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

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF RIVERSIDE**

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

JCCP NO.: 5265

13 MOJAVE BASIN WATER CASES

Dept. 1, Riverside Superior Court
Hon. Craig G. Riemer, Judge Presiding

14
15 CITY OF BARSTOW,

CASE NO.: CIV208568

16 Plaintiff,
17 vs.

**REPORT TO COURT RE DATA ENTRY
ERROR IN WATERMASTER'S
CALCULATION**

18 CITY OF ADELANTO, et al.,

19 Defendant.

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

20 AND RELATED CROSS ACTIONS

21
22
23 The Court's Tentative Ruling for the June 9, 2023, hearing, contained the following
24 notation:

25 "However, there appears to be a mathematical error in the Watermaster's reports
26 regarding Baja. The Watermaster calculates the difference between FPA and PSY as a
27 percentage of BAP. BAP for Baja is 66,157 AFY. Yet despite the difference between
28 FPA and PSY in Baja being just 24 AFY, the Watermaster calculates this difference,

REPORT TO COURT RE DATA ENTRY ERROR IN WATERMASTER'S CALCULATION

1 expressed as a percentage of Baja's 66,157 AFY of BAP, as being 4.9% of BAP. It
2 appears, however, that the 24-AFY difference between the FPA and the PSY is closer
3 to 0.036% of BAP. This error is made in the official report, the motion, and the Wagner
4 declaration. The Watermaster shall address this issue at the hearing".

5 In response to the Court's inquiry, the Watermaster provides the following explanation.
6 The Watermaster's report incorrectly reported that the Baja subarea's Free Production
7 Allowance (FPA) is 12,213 acre-feet per year (when it is actually 15,414 acre-feet per year).
8 However, the Watermaster also reported FPA exceeds PSY by 4.9%, which percentage is based
9 on the correct FPA amount of 15,414 acre-feet per year. The incorrect FPA value of 12,213
10 acre-feet in Watermaster's moving papers was the result of a data entry error. The correct FPA
11 of 15,414 was always used to calculate the difference between FPA and PSY, and its percentage
12 of BAP, i.e., $15,414 \text{ [FPA]} - 12,189 \text{ [PSY]} = 3,225 \div 66,157 \text{ [BAP]} = 4.9\% \text{ [rounded]}$.
13 Additionally, Watermaster's recommendation that the Baja subarea's FPA remain at 20.5% was
14 not based upon and is independent of the data entry error, because FPA is within 5% of PSY
15 (i.e., 4.9%) and water production has been reduced significantly in the Baja subarea, as
16 expected.

17 Dated: June 29, 2023

BRUNICK, McELHANEY & KENNEDY PLC

18
19 By: 

20 William J. Brunick
21 Leland P. McElhane
22 Attorneys for Defendant/Cross-complainant,
23 MOJAVE WATER AGENCY
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California 92307.

On June 29, 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:

REPORT TO COURT RE DATA ENTRY ERROR IN WATERMASTER'S CALCULATION

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 June 29, 2023 at Apple Valley, California.



Jeffrey D. Ruesch

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Mojave Basin Area Watermaster Service List as of June 29, 2023

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Attn: Lee Logsdon
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Mojave Basin Area Watermaster Service List as of June 29, 2023

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Mojave Basin Area Watermaster Service List as of June 29, 2023

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Mojave Basin Area Watermaster Service List as of June 29, 2023

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