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CORPORATION, ROBERTSON'S READY
MIX, LTD., and CALPORTLAND COMPANY
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF RIVERSIDE -- CENTRAL DISTRICT
10

11 Coordination Proceeding Special Title
(Cal. Rules of Court, Rule 3.550)
12 MOJAVE BASIN WATER CASES

Case No. JCCP5265 Mojave Basin Water Cases
Dept. 1, Riverside Superior Court
Hon. Craig G. Reimer

13 CITY OF BARSTOW, et al.,
14
15 Plaintiffs,

Lead Case CIV208568
Coordinated With San Bernardino Superior Court
Case No. CIVSB2218461

16 v.
17 CITY OF ADELANTO, et al.,
18 Defendants.

**OBJECTIONS TO DECLARATION OF
ROBERT WAGNER ISO WATERMASTER'S
REPLY BRIEF IN SUPPORT OF MOTION
FOR APPROVAL OF 2001-2020
HYDROLOGIC BASE PERIOD**

Date: April 20, 2026
Time: 1:30 p.m.
Dept: 1

1 **I. INTRODUCTION**

2 MITSUBISHI CEMENT CORPORATION, ROBERTSON’S READY MIX, LTD., and
 3 CALPORTLAND COMPANY (“**Movants**”) hereby object to the following declaration of Robert
 4 Wagner in support of Watermaster’s Reply Brief in Support of Motion for Approval of 2001-2020
 5 Hydrologic Base Period (“**Watermaster Reply**”).

6 **OBJECTIONS TO THE DECLARATION OF ROBERT WAGNER**


No.	Objectionable Material	Movants Objection	Ruling on Movants Objection
1.	The 2013 USBR report titled “Mojave River Watershed Climate Change Assessment” (included in the Appendix G of the Mojave Region Integrated Regional Water Management Plan) and referenced in a 2019 Lahontan Regional Board report, indicates that the average annual run-off to the Basin Area (at the Forks) is expected to decrease by about 12 to 13% by the middle of this Century (the 2050s), and decline by about 14 to 20% by the 2070s decade, relative to the USBR’s baseline period. (Wagner Decl. ¶ 12:5-11).	<p>Objection. Watermaster has introduced the 2013 USBR Report, “Mojave River Watershed Climate Change Assessment,” as a basis for approving 2001-2020 for the first time in its reply brief. “The general rule of motion practice, which applies here, is that new evidence is not permitted with reply papers.” (<i>Jay v. Mahaffey</i> (2013) 218 Cal.App.4th 1522, 1537; <i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8.)</p> <p>The inclusion of additional evidentiary matter with the reply “should only be allowed in the exceptional case”. (<i>Plenger v. Alza Corp.</i> (1992) 11 Cal.App.4th 349, 362, fn. 8.) Movants respectfully request that the Court disregard and/or strike Watermaster’s reliance on 2013 USBR in its entirety as a basis to approve the hydrologic Base Period of 2001-2020.</p>	Sustained: ___ Overruled: ___
2.	Periodic adjustments to the hydrologic base period are necessary to achieve balance as conditions may change from time to time in the future. (Wagner Decl. ¶ 11:25-26).	Lacks foundation. No facts or expert analysis are provided to support the bare conclusion that periodic adjustments to the hydrologic base period are necessary to achieve balance as conditions may	Sustained: ___ Overruled: ___

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		change from time to time in the future.	
3.	The 2013 USBR report is the only document that models and predicts that future average stream flows in the Mojave River will decline. (Wagner Decl. ¶ 12:22-24.)	Lacks foundation. No facts or expert analysis are provided to support the bare conclusion that the 2013 USBR report is the only document that models and predicts that future average stream flows in the Mojave River will decline.	Sustained: ___ Overruled: ___
4.	The underlying assumption is that this historical period represents the future and is “the most relevant scenario for immediate planning purposes.” (Wagner Decl. ¶ 12:23-25; Watermaster Reply 7:18-22)	Lacks foundation and speculative. No facts or expert analysis are provided to support the bare conclusion that the underlying assumption is that this historical period represents the future.	Sustained: ___ Overruled: ___

Dated: April 15, 2026

FENNEMORE LLP

By: 
Derek Hoffman
Darren K. Key
Attorneys for MITSUBISHI CEMENT CORPORATION, ROBERTSON’S READY MIX, LTD., and CALPORTLAND COMPANY

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PROOF OF SERVICE

**City of Barstow v. City of Adelanto, et al.
Riverside Superior Court Case No. 208568**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Fresno, State of California. My business address is 8080 N Palm Avenue, Third Floor, Fresno, CA 93711.

On April 15, 2026, I served true copies of the following document(s) described as:

**OBJECTIONS TO DECLARATION OF ROBERT WAGNER ISO WATERMASTER’S
REPLY BRIEF IN SUPPORT OF MOTION FOR APPROVAL OF 2001-2020
HYDROLOGIC BASE PERIOD**

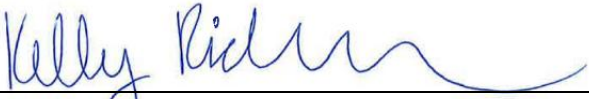
on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address kridenour@fennemorelaw.com to the persons at the e-mail addresses listed in the Service List.

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

Dated April 15, 2026.



Kelly A. Ridenour

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PROOF OF SERVICE

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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 April 15, 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:

Objections to Declaration of Robert Wagner ISO Watermaster's Reply Brief in Support of Motion for Approval of 2001-2020 Hydrologic Base Period

 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 April 15, 2026 at Apple Valley, California.



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Mojave Basin Area Watermaster Service List as of April 15, 2026

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Mojave Basin Area Watermaster Service List as of April 15, 2026

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Mojave Basin Area Watermaster Service List as of April 15, 2026

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Mojave Basin Area Watermaster Service List as of April 15, 2026

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Mojave Basin Area Watermaster Service List as of April 15, 2026

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