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Attorneys for Defendant/Cross-Complainant,
MOJAVE WATER AGENCY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE

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

MOJAVE BASIN WATER CASES

CITY OF BARSTOW,

Plaintiff,

vs.

CITY OF ADELANTO, et al.,

Defendant.

AND RELATED CROSS ACTIONS

JCCP NO.: 5265
Lead Case No: CIV 208568

Dept. 1, Riverside Superior Court
Hon. Craig G. Riemer, Retired Judge sitting by
Assignment of the Chief Justice

**NOTICE OF SERVING THE COURT'S
JANUARY 21, 2026 ORDER**

Hearing Date: October 27, 2025
Time: 10:00 a.m.
Dept.: 1

PLEASE TAKE NOTICE THAT defendant/cross-complainant, Mojave Water Agency,
acting as Watermaster for the Mojave Basin Area, hereby serves the Court's Order of January 21,
2026. A copy of the Court's Order is attached hereto as Exhibit A.

Dated: February 4, 2026

BRUNICK, McELHANEY & KENNEDY PLC

By: _____


Leland P. McElhaney
Attorneys for Defendant/Cross-complainant,
MOJAVE WATER AGENCY

EXHIBIT A

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

CASE TITLE: Mojave Basin Water Cases / City of Barstow v. City of Adelanto	Department 1	FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE JAN 21 2026 L. Melendrez <i>LM</i>
CASE NO.: JCCP5265 / CIV208568		
DATE: January 21, 2026		

PROCEEDING: Order Denying the Watermaster's Motion to Adopt New Hydrologic Base Period

Procedural Background:

The Watermaster moved to change the hydrologic base period from 1931-1990 to 2001-2020. At the hearing on October 20, 2025, the Court proposed to deny the motion, but to avoid holding up the Watermaster's calculations of PSY and FPA, the Watermaster's annual report, and the annual motion regarding the Watermaster's recommended changes to FPA, the Court would consider the possibility of granting the motion on a temporary basis, i.e., authorizing the proposed base period (2001-2020) to be used in calculating the FPA recommendations for water year 2026-2027. The hearing was continued to October 27, 2027, to allow the parties to be heard on such a temporary adoption of the proposed new hydrologic period.

On October 28, 2025, the Court prepared a formal ruling on the motion. In it, the Court denied the Watermaster's motion. To accommodate the preparation of a renewed base-period motion while the Watermaster was continuing to work on refining the analytical model for the each of the five subareas, preparing the annual report, and recommending changes to free production allowance, the Court ordered the parties to comply with a schedule designed to have a renewed motion regarding the base period to be heard on February 20, 2026, and the annual FPA adjustment motion to be heard on June 12, 2026. (A copy of that ruling is marked Attachment A and appended to this order.)

Inexplicably, that order was never filed, an omission of which the Court was not informed until January 16. The resulting passage of nearly three months has rendered the Court's schedule unworkable and has caused the very delay that the Court was trying to avoid.

Ruling:

The Court rules as follows:

The Watermaster's motion to change the hydrologic base period from 1931-1990 to 2001-2020 for the indefinite future is denied. Because of the importance of identifying an appropriate base period, the denial is without prejudice to a more robustly supported motion that addresses the Court's concerns as described in the Analysis below.

As contemplated by the schedule in the un-filed order, any such motion shall not be filed until a copy of a draft of intended motion has been served on all parties and the Watermaster has conducted a public workshop concerning the recommendation underlying the motion.

The FPA adjustment motion shall be heard separately from and after the hearing on the base period motion.

Analysis:

There are two fundamental questions presented by the motion. The first is whether the proposed base period is a more reasonable representation of long-term hydrologic conditions in the basin than the existing base period. The second question is whether the proposed base period is a better representation of those conditions than any of the possible alternative periods. The motion addresses only the former. It does not mention possible alternative periods at all.

In its reply, the Watermaster argues that it would be a waste of scarce resources to evaluate other alternative base periods. (Reply, p. 3.) The Court disagrees. If other alternatives are not considered, there is no way to determine whether the selection of the proposed base period complies with the Judgment's requirement that the Watermaster rely upon the "best available records and data to support implementation of this Judgment."

Similarly, the Watermaster argues that it would be burdensome to evaluate "more than 100 years of data." (Reply, p. 3.) Again, the Court is not persuaded. No one is suggesting that the Watermaster must evaluate potential base periods that include or overlap with portions of the existing base period (1931-1990.) Instead, the question is whether there are other potential base periods since 1990 that would better represent the basin than either 1931-1990 or 2001-2020.

The Watermaster contends that any new base period should meet the criteria specified in DWR Bulletin No. 84. It is unclear, however, whether compliance with the bulletin is required. The very language that the Watermaster quotes is aspirational ("should") rather than mandatory ("shall"). Nevertheless, the Watermaster does not address the issue.

Assuming *arguendo* that the bulletin is at least persuasive if not mandatory, the proposed base period does not satisfy the bulletin's criteria. One criterion is that "[b]oth the beginning and end of the base period should be preceded by a series of wet years or a series of dry years " In addressing the requirement concerning the beginning of the period, the Watermaster asserts that the beginning of the proposed base period was "preceded by a series of dry years, i.e., dry years in 1999 and 2002 precede the 2001 beginning of the base period" (Motion, p. 4.) 2002 did not precede 2001. Therefore, only one dry year, 1999, preceded the beginning of the proposed period in 2001. Because a single dry year does not constitute a "series" of dry years., that criterion is not met. Thus, assuming *arguendo* that Bulletin No. 84 describes the correct criteria to be used when selecting a new base period, the base period proposed does not meet those criteria.

The motion also argues that "recent cultural conditions" will be better reflected in the proposed base period than in the existing base period. But the Watermaster offers no evidence that those conditions were significantly different in 2001-2020 as compared to 1931-1990. While the Court has little doubt that they are, the Court needs to rely on evidence, not its assumptions. (Even if the evidence had been presented, it is unclear how the "cultural conditions" relate to the selection of the base period as opposed to being later factored into the RMRBM.)

To allow a careful evaluation of the Watermaster's assertions regarding the distribution of normal wet years, extremely wet years, normal dry years, and extremely dry years, the Court needs to know the criteria by which the Watermaster distinguishes normal years from extreme years. Similarly, the Watermaster offers no evidence (as opposed to argument in its Reply) to support the implicit conclusion that water flow at the Forks reasonably represents the water supply for the basin as a whole. It may be, but the motion does not address the issue.

The Watermaster suggests in its Reply that, because the Judgment does not expressly require Court approval of changes in the base period, the Watermaster should be deemed to have the discretion to pick whatever base period it believes is most appropriate. (Reply, pp, 2 & 9.) That reasoning fails, because the Watermaster is required to obtain court approval for changes in FPA. The base period is integral to the calculation of PSY and the resulting recommendations regarding changes to FPA. If the Watermaster is relying upon a base period that has not been approved, then the Court will be reluctant to approve recommendations based on that base period. Regardless of the express terms of the Judgment, as a practical matter the Watermaster's preferred base period needs judicial endorsement.

Notice

The Watermaster shall serve copies of this order on all parties by mail forthwith and shall thereafter file a proof of service with the Court within seven days of the date of mailing.



Craig G. Riemer, Retired Judge of the
Riverside Superior Court, sitting by
Assignment of the Chief Justice.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

CASE TITLE: City of Barstow v. City of Adelanto	Department 1
CASE NO.: RIC1905177 / JCCP 5265	
DATE: October 28, 2025	

PROCEEDING: Ruling on Submitted Matter: Order Denying the Watermaster's Motion for Determination of Hydrologic Base Period

The Watermaster's motion to change the hydrologic base period from 1931-1990 to 2001-2020 for the indefinite future is denied. Because of the importance of identifying an appropriate base period, the denial is without prejudice to a more robustly supported motion that addresses the Court's concerns as expressed in the analysis below.

To accommodate the preparation of a renewed base-period motion while the Watermaster is continuing to work on refining the analytical model for the five subareas, preparing the annual report, and recommending annual changes to free production allowance ("FPA"), the Court orders the parties to comply with the following schedule:

Date	Event
11-12-2025	Deadline by which the Watermaster shall serve on all parties the Watermaster's engineer's recommended base period, together with a written analysis and the documents supporting that recommendation.
12-10-2025	Date on which the Watermaster shall conduct a workshop at the Mojave Water Agency concerning the Watermaster's engineer's base-period recommendation. At the workshop, the Watermaster's engineer shall explain the analysis that supports his recommendation and the factual basis for it. Other parties are encouraged to attend and to offer their responses to the recommendation. Deadline by which the subarea advisory committees shall submit to the Watermaster their response, if any, to the Watermaster's engineer's recommendation.
12-18-2025 through 12-24-2025	Period within which the Watermaster shall conduct a public hearing on whether to accept, reject, or modify the Watermaster's engineer's base-period recommendation.
1-9-2026	Deadline by which the Watermaster shall file and serve a renewed motion to select a new hydrologic base period. (Assuming that the Watermaster recommends that the base period be changed.)

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1-30-2026	Deadline for filing and serving any opposition to the base-period motion.
2-9-2026	Deadline for filing and serving any reply concerning the base-period motion.
2-20-2026	Court hearing on the renewed motion for a new hydrologic base period.
3-13-2026	Deadline by which the Watermaster shall serve on all parties the Watermaster's engineer's recommended FPA for water year 2026-2027, together with a written analysis and the documents supporting that recommendation, including the draft annual report.
4-3-2026	Date on which the Watermaster shall conduct the first workshop at the Mojave Water Agency concerning the Watermaster's engineer's FPA recommendations. (The Watermaster is free to conduct additional workshops as it deems necessary.) At the workshop, the Watermaster's engineer shall explain the analysis that supports his recommendations and the factual basis for them. Other parties are encouraged to attend and to offer their responses to the recommendation. Deadline by which the subarea advisory committees shall submit to the Watermaster their response, if any, to the Watermaster's engineer's recommendation.
4-17-2026 through 4-23-2026	Period within which the Watermaster shall conduct a public hearing on whether to accept, reject, or modify the Watermaster's engineer's FPA recommendations for water year 2026-2027.
5-7-2026	Deadline by which the Watermaster shall file and serve a motion for the adoption of the Watermaster's recommended FPA adjustments for water year 2026-2027, and lodge the annual report for the 2024-2025 water year.
5-25-2026	Deadline for filing and serving any opposition to the base-period motion.
6-1-2026	Deadline for filing and serving any reply concerning the base-period motion.
6-12-2026	Court hearing on Watermaster's motion for the adoption of the Watermaster's recommended FPA adjustments for water year 2026-2027.

Analysis:

There are two fundamental questions presented by the motion. The first is whether the proposed base period is a more reasonable representation of long-term hydrologic

ATTACHMENT A
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conditions in the basin than the existing base period. The second question is whether the proposed base period is a better representation of those conditions than any of the possible alternative periods. The motion addresses only the former. It does not mention possible alternative periods at all.

In its reply, the Watermaster argues that it would be a waste of scarce resources to evaluate other alternative base periods. (Reply, p. 3.) The Court disagrees. If other alternatives are not considered, there is no way to determine whether the selection of the proposed base period complies with the Judgment's requirement that the Watermaster rely upon the "best available records and data to support implementation of this Judgment."

Similarly, the Watermaster argues that it would be burdensome to evaluate "more than 100 years of data." (Reply, p. 3.) Again, the Court is not persuaded. No one is suggesting that the Watermaster must evaluate potential base periods that include or overlap with portions of the existing base period (1931-1990.) Instead, the question is whether there are other potential base periods since 1990 that would better represent the basin than either 1931-1990 or 2001-2020.

The Watermaster contends that any new base period should meet the criteria specified in DWR Bulletin No. 84. It is unclear, however, whether compliance with the bulletin is required. The very language that the Watermaster quotes is aspirational ("should") rather than mandatory ("shall"). Nevertheless, the Watermaster does not address the issue.

Assuming *arguendo* that the bulletin is at least persuasive if not mandatory, the proposed base period does not satisfy the bulletin's criteria. One criterion is that "[b]oth the beginning and end of the base period should be preceded by a series of wet years or a series of dry years" In addressing the requirement concerning the beginning of the period, the Watermaster asserts that the beginning of the proposed base period was "preceded by a series of dry years, i.e., dry years in 1999 and 2002 precede the 2001 beginning of the base period" (Motion, p. 4.) 2002 did not precede 2001. Therefore, only one dry year, 1999, preceded the beginning of the proposed period in 2001. Because a single dry year does not constitute a "series" of dry years., that criterion is not met. Thus, assuming *arguendo* that Bulletin No. 84 describes the correct criteria to be used when selecting a new base period, the base period proposed does not meet those criteria.

The motion also argues that "recent cultural conditions" will be better reflected in the proposed base period than in the existing base period. But the Watermaster offers no evidence that those conditions were significantly different in 2001-2020 as compared to 1931-1990. While the Court has little doubt that they are, the Court needs to rely on evidence, not its assumptions. (Even if the evidence had been presented, it is unclear how the "cultural conditions" relate to the selection of the base period as opposed to being later factored into the RMRBM.)

To allow a careful evaluation of the Watermaster's assertions regarding the distribution of normal wet years, extremely wet years, normal dry years, and extremely dry

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years, the Court needs to know the criteria by which the Watermaster distinguishes normal years from extreme years. Similarly, the Watermaster offers no evidence (as opposed to argument in its Reply) to support the implicit conclusion that water flow at the Forks reasonably represents the water supply for the basin as a whole. It may be, but the motion does not address the issue.

The Watermaster suggests in its Reply that, because the Judgment does not expressly require Court approval of changes in the base period, the Watermaster should be deemed to have the discretion to pick whatever base period it believes is most appropriate. (Reply, pp, 2 & 9.) That reasoning fails, because the Watermaster is required to obtain court approval for changes in FPA. The base period is integral to the calculation of PSY and the resulting recommendations regarding changes to FPA. If the Watermaster is relying upon a base period that has not been approved, then the Court will be reluctant to approve recommendations based on that base period. Regardless of the express terms of the Judgment, as a practical matter the Watermaster's preferred base period needs judicial endorsement.

Craig G. Riemer, Retired Judge of the Riverside
Superior Court Assigned by the Chief Justice

Attachment A
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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.

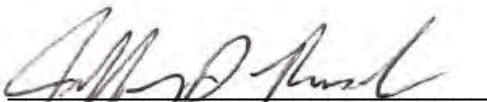
On February 4, 2026, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

Document(s) filed with the court and served herein are described as follows:

NOTICE OF SERVING THE COURT'S JANUARY 21, 2026 ORDER

 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 February 4, 2026 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of February 04, 2026

Attn: Roberto Munoz
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Attn: John McCallum
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Attn: Chun Soo and Wha Ja Ahn
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Mojave Basin Area Watermaster Service List as of February 04, 2026

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Chuckb193@outlook.com)
Bell, Charles H. Trust dated March 7, 2014
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Attn: Paul Johnson
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Attn: Ian Bryant (irim@aol.com)
Bryant Family Trust dated May 9, 2007 (via
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Mojave Basin Area Watermaster Service List as of February 04, 2026

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Attn: San Bernardino Co Regional Parks
CDFW - Mojave Narrows Regional Park
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Attn: Nancy Ryman
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Contratto, Ersula
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Attn: George Starke
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El Monte, CA 91731-1110

Attn: Alessia Morris
Crystal Lakes Property Owners Association
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Yermo, CA 92398-0351

Attn: Renee Beaty (daggettcsd@aol.com;
daggettcsd@outlook.com;
daggettwater427@gmail.com)
Daggett Community Services District (via
email)
P. O. Box 308
Daggett, CA 92327-0308

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

Attn: Aileen Yeung c/o Clearway Energy
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Attn: Alan L. De Jong
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Mojave Basin Area Watermaster Service List as of February 04, 2026

Attn: Randy Wagner
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Lucerne Valley, CA 92356-0392

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Desert Girlz LLC (via email)
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Attn: Denise Courtney
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Attn: Debby Wyatt
DLW Revocable Trust
13830 Choco Rd.
Apple Valley, CA 92307-5525

Attn: Judith Dolch-Partridge, Trustee
Dolch Living Trust Robert and Judith
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16736 B Road
Delta, CO 81416-8501

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Dora Land, Inc.
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Attn: David Dorrance
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118 River Road Circle
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Gabrych Family Trust dated October 9, 2007
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Gabrych Family Trust dated October 9, 2007
2006 Old Highway 395
Fallbrook, CA 92028-8816

Gaeta, Miguel and Maria
9366 Joshua Avenue
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Attn: Jay Storer
Gaeta, Trinidad
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Lucerne Valley, CA 92356

Mojave Basin Area Watermaster Service List as of February 04, 2026

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160 Via Verde, Ste. 250
San Dimas, CA 91773-5121

Attn: Beinni Lee (beinni.Le@gswater.com)
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Mojave Basin Area Watermaster Service List as of February 04, 2026

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Helendale, CA 92342-0249

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Hesperia, CA 92345-3493

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Attn: Ester Hubbard
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Mojave Basin Area Watermaster Service List as of February 04, 2026

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1156 Clovis Circle
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)
35424 Old Woman Springs Road
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Attn: Paul Jordan
Jordan Family Trust
1650 Silver Saddle Drive
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Attn: Ray Gagné
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Mojave Basin Area Watermaster Service List as of February 04, 2026

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2026 Turnball Canyon
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Attn: Manshan Gan
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Low, Dean (via email)
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Mojave Basin Area Watermaster Service List as of February 04, 2026

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Attn: Jodi Howard
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Mojave Basin Area Watermaster Service List as of February 04, 2026

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