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

CITY OF BARSTOW, et al.,
Plaintiff,
vs.
CITY OF ADELANTO, et al.,
Defendant,

AND RELATED CROSS ACTIONS

CASE NO. CIV 208568

**(Proposed) ORDER GRANTING
MOTION TO ADJUST FREE
PRODUCTION ALLOWANCE FOR
WATER YEAR 2016-2017**

Assigned for All Purposes to:
Hon. Gloria Connor Trask
Dept. 1

The above-entitled action came on regularly for hearing on July 1, 2016, before the Honorable Gloria Connor Trask, Judge presiding, on the motion of defendant/cross-complainant, MOJAVE WATER AGENCY, acting in its capacity as Watermaster, pursuant to the Judgment entered January 10, 1996, Paragraph 24(o), seeking an adjustment in Free Production Allowance. William J. Brunick, (via Court Call) and Lee McElhaney, Brunick, McElhaney & Kennedy PLC appeared on behalf of the Mojave Water Agency. Marilyn H. Levin, Deputy Attorney General, Office of the Attorney General of the State of California, appeared on behalf of the Department of Fish and Wildlife. The court having reviewed and considered the moving and opposing papers, and the arguments of counsel, and

1 good cause appearing, hereby GRANTS the motion on the following terms as to the Subareas defined
2 in the Judgment of January 10, 1996 for the Water Year 2016-17:

3 **ALTO SUBAREA**

4 Free Production Allowance (FPA) shall remain at 60% of Base Annual Production (BAP) for
5 Municipal and Industrial (M&I) producers, and at 80% of BAP for Agricultural producers (i.e., those
6 who produce water for the irrigation of crops, pursuant to the motion and order granted for Water Year
7 2003-04).

8 **BAJA SUBAREA**

9 FPA shall be reduced from 50% to 45% of BAP for all producers for 2016-17.

10 **CENTRO SUBAREA**

11 FPA shall remain at 80% of BAP for all producers.

12 **ESTE SUBAREA**

13 FPA shall remain at 80% of BAP for all producers.

14 **OESTE SUBAREA**

15 FPA shall remain at 80% of BAP for Agricultural producers, and at 60% of BAP for Municipal
16 and Industrial (M&I) producers for 2016-17. Implementation of the reduction to 60% for M&I
17 producers, however, will be held in abeyance until water production in Oeste, excluding
18 production from Well 14, exceeds 3,921 acre-feet. When considering the Watermaster proposal
19 for 2017-2018, the Court will be willing to reconsider its 2014 ruling that the trigger for
20 instituting further Rampdown for M&I produces in this Region should be held in abeyance
21 until production in Oeste, excluding Well 14, exceeds a specified amount, and may entertain, if
22 proposed by the Watermaster, the Watermaster's prior proposal that Rampdown be instituted
23 based on overall production affecting Oeste, including production from Well 14.

24 ///

25 ///

26 ///

1 Watermaster shall annually review conditions in all Subareas and continue to report to the
2 Court and make recommendations as appropriate.

3 **IT IS SO ORDERED.**

4 Date: July ____, 2016

5 Gloria Connor Trask,
6 Judge of the Superior Court
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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 July 7, 2016, 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:

PROPOSED ORDER GRANTING MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2016-2017

 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 July 7, 2016 at Apple Valley, California.



Valerie Wiegenstein

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Mojave Basin Area Watermaster Service List as of July 07, 2016

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Mojave Basin Area Watermaster Service List as of July 07, 2016

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Mojave Basin Area Watermaster Service List as of July 07, 2016

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Mojave Basin Area Watermaster Service List as of July 07, 2016

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