne Valley Partners
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Lawson, Ernest and Barbara
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Lee, et al., Sepoong and Woo Poong
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Lenhart, Ronald and Toni
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Attn: Neal Davies (ndavies@terra-gen.com;
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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Barstow, CA 92311-4162

Attn: Maria Martinez
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Manning, Sharon S.
19332 Balan Road
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Attn: Rod Sexton
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Attn: Olivia L. Mead
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31314 Clay River Road
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Attn: David I. Milbrat
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Attn: Donna Miller
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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Attn: David Kelly Gray
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Attn: Dale W. Ruisch
Ruisch Trust, Dale W. and Nellie H.
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Attn: Jafar Rashid
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Saba Family Trust dated July 24, 2018 (via
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(BILLU711@Yahoo.com)
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San Bernardino County - High Desert
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Sexton, Rodney A. and Sexton, Derek R.
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Rim Forest, CA 92378-

Attn: Chris Cummings
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Mojave Basin Area Watermaster Service List as of May 30, 2023

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Victorville, CA 92393-2926

Attn: Chan Kyun Son
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Attn: Joe Trombino
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Sunray Land Company, LLC (via email)
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Mojave Basin Area Watermaster Service List as of May 30, 2023

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